

Reference Number: 09/00528/DET
Applicants Name: Fyne Homes
Application Type: Detailed Planning Application
Application Description: Installation of replacement windows
Location: 32 Columshill Street and 2 Columshill Place, Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Installation of two-paned, white, timber double swing windows.

(ii) Other specified operations.

- N/A.
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(B) RECOMMENDATION

Having due regard to development plan policy and other material considerations, it is recommended that planning permission **be refused** for the reason set out overleaf.

(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:

No letters of representation have been received.

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

Not applicable.

(iv) Reasoned Justification for a Departure to 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.

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

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Date: 12th June 2009

Reviewing Officer: David Eaglesham, Tel: 01369 708608

Date: 15th June 2009

Angus J Gilmour

Head of Planning

12th 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: 09/00528/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 '*Scottish Historic Environmental Policy 2008*'.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00528/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 - '*Built Heritage & Development Control*' 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 6 – '*Rothesay Conservation Area*' seeks to prevent any deterioration in the character and setting of the conservation area through unsympathetic new developments.

Argyll & Bute Local Plan Post Inquiry Modifications 2008

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.

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

There is none relative to this application.

(iii) CONSULTATIONS

No consultation requires to be carried out.

(iv) PUBLICITY AND REPRESENTATIONS

The proposal has been advertised under Section 65 and as a Potential Departure from the Development Plan (closing date 22nd May 2009). No representations have been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The agent, Collective Architecture, has submitted a windows report with the application that contains a photographic record of the buildings, showing its exposed location adjacent to a busy street with no garden as a buffer zone for noise. It also identifies such items as television aerials and satellite dishes, and the relatively poor condition of some of the windows.

The points raised within the report can be summarised as follows:

- There are two options for the repair of the existing windows. The first would be whilst they were in-situ but this would be limited to window beads, decorative features and sealants. It is unlikely that whole mullions could be replaced;
- The second option would be workshop repairs but it is considered that it would not be possible to carry out the level of repair that is required without significant cost and disruption (e.g. scaffolding being erected; the windows being removed and taken to a workshop for repair; the tenants being decanted and given temporary accommodation; the flats being made secure against vandalism; etc.);
- Overhaul and secondary glazing has also been looked at but it is considered that, whilst this might address the heat loss issue and provide added protection against sound, it would still provide problems such as continued difficulty in cleaning and operating windows, and will be costly;
- Fyne Homes have invested a considerable amount of money in minor window repairs and heat loss improvements over the years. This is an ongoing costly and disruptive cycle. It would, therefore, be preferable to replace the windows and remove the maintenance burden.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/00528/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The application site is a two-storey building with attic used as accommodation and dates from the early nineteenth century. It is a Category B Listed Building and is situated prominently within the Rothesay Conservation Area, at the corner of Columshill Street and Columshill Place. One of the key architectural features of the building is that it has retained its timber sliding sash and case fenestration on both the front and rear elevations.

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

B. Other Key Policy Matters

Rothesay Window Policy Statement 1997

The Council's '*Rothesay Window Policy Statement*' places the subject property within a own townscape block that also includes 16-30 Columshill Street and 3-9 Columshill Place. It contains the description "*attractive early terrace housing with original timber fenestration throughout*" and mentions the buildings' listed status. In recognition of these circumstances, the policy for this townscape block is as follows:

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

Argyll & Bute District Council '*Design Guide on Replacement Windows*' 1991

This document seeks to ensure that replacement windows in Listed Buildings and buildings within 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 **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 windows with a double swing method of opening render **this application contrary to Central Government guidance.**

C. 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, as with previous applications for window replacements, these cases are not particularly straightforward.

It is considered that the installation of the windows as proposed would erode the historic character and fabric of this building by introducing an alien and uncharacteristic form of development. The installation of double swing windows which do not match the existing windows in terms of method of opening would not enhance but only diminish the character of this building and the wider Rothesay Conservation Area. The loss of uniformity as a result of windows being open at various angles would also have a harmful impact upon the character of the building and also Columshill Street 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 remained intact throughout the building.

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 policies; Central Government guidance; and non-statutory policies. As a consequence, the application is being recommended for refusal.