

Reference Number: 09/00616/DET  
Applicants Name: Barryrange Ltd  
Application Type: Detailed  
Application Description: Alterations to tenement incorporating change to roof shape, installation of new rooflights and installation of replacement windows (amendment to planning permission 08/00658/DET incorporating change of roof void development - formation of dormer windows on south elevation, balcony feature on north elevation and installation of UPVC windows throughout).  
Location: Buckingham Terrace, 12/14/16 Castle Street, Port Bannatyne, Isle of Bute

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## (A) THE APPLICATION

### (i) Development Requiring Express Planning Permission

- Alterations to tenement incorporating change to roof shape, installation of new rooflights and installation of replacement windows (amendment to planning permission 08/00658/DET incorporating change of roof void development - formation of dormer windows on south elevation, balcony feature on north elevation and installation of UPVC windows throughout).

### (ii) Other specified operations

- None.
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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 reasons detailed overleaf.

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## (C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

### (i) Development Plan Context:

The inappropriate design of the roof development upon the rear elevation, by virtue of the roof extension's flat roofed construction, represents a development proposal that fails to enhance the character and appearance of the building and that of the wider conservation area. The proposed window replacements by virtue of their finish, colour and glazing pattern fail to complement the building's original character and its setting within the wider streetscape block.

**(ii) Representations:**

7 individual objections have been received, along with two petitions of objection containing a total of 16 names.

In addition, 2 letters of support have been received, along with a petition of support containing 55 names.

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

Given the volume of representations received, it is open to members to consider holding a discretionary hearing in this instance.

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

No.

**(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.

**Angus J Gilmour**  
**Head of Planning**  
15<sup>th</sup> June 2009

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

**Date:** 19<sup>th</sup> June 2009

**Date:** 19<sup>th</sup> 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](http://www.argyll-bute.gov.uk)**

## REASONS FOR REFUSAL RELATIVE TO APPLICATION: 09/00616/DET

1. The retention of the replacement windows on the subject property, by virtue of their inappropriate uPVC plastic material finish, astragal design and proportion and brown colour, has an unacceptable impact upon the architectural and historic interest of this building and wider streetscape, located within Rothesay Conservation Area. As a consequence, the development is contrary to policy STRAT DC 9 '*Built Heritage & Development Control*' of the adopted Argyll & Bute Structure Plan 2001, policies POL BE 6 '*Rothesay Conservation Area*' and POL BE 15 '*General Layout & Design*' of the adopted Bute Local Plan 1990 and policies LP ENV 14 '*Development in Conservation Area & Special Built Environment Area*' and LP ENV 19 '*Development Setting, Layout & Design and Design*' of the Argyll & Bute Local Plan Post Inquiry Modifications 2008 along with the Councils non-statutory '*Rothesay Window Policy Statement*' 1997.
2. The proposed roof extension upon the rear, south facing roof slope, represents the introduction of flat roofed dormer extensions which are alien to and incongruous with the original character of the building and the design of the surrounding built form. As a consequence, the development is considered to be contrary to policy STRAT DC 9 '*Built Heritage & Development Control*' of the adopted Argyll & Bute Structure Plan 2001, policies POL BE 6 '*Rothesay Conservation Area*' and POL BE 15 '*General Layout & Design*' of the adopted Bute Local Plan 1990 and policies LP ENV 14 '*Development in Conservation Area & Special Built Environment Area*' and LP ENV 19 '*Development Setting, Layout & Design and Design*' of the Argyll & Bute Local Plan Post Inquiry Modifications 2008.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00616/DET

### MATERIAL CONSIDERATIONS AND ADVICE

#### (i) POLICY OVERVIEW AND MATERIAL ADVICE

##### **Argyll & 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 development in 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.

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 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 ‘*Protection & Enhancement of Buildings*’ seeks to ensure opportunities for enhancement and re-use maintain the fabric of the building and that extensions respect the scale and character of the building.

Policy LP ENV 19 - ‘*Development Setting, Layout & Design*’ requires developers to execute a high standard of appropriate design.

Policy LP HOU 5 - ‘*House Extensions*’ where such extensions cause no significant detriment to the building, the neighbours or the immediate vicinity they will generally be acceptable. This policy states that ‘*flat roofed extensions, and multiple dormer extensions, which give the appearance of a flat roof will not be permitted where they do not complement the existing house style and 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](http://www.argyll-bute.gov.uk)

#### (ii) SITE HISTORY

Planning permission for alterations and upgrading of tenement flats (03/00254/DET) at 16 Castle Street was granted on 21 March 2003. The scheme included proposals

for rooflights and two large rear dormers at one end of Buckingham Terrace. Now expired.

Planning permission for the installation of timber double swing replacement windows (04/02128/DET) at 12 to 16 Castle Street was granted 22 December 2004.

Planning permission 08/00658/DET granted on 7<sup>th</sup> July 2008 for alterations to tenement incorporating change to roof shape, installation of new rooflights and installation of replacement windows.

Enforcement investigation 09/00167/ENOTH2 commenced on 9<sup>th</sup> April 2009 following receipt of a representation that construction works on site were not in accordance with planning permission 08/00658/DET.

### **(iii) CONSULTATIONS**

Bute Community Council (letter dated 29<sup>th</sup> May 2009): Objection.

*'The revised height of the roof and proposed windows from velux (formerly approved) are not in keeping with the requirements of the conservation area the buildings are within. Nor are they acceptable in relation to the potential violation of privacy that might ensure to neighbours.'*

*'While the local community and the Bute Community Council are pleased with the improvements to the building overall there are objections to the proposed alterations as stated above.'*

### **(iv) PUBLICITY AND REPRESENTATIONS**

Under Article 9 neighbour notification procedures, 'Potential Departure' and 'Development in Conservation Area' advertisements (published 15<sup>th</sup> May 2009, expired 5<sup>th</sup> June 2009), 7 individual letters of objection have been received, along with two petitions containing a total of 16 names. In addition, 2 letters of support have been received along with a petition of support boasting 55 names.

Seven individual objections:

- J Malcolm McMillan (letter dated 6<sup>th</sup> May 2009), 32 Marine Road, Port Bannatyne, Isle of Bute, PA20 0LL.
- Mrs Senga Loudon (letter dated 15<sup>th</sup> May 2009), 28 Marine Road, Port Bannatyne, Isle of Bute, PA20 0LL.
- Harry Ellis (letter dated 12<sup>th</sup> May 2009 and email dated 5<sup>th</sup> June 2009), Flat 1/2, 28 Marine Road, Port Bannatyne, Isle of Bute, PA20 0LL.
- Annie MacMillan (letter dated 15<sup>th</sup> May 2009), Sandringham Terrace, Top Right, 28 Marine Road, Port Bannatyne, Isle of Bute, PA20 0LL.
- Ian Murray (letter dated 14<sup>th</sup> May 2009), 12 Gordon Crescent, Newton Mearns, Glasgow, G77 6HZ.
- John Rannie & Hazel Rannie (letter dated 22<sup>nd</sup> May 2009) 6, Bannatyne Mains Road, Port Bannatyne, Isle of Bute, PA20 0LL.
- Mr J A Miller (letter dated 21<sup>st</sup> May 2009), 8 Bannatyne Mains Road, Port Bannatyne, Isle of Bute, PA20 0PH.

The key points of concern are summarised below:

- i. Any increase in height of Buckingham Terrace should not be permitted since this very high property already blocks a certain amount of daylight from our rear windows (32 Marine Road).

Comment: See assessment below.

- ii. I am concerned about the large roof extension, I understood the building was to remain the same within the conservation area and I object to the large roof construction.

Comment: See assessment below.

- iii. The roof development is totally out of keeping with the character on top of a Victorian/Edwardian sandstone building in the conservation area.

Comment: See assessment below.

- iv. The developer has shown blatant contempt for the planning process by proceeding with the construction, what has been built is far from the original approval.

Comment: The developer has submitted a retrospective planning application in an attempt to retain the unauthorised works undertaken.

- v. Concern regarding health and safety standards on site.

Comment: Such concerns do not fall under the jurisdiction of the Planning Authority.

- vi. The roof development which looks like a garden hut on the roof top can be seen from the conservation sea front.

Comment: Amended plans submitted by the developer propose to alter the design of the roof extension located on northern roof slop. The proposal includes a reduction to the overall massing and scale of the roof development. See assessment below.

- vii. The rooflights should run flush with the roof and not protrude beyond the roofline.

Comment: Amended plans submitted by the developer propose to alter the design of the roof extension located on northern roof slop. The proposal includes a reduction to the overall massing and scale of the roof development. See assessment below.

- viii. The new windows are level with all the windows at the back of our premises and if this continues along the building the new windows will be nearer as the two properties run at converging angles (6, Bannatyne Mains Road).

Comment: See assessment below.

- ix. Not only is the shape of the roof changing, the roof height has already been raised for the first set of dormers and it appears that the increase on building height will extend all along the building.

Comment: See assessment below.

- x. If planning permission is granted these large dormer windows will directly look into the kitchen, bathroom and bedroom of my property, I feel this is an invasion of my privacy (8 Bannatyne Mains Road).

Comment: See assessment below.

- xi. I believe the developer intends to include balustrade balconies, this feature is not shown on any drawings, a doorway to a balcony area and single window was quite clearly visible during the construction.

Comment: The developer has submitted amended plans which details a door opening to provide access to the balcony area.

From the petition letter dated 13<sup>th</sup> May 2009, boasting six names, the key points of concern are summarised below:

- i. The proposed alterations are totally out of keeping and intent of conservation area governance.

Comment: See assessment below.

- ii. The new dormer windows already installed to the front of the building both interfere with natural daylight and views of residents in Gladston Buildings. Continuation of such at No. 12 and 14 will only serve to exacerbate this deprivation to the residents and contravene conservation area governance.

Comment: See assessment below.

- iii. The new dormer windows are infringing the privacy of the residents of Marine Road.

Comment: See assessment below.

- iv. The balcony to the rear is an intrusion on the privacy of the residents of Marine road.

Comment: See assessment below.

- v. The roof extension windows to the front are out of keeping with the original building. i.e. a standard Victorian tenement.

Comment: See assessment below.

- vi. The roof extension and balconies to the rear are out of keeping with the original building. i.e. a standard Victorian tenement.

Comment: See assessment below.

- vii. The replacement brown plastic windows are out of keeping with the original building. They are not wood, sash and case, clear glass as originally applied for.

Comment: See assessment below.

- viii. The entire roof height has been increased by approximately 6-8 ft and as a result constitutes an additional storey on the original building.

Comment: See assessment below.

- ix. The building has effectively turned into a six storey development with basement and roof void development.

Comment: See assessment below.

- x. There has been no provision for parking for residents of this development.

Comment: See assessment below.

- xi. Consideration of increased demand on services such as water, gas electricity etc.

Comment: See assessment below.

From the objection petition letter received on 27<sup>th</sup> May 2009, boasting ten names, the key point of concern is summarised below:

- i. The addition of the rooftop “penthouse” type maisonettes on an existing building will look totally out of place in what is a conservation area.

Comment: See assessment below.

Two individual letters of support from:

- Tony Feeney (letter received 18<sup>th</sup> June 2009), 31 Castle Street, Port Bannatyne.
- David Schofield (letter dated 17<sup>th</sup> June 2009), Castle Street 63B, Port Bannatyne, Isle of Bute.

The key points are summarised below:

- i. I am fully in support and would urge that planning be granted as we would like this eyesore of a building to be upgraded as it is having an adverse affect on the area in general and Castle Street in particular.

Comment: See assessment below.

- ii. As a resident of Port Bannatyne I feel we have tolerated the derelict state of the building long enough.

Comment: See assessment below.



From the petition of support received on 18<sup>th</sup> June 2009, boasting 55 names, the key point of concern are summarised below:

- i. These premises have lain derelict and dangerous over a long period of time and welcome the developers who are prepared to invest in our community.

Comment: See assessment below.

- ii. We are fed up living next to dereliction but are aware that there are other similar buildings not only in our immediate vicinity but also on our beautiful island, which would benefit from similar investment. We do not want to discourage such investment.

Comment: See assessment below.

## APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/00616/DET

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Location, Nature and Design of Proposed Development

This application seeks retrospective approval for unauthorised works undertaken to Buckingham Terrace. This building comprises of three attached tenements, No. 12, 14 and 16 Castle Street, Port Bannatyne. The terrace is located within the Rothesay Conservation Area.

##### Design of roof void development

Buckingham Terrace has been unoccupied and in a dilapidated condition for several years. Planning permission (ref: 08/00658/DET) was previously granted for alterations to the building incorporating change to roof shape, installation of new rooflights and installation of replacement windows.

Buckingham Terrace is a four storey building and the approval of planning application 08/00658/DET permitted the creation of additional living space within the roof void of the building. The approved plans detailed an increase in roof height by 0.6m and the creation of what was to be in effect a large sloping dormer roof. The dormer roof was to be contained between the gable end chimneys and it was to rise beyond the level of the sloping stone roof verges such that the slated cheeks of the dormer roof would be partly visible in end-on views of the building. These visible portions were to be slated strips increasing in width from 0.9m to 1.2m towards the eaves. The approved plans also boasted the installation of white, double hung, top swing replacements for the existing windows throughout the terrace.

Development works commenced at No. 16 Castle Street, the westernmost close of Buckingham Terrace. It became apparent that the development works being undertaken were not in accordance with the approved plans. While increasing the height of the roof, the developer also erected two unauthorised large peaked dormer windows upon the south facing (Castle Street) elevation, the north facing roof slope has also been raised and an unauthorised shallow pitched roof extension has been formed and the headwall of the building increased to accommodate this alteration and internal staircase.

This application seeks the retention of two unauthorised dormer window extensions and their continuation along the north facing roof slope of Buckingham Terrace. In design terms, the retention of these traditionally design peaked dormer windows is considered to be acceptable. When viewed from the front elevation of the building they are in proportion with, and a vertical extension to, the existing projecting bay window features. Furthermore, while this is the front elevation of the building, facing onto Castle Street, given the height of the building and the enclosed nature of the streetscape the dormer windows on this front elevation has little impact upon the streetscape or wider character of the conservation area.

**The retention of the peaked dormer window extensions is considered to be consistent with both the adopted and emerging local plan.**

The original drawings submitted with this application also sought the retention of the unauthorised roof development on the rear, south facing roof slope of Buckingham Terrace. The developer has created a roof extension and balcony with a shallow pitched overhanging roof feature. The excessive massing and bulk of this roof

extension is completely out of keeping with original character of the building and indeed any other nearby building. The emerging local plan, which is the Council's most recent expression of planning policy, stresses the importance of any proposed building alteration or extension to respect the appearance, scale and character of the original building and the surrounding area. It is fundamental that such extensions should not adversely affect the appearance of the building or the amenity of the surrounding area. Following discussions with the developer, revised drawings have now been submitted which propose to change the design of the rear roof extension. The shallow pitched projecting roof has been reduced so that it no longer extends over the balcony area, while the walls enclosing the internal staircase have also been reduced in height. The rear roof slope is visually prominent within Port Bannatyne and the conservation area; these proposed changes will significantly reduced the roof extension's overall massing, bulk and prominence. However, the revised drawings detail a flat roof dormer extension and, while the impact of the extension has been significantly reduced, policy LP HOU 6 of the emerging local plan clearly resists flat roofed extensions and multiple dormer window extensions, which give the appearance of a flat roof. The six flat roof dormer extensions along the rear, but prominent roof slope, are contrary to this policy.

**The rear roof slope proposal is considered to be contrary to policy POL BE 15 of the adopted local plan and policies LP ENV 18, LP ENV 19 and HOU 6 of the emerging local plan.**

#### Overlooking and privacy

It is the Planning Authority's duty to protect established levels of privacy and amenity afforded to neighbouring properties from inappropriate development. It is acknowledged that existing windows located on the third and fourth floors of Buckingham Terrace allow for overlooking of flatted properties on the opposite side of Castle Street and those fronting onto Marine Road. However, the roof void development could create greater ability to overlook into the windows of these properties, than the originally approved scheme. Particularly the balcony features on the rear elevation of Buckingham Terrace.

The distance from the rear elevation of Buckingham Terrace to the rear elevation of the flatted properties which front onto Marine Road is 15 metres, while the distance from the front elevation of the building to the properties on the adjacent side of Castle Street is 14.5 metres. Appendix A of the emerging local plan stipulates the minimum window to window distance of 18 metres. However, it also clearly states that these standards may be relaxed where the angle of view of the windows allow privacy to be maintained. Given the height of Buckingham Terrace, the windows of the roof development are in excess of 8 metres higher than the windows located to the rear of the Marine Road properties, while they are approximately 3 metres higher than the dormer windows located upon the building on the adjacent side of Castle Street. These differences in height help to significantly reduce the angle of view and overlooking into adjacent windows. To this end, it is considered that the reduced angle of outlook, coupled with the distance between these properties, is sufficient to demonstrate that the roof void development will not unduly impede upon established levels of privacy and amenity afforded to adjacent neighbouring properties.

**With regards to issues of privacy and overlooking, the proposal is considered to be consistent with policy LP ENV 19 and Appendix A of the emerging local plan.**

## Replacement windows

The original planning permission approved the installation of timber double hung, top swing replacement windows throughout Buckingham Terrace. These replacement windows were considered the same type as those already approved under planning permission 04/02128/DET and were considered acceptable subject to having a white finish.

The developer has installed unauthorised brown uPVC windows. These windows are double hung and top swing but deviate from the approved plans with the upper sash boasting a nine pane window and the windows frames being brown plastic.

The Council's '*Rothesay Window Policy Statement*' (1997) places the subject property within its own townscape block. It contains the description "Three and four storey tenement in need of some upgrading. Original timber windows almost intact". In recognition of these circumstances, the policy for this townscape block is as follows:

Finish	- Timber
Glazing Pattern	- two-pane equal division.
Colour	- White
Method of Opening	- Sliding sash and case

The retention of the unauthorised plastic windows is considered contrary to the above, given their colour, finish and glazing pattern. The key purpose of the defined townscape blocks is to ensure common characteristics and uniformity, with particular reference to fenestrations between neighbouring building, is duly safeguarded. The retention of these unauthorised windows represents the first window replacement compromise within the defined townscape block which includes Buckingham Terrace and 18 Castle Street.

The loss of traditional timber sash and case windows and the introduction of brown plastic windows with the upper sash boasting nine pane glazing pattern render **this application contrary to POL BE 15 of the adopted local plan, policy LP ENV 19 of the emerging local plan and non-statutory Council policy.**

## **B. Built Environment**

Buckingham Terrace is prominently located within Port Bannatyne and Rothesay Conservation Area. The building is one of the highest in the surrounding streetscape and its upper reaches are clearly visible from Port Bannatyne's Marine Road and when entering Port Bannatyne from Ettrickdale, particularly its rear, north facing elevation. It is within this area of Port Bannatyne where the rear flat roof extension will be clearly visible and prominent.

The retention of the 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 original or neighbouring windows in terms of material finish, colour or glazing pattern does not enhance but only diminishes the character of this building and the wider Rothesay Conservation Area.

The development plan boasts specific policies regarding development within conservation areas. There is a presumption against any form of development that does not preserve or enhance the character or appearance of such a designated

area. Not only do the roof development and replacement windows detract from the original character of Buckingham Terrace but it is out of keeping with the design of any other building within the surrounding streetscape or wider conservation area.

**This application is considered contrary to policy STRAT DC 9 of the adopted Structure Plan, policy POL BE 6 of the adopted local plan and policy LP ENV 14 of the emerging local plan.**

**C. Road Network, Parking and Associated Transport Matters**

No change.

**D. Infrastructure**

No change.

**E. Conclusion**

Notwithstanding the introduction of traditional dormers on the north elevation, the design of the rear elevation roof extension coupled with the building's visual prominence within the conservation area and unacceptable replacement windows, results in a development that significantly diminishes the character of Buckingham Terrace and its setting within the wider streetscape and conservation area.