

Reference Number: 09/00462/LIB
Applicants Name: Mr & Mrs George Brown
Application Type: Listed Building Consent Application
Application Description: Retention of replacement windows
Location: Ground Flat 5A Columshill Place Rothesay Isle of Bute
Argyll & Bute PA20 0DL.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Retention of Replacement Windows

(ii) Other specified operations.

- N/A.
-

(B) RECOMMENDATION

Having due regard to development plan policy and other material considerations it is recommended that Listed Building Consent be **refused** for the reason given overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Policy POL BE 1 of the adopted local plan and policy LP ENV 13a of the emerging local plan seek to resist alterations to listed buildings that would have an adverse impact upon their historic interest and character. One of the key design features of this terraced building is the uniformity and symmetry, upon the front and rear elevations, that the original 16 and 2 pane sash and case windows create. The retention of these inappropriate plastic windows introduces an alien form of development that seeks to erode the historical character and fabric of Columshill Place. The retention of these windows is contrary to development plan policies.

(ii) Representations:

One letter of representation has been received.

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

Not applicable.

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

Not applicable.

(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 the proposal relates to a Category B Listed Building, as the application is being recommended for refusal, there is no requirement to formally notify Scottish Ministers.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning

9 June 2009

Author: John Irving, Tel: 01369708621
Reviewing Officer: David Eaglesham, Tel: 01369708608

Date: 22 May 2009
Date: 9 June 2009

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: 09/00462/LIB

1. The retention of these replacement windows on the subject property, by virtue of their inappropriate uPVC plastic material finish, astragal design and proportion, along with the method of opening, has an unacceptable impact upon the architectural and historic interest of this Category B Listed Building located 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 1 of the adopted Bute Local Plan 1990; Policy LP ENV 13(a) of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement*; and the advice contained within Historic Scotland's Scottish Historic Environmental Policy 2008.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00462/LIB

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 Listed Buildings and within Conservation Areas) will be resisted.

Bute Local Plan 1990

Policy POL BE 1 – ‘*Listed Buildings & Archaeological Sites*’ seeks to ensure proposals do not detract from the established setting of listed buildings.

Policy POL BE 6 – ‘*Rothesay Conservation Area*’ seeks to prevent any deterioration in the character and setting of the conservation area through unsympathetic new developments.

Policy POL BE 9 ‘*Layout & Design of Urban Development*’ seeks to achieve a high standard of layout and design where new developments are proposed.

Policy POL BE 15 – ‘*General Layout & Design*’ seeks to achieve a high standard of design and layout where new developments are proposed.

Argyll & Bute Local Plan Post Inquiry Modifications 2008

Policy LP ENV 13a – ‘*Development impact on Listed Buildings*’ all developments that affect listed buildings or their setting must be of a high quality.

Policy LP ENV 14 - ‘*Development in Conservation Areas*’ seeks a presumption against development that does not preserve or enhance the character or appearance of the conservation area.

Policy LP ENV 18 - ‘*Development Setting, Layout & Design*’ requires developers to execute a high standard of appropriate design.

Note (i): The applicable elements of the above Policies have not been objected too 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

Planning permission 03/02051/DET granted on 23rd December 2003 and Listed Building Consent 03/02047/LIB granted on 8th January 2004 for alterations to install French doors at the rear of 5A Columshill Place. This planning permission and listed building consent was implemented but has since been returned to an unauthorised window opening, the subject of this retrospective application.

The department commenced an enforcement investigation (ref: 08/00284/ENOTH3) on 18th August 2008 following receipt of a complaint regarding unauthorised works at 5A Columshill Place. This has resulted in the submission of this application and the associated planning application 09/00461/DET.

Members should also note that the neighbouring property at 5B Columshill Place boasts an unauthorised window opening in breach of planning permission 08/00860/DET and listed building consent 08/00861/LIB where an unauthorised single pane, uPVC window has been installed. This is the subject of a separate planning enforcement investigation.

(iii) CONSULTATIONS

Historic Scotland (Response received 28th May 2009):

'As your council will be aware, relevant policy and guidance in respect of listed buildings requires that historic windows should be replaced only where they are beyond repair and replacement should be on a like for like basis.

In this instance, nothing has been submitted suggesting the existing windows to have been incapable of overhaul, but in any event, the replacement windows are clearly different in terms of type, opening method, proportions and materials, so are in clear conflict with historic environment policy, and unsuitable for installation in listed buildings.'

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedure and Regulation 5 advert (expired 8th May 2009), one letter of representation has been received from Mrs C. Dunnachie (letter dated 10th April 2009), 7 Columshill Place, Rothesay. The point raised is summarised below:

- i. I feel he has bettered that area, not downgraded it since he moved into the area. I am in support of his application.

Comment: See assessment below.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/00462/LIB

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The building containing 5A Columshill Place is a large two-storey terraced Category B listed building located within Rothesay Conservation Area. The building is split into 7 individual properties. This application seeks retrospective planning permission for the retention of three unauthorised replacement uPVC windows with side and top swing method of opening at this subject property. The applicant's agent has confirmed that the replaced windows were timber double hung sash and case sixteen pane windows.

The front elevation of this building boasts 13 original sixteen pane white painted timber sash and case windows, with the exception of the unauthorised window at this property. The rear elevation of this building boasts 10 two-pane white painted timber sash and case windows, again with the exception of this subject property and a small window opening to the neighbouring flat. Historic Scotland's listing description draws reference to the original sixteen and two pane sash and case windows throughout this building.

In addition, the overbearing bulk of the plastic window frames and astragal proportions fail to ensure the overall design and uniformity of the windows complement the existing neighbour windows at Columshill Place.

The loss of traditional timber sash and case windows and the introduction of plastic uPVC windows with a top and side swing method of opening render **the application contrary to existing and emerging Development Plan policies.**

B. Other Key Policy Matters

Rothesay Window Policy Statement 1996

The Council's '*Rothesay Window Policy Statement*' places the subject property within its own townscape block. It contains the description "attractive early terrace housing with original fenestrations throughout" and mentions the building's listed status. In recognition of these circumstances, the policy for this townscape block is as follows:

Finish	- Timber
Glazing Pattern	- sixteen-pane to match existing
Colour	- White
Method of Opening	- Sliding sash and case

The loss of traditional timber sash and case windows and the introduction of plastic windows with a top and side swing method of opening render **this application contrary to non-statutory Council policies.**

Historic Scotland's Scottish Historic Environmental Policy 2008

States that historic buildings are a highly visible and accessible element of Scotland's rich heritage. Listings recognise their historic importance. In assessing an application for a listed building, the planning authority is required to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. This guidance document further advises that while listed building can accommodate change this should be managed to protect the buildings special interest.

The loss of traditional timber sash and case windows and the introduction of plastic windows with a top and side swing method of opening render **this 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 contains a large number of windows, almost all of which are original, traditional timber sliding sash and case.

The retention of these plastic windows would erode the historic character and fabric of this building by introducing an alien and uncharacteristic form of development. The installation of plastic windows which do not match the neighbouring windows in terms of material, finish and astragal dimensions and proportions does not enhance but only diminish the character of this building and the wider Rothesay Conservation Area. The loss of uniformity as a result of these windows opening style being at odds to the original sliding sash and case opening style throughout the building would also have a harmful impact upon the character of this building and Columshill Place.

Timber sash and case windows have been a feature of Scottish architecture for three centuries and 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 throughout the building.

Given all of the above, the retention of these unauthorised windows is unacceptable and is contrary to Development Plan policy.