

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

**REFUSAL OF PLANNING PERMISSION FOR THE  
INSTALLATION OF 16 SOLAR ROOF PANELS  
(RETROSPECTIVE) AT ARTARMAN HOUSE,  
ARTARMAN ROAD, RHU**

**PLANNING APPLICATION**

**REFERENCE NUMBER 12/00355/PP**

**LOCAL REVIEW BODY REFERENCE 12/0008/LRB**

**10 July 2011**

## **INTRODUCTION**

The Planning Authority is Argyll & Bute Council ('the Council'). The appellant is Mr Muggoch ('the appellant').

The detailed planning application, reference number 12/0008/LRB, for the installation of 16 solar roof panels (retrospective) at Artarman House, Artarman Road, Rhu ('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 12/0008/LRB.

## **DESCRIPTION OF SITE**

Artarman House is a Category B listed, 2-storey, 4-bay, gabled, Tudor-gothic house. It remains largely unaltered and retains most of its original external features. It is sited at the top of Artarman Road within large grounds and is accessed from a long sweeping driveway which leads to the house. It is sited towards the rear of the plot with views towards to River Clyde. Because of its location and large garden grounds, the house is not visible from the road.

## **SITE HISTORY**

A listed building application for the same proposal was refused under application reference 12/00467/LIB. The Council have not been notified of any appeal as yet.

## **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 solar panels undermine 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 a Category B Listed Building which is located within the Rhu, Article 4, Conservation Area. 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 the location of solar water heating or photovoltaic panels need careful consideration in historic locations. The proposal is therefore also contrary to Argyll & Bute Council's Design Guidance.

The appellant makes reference to the fact that the panels are fixed on top of the existing roof slates, are coloured black and do not protrude more than 100mm above the existing roof and therefore they do not affect the integrity of the existing building and shall have little effect on the existing house. It is considered that the panels, which take up over one third of the visible roof plane do not preserve or enhance the appearance of the listed building, they in fact detract from it. It makes no difference that they are fixed on top of the existing slates, they still in a highly visible location on the listed building and are of

a modern material and visually obtrusive, visually discordant and detract from the character and appearance of this historic building. Reference is also made to the fact that these panels are temporary and after their effectiveness drops to below 80% (usually 25 years), they are removed. It is considered that 25 years is a very long time and cannot be classed as 'temporary' in the wider sense. Furthermore, the placement of these panels on the roof for this length of time may have an effect on the way the existing slates weather which may be apparent once these panels are removed.

The appellant also makes reference to the fact that the building is very old and energy inefficient. Therefore these panels are required in order to make the building economically viable. It is stated that without these old buildings would become a financial drain in terms of heating and electricity and in time the financial upkeep will be excessive and the buildings will fall into a state of disrepair. It is acknowledged that older buildings can be expensive to heat. Renewable forms of energy are generally supported within the Council. However, when dealing with historic buildings, careful consideration needs to be taken to ensure that equipment is sited so as to minimise their impact on the listed building. In this case this has not been done. Solar panels have been placed on the principle elevation of the listed building which are visually obtrusive, visually discordant and impact negatively on the appearance of the principle view of the listed building.

## **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. Solar equipment that covers over or replaces historic fabric in obtrusive locations, or is visible in the profile of the building will have an adverse effect on the historic character of the building. The panels are constructed from modern materials and appear as modern additions, alien and unsympathetic to the historic building. Juxtaposed against the traditional materials and architecture of this Category B listed building they are dominant, visually obtrusive and visually discordant. By placing this number of panels on the principle elevation, some of the historic fabric of the building is covered and lost, which has a detrimental impact on the character and appearance of this Category B listed building. This is contrary to Policy LP STRAT DC 9 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan, and the Council's Sustainable Design Guidance, all of which state inter alia that development which adversely affects the character and appearance of the historic environment or a listed building will be resisted. It is also contrary to Policy LP REN 3 of the Argyll and Bute Local Plan which states that while non wind forms of renewable energy will be supported, they should be in forms, scale and locations which are appropriate and meets our statutory obligations to protect the historic environment from inappropriate forms of development.

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

**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**

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**Reference No:** 12/00355/PP

**Planning Hierarchy:** Local Application

**Applicant:** Mr Muggoch

**Proposal:** Installation of 16 solar roof panels

**Site Address:** Artarman House, Artarman Road, Rhu

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**DECISION ROUTE**

**(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Installation of 16 solar panels to roof

**(ii) Other specified operations**

- None
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**(B) RECOMMENDATION:**

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

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**(C) HISTORY:**

00/01687/LIB - Alterations and extension to dwelling – Permitted 18.01.2001  
00/01688/DET - Alterations and extension to dwelling – Permitted 27.12.2000  
12/00467/LIB - Installation of 16 solar roof panels – Pending consideration

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**(D) CONSULTATIONS:** None required

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**(E) PUBLICITY:** Listed Building/Conservation Advert (expiry date 23.03.2012)

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**(F) REPRESENTATIONS:** None received

**(i) Summary of issues raised**

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**(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 eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

**Summary of main issues raised by each assessment/report**

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**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** N
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- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**  
N
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- (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 14 – Conservation Areas and Special Built Environment Areas  
LP ENV 19 – Development Setting, Layout and Design  
LP REN 3 – Other (Non-Wind) Forms of Renewable Energy Related Development

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)  
Historic Scotland – Managing Change in the Historic Environment – Micro Renewables (October 2010)

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- (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

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

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

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

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

Planning permission is sought for the installation of solar panels to the roof of Artarman House, Artarman Road, Rhu. This development has already been carried out and as such this application is retrospective. This is a listed building within the Rhu Conservation Area. Any alterations to listed buildings should preserve and enhance the building and its special architectural features. Since the building is also within a Conservation Area, any alterations should preserve or enhance the character and appearance of the area.

Artarman House is a Category B listed, 2-storey, 4-bay, gabled, Tudor-gothic house. It remains largely unaltered and retains most of its original external features. It is sited at the top of Artarman Road within large grounds and is accessed from a long sweeping driveway which leads to the house. It is sited towards the rear of the plot with views towards to river Clyde. Because of its location and large garden grounds, the house is not visible from the road. The proposal is to install 16 solar panels to the roof of this listed building. The building has a central gable block to the front elevation and the solar panels are sited to each side of this. The east side has 8 panels in a single row and the west side has 5 panels in a row and 3 panels below this. These panels cover one third of the total area of this roof plane.

Because this building is listed, it is subject to special protection measures to ensure that inappropriate or unsympathetic development does not damage the building. When undertaking any proposals; character, form and materials must all be compatible with the existing building. It is considered that solar panels are a modern addition and are not of a form, character or material compatible with the existing building. Historic Scotland's SHEP, Managing Change in the Historic Environment (Micro Renewables) gives guidance on micro-renewable energy and listed buildings. It states that the use of renewable energy technology is supported where the character of the historic building can be protected through careful siting and design. It goes on to say that equipment that covers over or replaces historic fabric in obtrusive locations, or is visible in the profile of the building is likely to have an adverse effect on the historic character of the building. Solar panels should be installed on inconspicuous area of a roof, such as the inner slopes of a roof valley, or where a flat roof is obscured by a parapet and **principle elevations should always be avoided.**

These solar panels, sited on the front elevation of the building, covering one third of the plane of the roof, does not accord with this guidance. The solar panels, on this principle elevation, are visually obtrusive, visually discordant and detract from the character and appearance of this historic building. By placing this number of panels on the principle elevation, some historic fabric of the building is covered and lost, which has a detrimental impact on the character and appearance of this Category B listed building. This is contrary to Policy LP STRAT DC 9 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan, and the Council's Sustainable Design Guidance, all of which state inter alia that development which will adversely affect the character and appearance of the historic environment or a listed building will be resisted. It is also contrary to Policy LP REN 3 of the Argyll and Bute Local Plan which states that while non wind forms of renewable energy will be supported, they should be in forms, scale and locations which are appropriate and meets our statutory obligations to protect the historic environment from inappropriate forms of development.

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**(Q) Is the proposal consistent with the Development Plan: No**

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

*N/A*

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

*N/A*

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

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**Author of Report:** Stephanie Spreng

**Date:** 12/04/2012

**Reviewing Officer:** Howard Young

**Date:** 12/04/2012

**Angus Gilmour  
Head of Planning**

## **GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 12/00355/PP**

The solar panels, on this principle elevation and covering one third of the roof plane are, by virtue of their appearance, size and positioning, prominent, incongruous features which would project above the existing roof plane. The panels are constructed from modern materials and appear as modern additions, alien and unsympathetic to the historic building. Juxtaposed against the traditional materials and architecture of this Category B listed building they are dominant, visually obtrusive and visually discordant. By placing this number of panels on the principle elevation, some of the historic fabric of the building is covered and lost, which has a detrimental impact on the character and appearance of this Category B listed building. This is contrary to Policy LP STRAT DC 9 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan, and the Council's Sustainable Design Guidance, all of which state inter alia that development which adversely affects the character and appearance of the historic environment or a listed building will be resisted. It is also contrary to Policy LP REN 3 of the Argyll and Bute Local Plan which states that while non wind forms of renewable energy will be supported, they should be in forms, scale and locations which are appropriate and meets our statutory obligations to protect the historic environment from inappropriate forms of development.

## **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 23/02/2012 and the refused drawing reference numbers 2005 L, 2005 1, 2005 2 and 2005 3A



## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **12/00355/PP**

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- (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?

Yes – The original plan showed the solar panels sited in the wrong location

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

The solar panels, on this principle elevation and covering one third of the roof plane are, by virtue of their appearance, size and positioning, prominent, incongruous features which would project above the existing roof plane. The panels are constructed from modern materials and appear as modern additions, alien and unsympathetic to the historic building. Juxtaposed against the traditional materials and architecture of this Category B listed building they are dominant, visually obtrusive and visually discordant. By placing this number of panels on the principle elevation, some of the historic fabric of the building is covered and lost, which has a detrimental impact on the character and appearance of this Category B listed building. This is contrary to Policy LP STRAT DC 9 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 14, LP ENV 19 and Appendix A of the Argyll and Bute Local Plan, and the Council’s Sustainable Design Guidance, all of which state inter alia that development which adversely affects the character and appearance of the historic environment or a listed building will be resisted. It is also contrary to Policy LP REN 3 of the Argyll and Bute Local Plan which states that while non wind forms of renewable energy will be supported, they should be in forms, scale and locations which are appropriate and meets our statutory obligations to protect the historic environment from inappropriate forms of development.