

Reference Number: 07/01931/DET
Applicants Name: John McGinnes
Application Type: Full planning permission
Application Description: Installation of replacement windows
Location: 2 Colbeck Place, Colbeck Lane, Rothesay

(A) THE APPLICATION

Development Requiring Express Planning Permission

- Replacement of existing non-original single glazed white timber sash and case windows with double glazed white timber double swing windows. The proposed glazing pattern will match the existing (i.e. twelve pane to the front of the property and two pane equal division to the rear of the property).
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(B) RECOMMENDATION

That planning permission be refused for the reason attached.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application property is an upper flatted dwelling within a Grade 'B' Listed Building. The proposed works would contravene Policy POL BE 6 of the adopted Bute Local Plan and Policies STRAT DC 9 of the Argyll and Bute Structure Plan and Policies LP ENV 13(a) and LP ENV 14 of the emerging Modified Finalised Argyll and Bute Local Plan.

It is considered that the installation of windows to the upper floor of the building with a different method of opening to those on the lower floor would have an unacceptable impact upon the special architectural interest of this building and cannot be justified in terms of existing or emerging Development Plan policies, non-statutory Council policies or Central Government guidance.

(ii) Representations:

The application has been advertised as a proposed development in a Conservation Area and one letter of support has been received

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

The application is not being recommended as a departure to the Development Plan.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

The application is not being recommended as a departure to the Development Plan.

(v) **Is the Proposal a Schedule 1 or 2 EIA development:**

No

(vi) **Does the Council have an interest in the site:**

No

(vii) **Need and Reason for Notification to Scottish Ministers.**

Whilst there is no requirement to notify Scottish Ministers of the Council's decision on this planning application, the proposal relates to the alteration of a Grade B Listed Building. As such, there is a requirement to formally notify Scottish Ministers if Members are minded to grant the corresponding application for listed building consent.

(viii) **Has a sustainability Checklist Been Submitted:**

No

Angus J Gilmour
Head of Planning
23 June 2008

Author: Charles Tibbles
Reviewing Officer: David Eaglesham, Area Team Leader

Date: 10 June 2008
Date: 23 June 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 07/01931/DET

1. The installation of windows to the upper floor of the building which have a different method of opening to those on the lower floor would have an unacceptable impact upon the special architectural interest of this building and would be contrary to Policy STRAT DC 9 of the Argyll and Bute Structure Plan, Policy POL BE 6 of the Bute Local Plan and Policies LP ENV 13(a) and LP ENV 14 of the Modified Finalised Argyll and Bute Local Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/01931/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment will be resisted.

Adopted Bute/Cowal Local Plan

Policy POL BE 6 of the adopted Local Plan seeks to prevent any deterioration in the character and appearance of the Rothesay Conservation Area through unsympathetic new development.

Argyll & Bute Modified Finalised Draft Local Plan

Policy LP ENV 13(a) requires development affecting a listed building to preserve the building and any features of special architectural or historic interest which it possesses.

Policy LP ENV 14 presumes against development that would not preserve or enhance the character or appearance of an existing Conservation Area. All such developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas.

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available on the Council's Web Site at www.argyll-bute.gov.uk

(ii) SITE HISTORY

None

(iii) CONSULTATIONS

None

(iv) PUBLICITY AND REPRESENTATIONS

Advertised as proposed development in a conservation area and by site notice (closing date 30.11.2007). Letter of support received from Fyne Homes Ltd (dated 02.10.2008) noting that the proposed windows would be 'sash and case look alike' and confirms their full support for the proposal.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant has provided supporting justification and clarification of the proposed window type (letters from Mr & Mrs McGinnes dated 25th February 2008 and 19th March 2008). Among the matters included in the submissions are an explanation of how the applicant has conferred and co-operated with Fyne Homes (who own the lower flat in the building), both in relation to previous maintenance works at the property and in relation to the choice of proposed replacement windows. The proposal for double swing windows was informed by the stated intentions of Fyne Homes in relation to the lower flat and the applicant points out that none of the windows in the building are in fact original and that earlier photographs show a mix of window types within the building. The supporting material also includes justification in relation to energy efficiency and energy costs as well as noting bricked up windows nearby at the corner of Russell Street and questioning the appropriateness of nearby street lighting, building supports and satellite dishes upon the character of the Conservation Area. The photographs lodged with the justification include a picture taken from the applicant's front door which shows a cement mixer operating from the adjacent industrial premises and notes that the associated noise issues would be reduced considerably by the installation of double glazing. The applicant also refers to the Scottish Ministers' Scottish Housing Quality Standard.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 07/01931/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

STRAT DC 9 of the Argyll and Bute Structure Plan 2002, Policy POL BE 6 of the Bute Local Plan 1990 and Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006 seek to prevent any deterioration in the character and appearance of the Rothesay Conservation Area.

STRAT DC 9 of the Argyll and Bute Structure Plan seeks to resist development which damages or undermines the historic or architectural qualities of Listed Buildings and Policy LP ENV 13(a) of the Argyll & Bute Modified Finalised Draft Local Plan requires development affecting a listed building to preserve the building and any features of special architectural or historic interest which it possesses.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of double swing windows renders **the application contrary to existing and emerging Development Plan policies.**

B. Other Key Policy Matters

The Council's *'Rothesay Window Policy Statement'* places the subject property within a townscape block containing numbers 17 to 21 Russell Street and 2 Colbeck Place. It describes these as an attractive terrace of two and a half storey buildings with traditional timber fenestration throughout and notes that they are Grade B and C listed buildings. The Policy for the townscape block is for white timber sliding sash and case windows with twelve pane glazing division to match existing.

The policy concentrates on the front elevation of properties as they are regarded as being of more critical importance to the townscape.

The Council's *'Design Guide on Replacement Windows'* 1991 seeks to ensure that replacement windows on the front elevation of buildings in Conservation Areas should match the original in all aspects of their design and in their main method of opening. However, on rear elevations, the windows should match the original design but can vary in terms of finish and method of opening.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of double swing windows renders **the application contrary to non-statutory Council policies.**

C. Other Scottish Executive Advice

Historic Scotland's *'Memorandum of Guidance on Listed Buildings and Conservation Areas'* generally seeks to firmly discourage modern substitutes for timber sash windows. However, it does concede that, in very occasional circumstances, the installation of a window which differs from the original may be acceptable in an enclosed rear court or in an area where the window pattern has already been much altered.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of double swing windows renders **the application contrary to Central Government guidance.**

CONCLUSION

There is a general presumption in favour of retaining sash and case windows in Listed Buildings within Conservation Areas, although both Council policies and Central Government advice recognise that there may be situations where a more flexible approach can be taken.

Based upon the information provided by the applicant, the existing windows are not original and are in a state of disrepair and could be much improved in terms of their thermal and noise insulation properties by double glazed replacements. The first options when faced with such windows in a Listed Building are to consider either refurbishing or replacing on a *'like-for-like'* basis. These are clearly the two best options when viewed from a built environment perspective, particularly on the front elevation, which is the most important part of the building. The option that has been chosen in this case, of installing double swing windows, is not considered to be appropriate, particularly as this would compromise the uniform appearance of the windows across the front of the building given that the ground floor windows would retain their original opening method.

On the basis of the foregoing, the introduction of double swing windows on the front elevation of the property is considered to be contrary to existing and emerging Development Plan policy; Central Government guidance; and non-statutory Council policies. As a consequence, the application is being recommended for refusal.