

Reference Number: 08/01064/DET
Applicants Name: Fyne Homes
Application Type: Detailed
Application Description: Installation of Replacement Windows
Location: 14-26 Russell Street (even numbers only) and 19-23 Mill Street,
Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Planning Permission

- Installation of timber double swing windows in flatted properties
- Installation of new timber windows with decorative steel mesh on ground floor retail unit

There is an associated application for Listed Building Consent (ref: 08/01069/LIB), a report on which is also before Members for consideration.

(B) RECOMMENDATION

That Planning Permission be **refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The works would not generally be supported by relevant policy provisions on properties within Conservation Areas under both the adopted and emerging Local Plans. No incontrovertible evidence has been submitted that every window is in such a poor condition that the only option is to replace them. Even if such a case were to be made, no overriding argument has been advanced that timber sliding sash and case windows cannot be installed as a feasible replacement to the traditional windows that exist at present.

On the basis of the foregoing, it is considered that the proposal cannot be justified in terms of existing/emerging Development Plan policies; non-statutory Council policies; and Central Government guidance.

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

As no representations have been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

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

The application is not being recommended as a departure from 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:

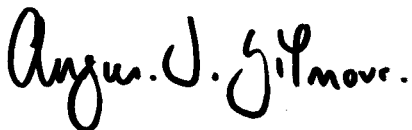
No.

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

This application is for Planning Permission and, as such, there is no requirement to formally notify Scottish Ministers.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
26 September 2008

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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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01064/DET

1. The proposed replacement windows on the subject property, by virtue of their inappropriate double swing method of opening, would have an unacceptable impact upon the architectural and historic interest of this Category B Listed Building located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy POL BE 6 of the adopted Bute Local Plan 1990; Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement* and *Design Guide E 'Replacement of Windows'*; and the advice contained within Historic Scotland's *Memorandum of Guidance on Listed Buildings and Conservation Areas*.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01064/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including within Conservation Areas) will be resisted.

Bute Local Plan 1990

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 and Bute Modified Finalised Draft Local Plan 2006

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 1998.

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 to view on the Council's Web Site at www.argyll-bute.gov.uk

(ii) SITE HISTORY

There is none relative to this application.

(iii) CONSULTATIONS

No consultation required to be carried out.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Section 65 and as a Potential Departure from the Development Plan (closing date 18th July 2008). No representations have been received at the time of writing.

(v) APPLICANT'S SUPPORTING INFORMATION

Collective Architecture has, on behalf of the applicants, submitted a supporting justification (*Windows Report* received on 16th June 2008 and letter dated 23rd July 2008) illustrating why it has been decided to opt for the timber double swing windows. This can be summarised as follows:

Various options have been investigated for improving the windows and consideration has been given to the following criteria:

- **Residents' Needs:** Currently many of the windows are difficult to open and clean (particularly for the frail, elderly or those with limited mobility), allow draughts and provide very little acoustic insulation. A report on each sash and case window has not been provided as access to all 198 windows has not been possible. However, judging by the number of complaints that have been made regarding the state of the windows, it is certain that they all fall below the standard and condition that Fyne Homes would wish to provide for their tenants.

Installing new double glazed windows would improve all of these issues with relatively little disruption to the lives of the residents; they would not need to be decanted; and, in a matter of hours after the start of the work, will have their living environment dramatically improved;

- **Views of the Planning Authority and Historic Scotland:** The urban importance and appearance of the building are appreciated. It is felt that the best way of ensuring these qualities are retained in the long term is to install the best possible components. In response to Historic Scotland's aesthetic concerns, new double glazed windows have been specified and designed to match the existing in relation to size, material, colour, arrangement (not opening mechanism) and recess position

The existing sash and case frames are not suitable for holding double glazed units as the existing single glazed units are very thin and light and can, therefore, be held in by putty. Modern double glazing units cannot be held in place in this manner;

- **Long Term Maintenance:** Fyne Homes currently have to bear significant, recurring costs to allow these windows to operate to their current poor standard. This would be a real waste of public money that could be used far more effectively to improve the windows and, therefore, the internal spaces by a considerable degree. This investment would also serve to reduce the long term maintenance costs as well as the inconvenience to the landlords and residents;
- **Thermal Insulation:** The construction industry, landlords and residents all need to contribute to the reduction of carbon output through the construction process as well as in completed buildings. Retrofitting double glazed windows is a simple and effective way of improving existing buildings' performance. This is now a high priority of government legislation that is finding its way into planning policy. Ruling against improving this property would seem to contradict the prevailing intellectual consensus. In addition, given the continuously increasing fuel prices, insulating homes is becoming increasingly important, even fundamental, in the struggle to keep people out of fuel poverty. The majority of these dwellings are socially-rented housing, and are home to the most financially vulnerable in society;
- **Secure By Design:** The security of the properties will be improved through the installation of new double glazed windows, which will conform to Secure By Design. The same improvement in security cannot be attained with the existing windows, which could not be SBD accredited.
- **Capital Costs:** The proposal represents a genuine and significant investment in the fabric of the building. However, it is also an efficient use of public money; given the array of improvements to the building, this investment represents value for money.

The applicant is a responsible organisation with a long term commitment to the improvement and upkeep of all of their housing stock. There comes a point, however, when a building or group of buildings is no longer economically viable to maintain especially if the properties in question are hard to let because they are energy inefficient and do not respond to the needs of the occupants.

Refurbishing the windows will provide fewer benefits but will incur additional costs and untold disruption.

- **Precedent:** It is proposed to install exactly the same windows as those recently approved in a grade 'B' Listed Building at Colbeck Place, Rothesay.

A meeting was held at the site on 26th August 2008 between officials of Development Services, Historic Scotland, Fyne Homes and Collective Architecture. Subsequent to this meeting, a further letter (dated 11th September 2008) has been sent by Collective Architecture. The following summarises the contents of this letter:

- Having reviewed the situation with the Management Committee of Fyne Homes, it is considered that the only way forward is to adhere to the current proposals for double swing windows throughout. The wider situation has been looked at in an attempt to find a proposal that is more feasible but this has failed. The economic climate is the worst that is has been for several years and government assistance for this type of work is not available. An increase in tenants' rents would be resisted, especially in light of rising energy costs;
- The meeting was useful and the Changeworks case study in Edinburgh has been investigated (as suggested by Historic Scotland). However, it would appear that this was made possible by funding from Edinburgh World Heritage, Communities Scotland and private funding from Scottish Power. None of these funding streams are available to Fyne Homes or their tenants.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01064/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The subject property is a Category B Listed Building and is located prominently within the Rothesay Conservation Area on the corner of Russell Street and Mill Street, Rothesay. It is an extensive three-storey Scots Baronial tenement with a ground floor retail unit (currently vacant) directly on the corner.

Historic Scotland's description notes that the building is "*an impressive, highly embellished example of the Scots Baronial style*" and notes the existence of interesting features such as "*decorative strapwork, crowstepped gables, thistle and ball-shaped finials and barley-sugar downpipes*".

With the exception of the ground floor retail unit, all of the windows in this imposing property are white, timber, sliding sash and case. As a consequence, it is considered that one of the key architectural features of the property is this traditional fenestration.

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.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **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 its own townscape block. It contains the description "*ornate sandstone tenement with intact timber sash and case glazing*" and mentions the building's listed status. In recognition of these circumstances, the policy for this townscape block is as follows:

<i>Finish</i>	<i>- Timber</i>
<i>Glazing Pattern</i>	<i>- Two-pane to match existing</i>
<i>Colour</i>	<i>- White</i>
<i>Method of Opening</i>	<i>- Sliding sash and case</i>

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.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **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*' states that timber sash windows have a very long life if they are of good quality material, correctly installed and properly maintained. Those windows which are defective are often capable of repair and, even if replacement is unavoidable, modern substitutes should be very firmly discouraged. Top-hung mock sash and case windows may look reasonably satisfactory when closed, but they are as disruptive of the original character as any other substitute when open.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to Central Government guidance**.

CONCLUSION

This application is the latest involving the vexed question of replacement windows on Listed Buildings within the Rothesay Conservation Area. In this particular case, the subject property is distinctive in style, prominent in location and contains a large number of windows, almost all of which are traditional timber sliding sash and case. It is acknowledged that this situation is not particularly straightforward and Collective Architecture, on behalf of Fyne Homes, has given a relatively detailed supporting statement (see Appendix A, Section (iv) above).

Although the applicant has given their reasons against repair, the summary statement from Blairs (window company) advises that the windows are repairable. As Historic Scotland has commented, with window applications, it is preferable to understand the condition of each window and to determine the extent of work required for each, and the report lacks such detailed information. On this basis, it is not considered that the case for replacing the windows rather than repairing them has been substantively proved.

Even if the case for replacement was justified, there remains the question of the type of replacement window. As Historic Scotland has stated, the timber sash and case window has been a feature of Scottish architecture for three centuries and, it is considered, can be made to suit modern requirements. Windows are an essential part of the design of a building and should be treated as part of its original fabric, particularly in this case, where the traditional windows essentially remain intact.

As mentioned previously in this report, this tenement has a collection of interesting details such as decorative ironwork, neo-Jacobean strapwork, thistle finials and crowsteps, and it is the repetition of these features throughout the entire block, as well as the massing and windows, that makes it more special. The loss of uniformity as a result of windows being open at various angles would have a harmful impact upon the character of the building and also Russell Street/Mill Street.

Whilst recognising the difficulties that the applicant faces, it is considered that the Council should give greater weight to the architectural integrity and quality of this Category B Listed Building and, on this basis, it is considered that the introduction of windows with a double swing method of opening would 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.