

Reference Number: 08/01393/DET
Applicants Name: Peter Gardner
Application Type: Detailed
Application Description: Installation of Replacement Windows
Location: Ground Floor Flat, 28 Crichton Road, Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Planning Permission

- Installation of timber double swing windows in ground floor flat

There is an associated application for Listed Building Consent (ref: 08/01391/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 to 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.

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

Author: Steven Gove 01369 708603
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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 08/01393/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 C(S) 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: 08/01393/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 29th August 2008). No representations have been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The agent has submitted a supporting justification (letter dated July 2008) illustrating why it has been decided to opt for timber double swing windows, summarised as follows:

- The windows throughout the property are the original sash and case windows and are now draughty, unopenable and in need of replacement;
- There are numerous properties on Crichton Road that have timber double swing windows installed. This window type, whilst not being sash and case in style, is a good quality window that will enhance the energy efficiency of the property in question. This is an important consideration with energy prices rising and the need to incorporate an efficient approach to the repair of the building;
- There are some listed properties in Rothesay that have been given consent to install double swing windows and others have been permitted to install upvc windows;
- The applicants simply could not afford to install new sash and case windows that are more than double the price of the proposed double swing windows. In any case, sash and case windows are not universally popular with older people as they quickly become draughty and difficult to open, particularly in exposed locations such as Crichton Road.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01393/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The subject property is a Category C(S) Listed Building and is located prominently within the Rothesay Conservation Area on Crichton Road. It is a two-storey double villa forming part of the symmetrical Brighton Terrace and dates from 1878.

Historic Scotland's description notes that "*despite the loss of some balconies, fretwork finials and glazing, Brighton Terrace retains a degree of architectural interest. Still, the symmetrical layout remains and the details which are intact are of good quality*" One of the features mentioned for 28 Crichton Road in particular is the 2-pane timber sash and case glazing and, as a consequence, it is considered that one of the key architectural features of the property is this original 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 the townscape block of Brighton Terrace, 23 to 34 Crichton Road. It contains the description "*symmetrical row of semi-detached villas with green or white painted timber detailing and fenestration. Some modern replacements but mostly intact*" 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 is the latest development that involves the vexed question of replacement windows on Listed Buildings within the Rothesay Conservation Area. Although the agent has given his reasons against the re-use of sliding sash and case windows, no indisputable case has been put forward that the existing windows are beyond repair.

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, the terrace within which the subject property is situated retains a degree of architectural interest. 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 Crichton Road.

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 C(S) 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.