

STATEMENT OF CASE
FOR
ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY

REFUSAL OF PLANNING PERMISSION FOR THE DEMOLITION OF REAR OUTBUILDING, SUB-DIVISION OF DWELLINGHOUSE INTO 2 FLATS AND FORMATION OF NEW VEHICULAR ACCESS AND OFF-STREET PARKING AREA (AMENDMENT TO PLANNING PERMISSION 11/02351/PP TO INCORPORATE CHANGE OF WINDOW MATERIAL FROM TIMBER TO WHITE UPVC)

19 BATTERY PLACE, ROTHESAY, ISLE OF BUTE

LOCAL REVIEW BODY REF. 13/0007/LRB

PLANNING PERMISSION APPLICATION
REFERENCE NUMBER 12/02218/PP

26TH MARCH 2013

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Mr John Morrison.

An application for planning permission (ref. 12/02218/PP) for the demolition of the rear outbuilding, the sub-division of dwellinghouse into 2 flats and formation of new vehicular access and off-street parking area (amendment to Planning Permission 11/02351/PP to incorporate change of window material from timber to white upvc) at 19 Battery Place ('the appeal site') was refused under delegated powers on 11 December 2012. The planning application has been appealed and is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

19 Battery Place, Rothesay is a four storey dwellinghouse (including a basement) that has become derelict over a significant period of time. It formerly comprised a lounge, living room, kitchen, dining room, three bathrooms and seven bedrooms. Work has already commenced on the development (opening up of access and various minor works).

The appeal site lies within the Rothesay Conservation Area where Policy LP ENV 14 of the Argyll and Bute Local Plan 2009 states a presumption against development that does not enhance the character or appearance or setting of the designated area. New development within such an area must be of the highest quality and should respect and enhance the architectural and other special qualities that give rise to its designation.

SITE HISTORY

Planning Permission (ref: 11/02351/PP) granted on 8th February 2012 for the demolition of rear outbuilding, sub-division of dwellinghouse into 2 flats and formation of new vehicular access and off-street parking area at the subject property.

Conservation Area Consent (ref: 11/02484/CONAC) was granted on 6th February 2012 for the demolition of the rear outbuilding.

Application for the demolition of rear outbuilding, sub-division of dwellinghouse into 2 flats and formation of new vehicular access and off-street parking area (amendment to permission 11/02351/PP incorporating change from timber windows to upvc windows) was refused on 11th December 2012.

Members should note that the windows which were refused have now been installed without the benefit of Planning Permission.

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.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case to be whether the installation of upvc windows would enhance the character or appearance or setting of the Rothesay Conservation Area and would represent development that would be of the highest

quality and respect and enhance the architectural and other special qualities that give rise to the designation of the Conservation Area.

The Report of Handling dated 11 December 2012 [Production 1] sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. Production 2 shows the property on 19th March 2013 with the windows installed on an unauthorised basis.

REQUIREMENT FOR ADDITIONAL INFORMATION AND HEARING

It is considered that no new information has been raised in the appellants' submission which would result in the Planning Department coming to a different determination of this proposal. The issues raised are either addressed in this statement or were covered fully in the Report of Handling. As such, it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

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

APPENDIX

Production No.1 Report of Handling dated 11 December 2012.

Production No. 2 Photograph of 19 Battery Place taken on 19th March 2013.