

**STATEMENT OF CASE
FOR
ARGYLL & BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR THE
INSTALLATION OF 7 REPLACEMENT WINDOWS AT
FLAT 0/2, 53 JAMES STREET, HELENSBURGH,
PLANNING APPLICATION**

REFERENCE NUMBER 11/01491/PP

LOCAL REVIEW BODY REFERENCE 11/0011/LRB

05 January 2011

INTRODUCTION

The Planning Authority is Argyll & Bute Council ('the Council'). The appellant is Mrs. M McClenaghan ('the appellant').

The detailed planning application, reference number 11/01491/PP, for the installation of 7 replacement windows at 53 James Street, Helensburgh ('the appeal site') was refused under delegated powers on 10 October 2011. The planning application has been appealed and is subject of referral to a Local Review Body, reference number 11/0011/LRB.

DESCRIPTION OF SITE

The application site is a flatted dwellinghouse within a larger Category C(s) Listed Building. This is an ex Local Authority block of flats. They are L plan, 3 storey tenements with a frontage onto both James Street and West King Street. The application site is to the James Street elevation. This elevation is essentially a separate building to the rest of the flats, but is adjoined by a stone arch. It is a symmetrical 7 bay block of a similar design, but when viewed has the look of a separate block.

SITE HISTORY

A further application for the installation of 7 replacement windows was submitted under reference 11/00722/PP but the application was returned.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

Argyll & Bute Council considers the determining issues in relation to the case are as follows:

- Whether the proposal accords with Development Plan policy and whether there are any material considerations to outweigh these adopted policies. In particular, whether the proposed replacement windows undermine and further erode the architectural character of this listed building.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

COMMENTS ON APPELLANT'S SUBMISSION

The property is part of a Category C(S) Listed Building which is located within the settlement boundary of Helensburgh. Structure Plan Policy STRAT DC9 notes that development that damages or undermines the historic, architectural or cultural qualities of the historic environment will be resisted.

Within the adopted Argyll and Bute Local Plan Policy LP ENV 13(a) maintains a similar approach and the proposal would be contrary to this policy.

The Council's Design Guidance sets out to ensure that any proposed development is suitable for its context, and states that replacement windows in listed buildings should match the

originals in every respect. The proposal is therefore also contrary to Argyll & Bute Council's Design Guidance.

The appellant makes reference to the fact that the majority of windows in this block have been replaced with uPVC windows. This is in part correct. I would also agree that in this context the uPVC windows already installed are non-traditional. Although only Category C(s) this is still a listed building where uPVC is neither historically accurate nor visually acceptable.

There have been instances where a listed building has been so devalued by the introduction of uPVC windows that its importance and integrity has been lost and uPVC has been accepted by the Council. The question is whether on this front elevation facing James Street, 4 replacement windows in a pane over pane style makes any difference to the quality and integrity of the building.

While the rear elevation has been so devalued the front elevation still has some merit. The portion of the larger block facing onto James Street in which the appeal premises are located has 13 windows. Of these 11 are timber sash and case, 9 of which have the same pattern of 6 panes over 6 panes. The rest of the block facing onto James Street has uPVC windows in a pane over pane style with the transom in the same plane. The replacement windows will not have a neutral impact on the building. On the contrary, the addition of a further 7 windows of inappropriate modern materials (uPVC) and detailing, which do not exactly match the original timber windows will further undermine its character. When contrasted with the remaining timber windows they will be visually intrusive and visually discordant. As such, they do not accord with policy and any such further loss of character and integrity cannot be supported.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. The damage which may be caused by the replacement of any window which is historically and architecturally correct with a modern unit is potentially immense. The replacement windows proposed will unacceptably detract from the character and appearance of this traditional dwelling which forms part of a larger Category C(s) listed property by virtue of their inappropriate modern materials (uPVC) and detailing, which do not exactly match the original timber windows. Although the fenestration of the building has been altered, a number of original windows still remain. The inclusion of a further 7 inappropriate modern windows will be visually intrusive, visually discordant and as such detract from and undermine the character and integrity of this traditional building. This is contrary to Policy STRAT DC 9 of the Argyll & Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 19 and Appendix A of the Argyll & Bute Local Plan as well as being contrary to the Council's Sustainable Design Guidance which state inter alia that all development to listed buildings should maintain or enhance the buildings character and that non traditional materials should be resisted.

Taking account of the above, it is respectfully requested that the appeal be dismissed.

Argyll and Bute Council
Development & Regulatory Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/01491/PP

Planning Hierarchy: Local Application

Applicant: Mrs M McClenaghan

Proposal: Installation of 7 replacement windows

Site Address: Flat Ground/2, 53 James Street, Helensburgh

DECISION ROUTE (delete as appropriate)

- (i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**
 - (ii) **Local Government Scotland Act 1973**
-

(A) THE APPLICATION

- (i) **Development Requiring Express Planning Permission**
 - Installation of 7 replacement windows
 - (ii) **Other specified operations**
 - None
-

(B) RECOMMENDATION:

It is recommended that planning permission be refused for reasons given overleaf.

(C) HISTORY: None

(D) CONSULTATIONS: None

(E) PUBLICITY: Listed Building/Conservation Advert (Expired 16.09.2011)

(F) REPRESENTATIONS: None

- (i) **Summary of issues raised**

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: N**
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N**
- (iii) A design or design/access statement: N**
- (iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N**

Summary of main issues raised by each assessment/report

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required: N**
-

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N**
-

- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 13a – Development Impact on Listed Buildings
LP ENV 19 – Development Setting, Layout and Design
Appendix A – Sustainable Siting and Design Principles

- (ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N**
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(L) Has the application been the subject of statutory pre-application consultation (PAC): N

(M) Has a sustainability check list been submitted: N

(N) Does the Council have an interest in the site: N

(O) Requirement for a hearing (PAN41 or other): N

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for the installation of replacement windows at 53 James Street, Helensburgh. This is a flatted dwellinghouse within a larger Category C(s) Listed Building. This is an ex Local Authority block of flats. They are L plan, 3 storey tenements with a frontage onto both James Street and West King Street. The application site is to the James Street elevation. This elevation is essentially a separate building to the rest of the flats, but is adjoined by a stone arch. It is a symmetrical 7 bay block of a similar design, but when viewed has the look of a separate block.

The original windows to the whole building were 12 pane sash and case units. Over the years a number of these have been replaced by single pane uPVC units. This is most apparent on the West King Street Elevation. To the front elevation at James Street there are 24 windows in total, 13 of which have been replaced, while 11 remain in situ, with the right wing of the building having almost all of its original windows intact. While just over half of these windows have been replaced, it is considered that there are a sufficient number of original windows to maintain the character of the building.

It is considered that the replacement of some of the traditional single glazed windows with double glazed uPVC alternatives would detract from the character and appearance of the Listed Building. In this case the proposed replacement windows are inappropriate units that bear no resemblance to the originals. The proposed replacement windows are uPVC, casement units. While the transom is in roughly the same position as that of the existing windows, they do not contain multiple panes and the opening method is different and the uPVC frames lack the refinement of the traditional sash and case windows. When juxtaposed with the original windows on the remainder of this wing of the property, they will be visually intrusive, visually discordant and would have a detrimental impact on the character and appearance of the building as a whole reducing its cohesiveness.

Policy LP ENV 13(a) of the adopted Local Plan states that all works to listed buildings should be of the highest quality and should respect and enhance the buildings special architectural features. It is considered that the proposed windows are inappropriate in detailing, method of opening and materials and therefore do not accord with this policy.

Furthermore, the applicant was asked to submit a report detailing the condition of the existing windows to determine if they are beyond repair. This has not been received. Historic Scotland's guidance, as well as the Council's Sustainable Design Guide all advise that every effort should be put into repairing existing sash and case units, and only when it is proven that the windows are beyond repair, should replacement be considered. Even then, the replacement windows should match the originals in every respect. The applicant has not proven that the windows are beyond repair, and the proposed replacement windows do not bear any resemblance to the existing windows. The proposal is therefore contrary to this guidance.

(Q) Is the proposal consistent with the Development Plan: N

(R) Reasons why planning permission or a Planning Permission in Principle should be granted
N/A

(S) Reasoned justification for a departure to the provisions of the Development Plan
N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Stephanie Glen

Date: 06/10/2011

Reviewing Officer: Howard Young

Date: 10/10/2011

Angus Gilmour
Head of Planning

GROUND OF REFUSAL RELATIVE TO APPLICATION REF. NO. 11/01491/PP

The replacement windows will unacceptably detract from the character and appearance of this traditional dwelling which forms part of a larger Category C(s) listed property by virtue of their inappropriate modern materials (uPVC) and detailing, which do not exactly match the original timber windows. Although the fenestration of the building has been altered, a number of original windows still remain. The inclusion of a further 7 inappropriate modern windows will be visually intrusive, visually discordant and as such detract from and undermine the character and integrity of the architectural quality of this traditional building. This will have a detrimental effect on the character and appearance of the building as a whole. This is contrary to Policy STRAT DC 9 of the Argyll & Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 19 and Appendix A of the Argyll & Bute Local Plan as well as being contrary to the Council's Sustainable Design Guidance which state inter alia that all development to listed buildings should maintain or enhance the buildings character and that non traditional materials should be resisted.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 10/08/2011 and the refused drawing reference number 01.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **11/01491/PP**

- (A)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

No

- (B)** The reason why planning permission has been refused.

The replacement windows will unacceptably detract from the character and appearance of this traditional dwelling which forms part of a larger Category C(s) listed property by virtue of their inappropriate modern materials (uPVC) and detailing, which do not exactly match the original timber windows. Although the fenestration of the building has been altered, a number of original windows still remain. The inclusion of a further 7 inappropriate modern windows will be visually intrusive, visually discordant and as such detract from and undermine the character and integrity of the architectural quality of this traditional building. This will have a detrimental effect on the character and appearance of the building as a whole. This is contrary to Policy STRAT DC 9 of the Argyll & Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 19 and Appendix A of the Argyll & Bute Local Plan as well as being contrary to the Council's Sustainable Design Guidance which state inter alia that all development to listed buildings should maintain or enhance the buildings character and that non traditional materials should be resisted.