

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 14/01928/LIB
Planning Hierarchy: Local
Applicant: Mr Charles Dixon-Spain
Proposal: Alterations to Listed Building
Site Address: Dunans Castle, Glendaruel

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Listed Building Consent

East Elevation

- Removal of wallhead chimney;
- Installation of rooflights;
- Installation of triangular window;
- Erection of garden room with insulated steel roof.

North Elevation

- Erection of door on small extension with different design;
- Installation of door instead of window on ground floor.

(ii) Other specified operations

- None
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(B) RECOMMENDATION:

It is recommended that, subject to clearance from Historic Scotland, Listed Building Consent be granted subject to the conditions and reasons below.

(C) HISTORY:

00/01900/DET - Planning Permission granted on 7th February 2001 for the erection of a shed on land to the north east of the castle. This permission was not implemented.

02/01861/DET - Planning Permission granted on 16th December 2002 for the erection of a timber building for residential, storage and workshop use. Condition 3 of this permission required the residential use of the building to cease by 16th December 2004 unless further consent was granted.

05/00028/VARCON - Application received on 7th January 2005 for an additional 24-month occupancy of the temporary building. This application was withdrawn at the request of the applicants on 23rd February 2005 as it had been established that two additional timber buildings had been erected at the site without Planning Permission.

05/00396/DET - Permission granted on 5th September 2005 for repairs and alterations to house attached to castle ruin; erection of a steel clad roof for a temporary period over the link from house to castle ruin to allow dry rot treatment; erection of steel clad roof over castle ruin for a temporary period to provide protection; formation of new vehicular access from A886 road; formation of access track with passing places; and erection of temporary store for construction purposes.

05/00398/LIB - Listed Building Consent granted on 5th September 2005 for repairs and alterations to house attached to castle ruin; erection of a steel clad roof for a temporary period over the link from house to castle ruin to allow dry rot treatment; erection of steel clad roof over castle ruin for a temporary period to provide protection.

05/00463/DET - Application received on 2nd March 2005 for the retention of the additional buildings and further 24-month occupancy of the original temporary building. It transpired during the processing of this application that the original timber building had not been erected in accordance with the details approved under permission 02/01861/DET and that new foul drainage arrangements required to be installed. This application was, therefore, withdrawn at the applicant's request on 18th May 2005.

05/01175/DET - Permission granted on 4th August 2005 for the temporary retention of site office and storage building; the amendment to planning permission 02/01861/DET (in terms of layout and design of timber building); the variation of condition 3 of planning permission 02/01861/DET (to allow the continued residential use of timber building for a further 24 month period); and the installation of septic tank and soakaway.

06/01334/NMA - Application for amendment to Planning Permission 05/00396/DET incorporating revised position timber boardwalk was approved on 14th May 2007.

10/01793/PP- Retention of temporary accommodation, replacement of mineral felt roof covering with box profile metal sheeting and provision of septic tank (Retrospective) was approved 04.05.2012

The presence of two additional timber outbuildings was brought to the Council's attention in 2011. A retrospective application (13/00797/PP) to retain these was withdrawn in January 2014. In the absence of a revised application, an enforcement notice (12/00062/ENOTH2) was served on 22 May 2014 requiring the removal of a timber outbuilding used as an office. An appeal against the notice was upheld on 3 September 2014 and the notice varied to give a compliance period of 3 years, i.e. until 3 September 2017.

An application (ref: 14/01500/PP) for the retention of the timber outbuilding being used as an office was registered on 25th June 2014. This application appears elsewhere on the agenda.

(D) CONSULTATIONS: None.

(E) **PUBLICITY:** Subject of advertisement (expired 12th September 2014)

(F) **REPRESENTATIONS:**

Two representations have been received from Mr Robin Creelman, Stronardron, Glendaruel which relate to application 14/01500/PP as well as this proposal. The first e-mail dated 18th August 2014 stated the following:

“I have received neighbour notification regarding the above. I consider that the plan that was attached to be grossly misleading. There are several large timber sheds on the site, not represented on the plan, which must be considered in terms of visual amenity of a listed building. I would be grateful to receive an accurate plan”.

A response was provided on 20th August 2014 as follows:

“The purpose of the plan attached to the Neighbour Notice is to identify the site with a red line so that the notified neighbour knows which property the application refers to. In the case of this particular application, they can then decide either to view the plans on the Council’s Public Access System or at the Post Office in Tighnabruaich or at Milton House, Dunoon. The plan is not intended to be a definitive record of the site.

You may be aware that there is no requirement for neighbours to be notified in association with applications for Listed Building Consent. In this particular case, however, given your previous interest in this property, we decided to inform you of the application.”

Mr Creelman’s response (e-mail dated 21st August 2014) was that the Council’s response was its opinion and that people decide whether or not to object to any particular development based on the information supplied which, in this case, is incomplete.

The Council wrote to the agent, Robin Kent Architecture and Conservation, on 20th August 2014 and, *inter alia*, asked for the submission of a revised Site Plan which clearly identified the timber outbuilding that is being used for temporary residential purposes; the timber building that is being used in conjunction with office duties; and the timber building that is being used as a stable/store.

In response, Mr Kent advised in a letter dated 29th September 2014 that he does not have a survey showing the timber outbuildings and they are not part of the application for Listed Building Consent.

Whilst it would have been useful to have a Site Plan showing all of the outbuildings, given that the application relates only to works to the building itself, it is not considered reasonable to delay the determination of the application for Listed Building Consent for this reason.

(G) **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

- (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.**

Planning History
Argyll and Bute Council Proposed Local Development Plan 2013
Scottish Historic Environment Policy (December 2011)
Representation

(H) Does the Council have an interest in the site: No

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

The main building at Dunans is a Category B Listed Building which suffered fire damage in 2001. The current applicant subsequently purchased the property and proceeded to reinstate a wing of the building as his principal residence following grant of planning permission (ref: 05/00396/DET) and listed building consent (ref: 05/00398/LIB) in September 2005. However, a large part of the building remains derelict and the process of reinstatement and refurbishment has been protracted. The applicant has, over a period of years, invested piecemeal in the refurbishment of the house, as budget allowed.

The principal reason for the current application is that certain works undertaken to the building have not been in accordance with listed building consent 05/00398/LIB. These changes are as follows:

East Elevation

- Removal of wallhead chimney;
- Omission of various rooflights;
- Installation of smaller rooflights;
- Installation of triangular window;
- Proposed erection of garden room with insulated steel roof.

North Elevation

- Erection of door on small extension with different design;
- Installation of door instead of window on ground floor.

The majority of the amendments (rooflights; triangular window; and doors/windows) are minor in nature and are negligible in terms of their impact upon the character of the Listed Building. The main issues relate to the loss of the wallhead chimney on the east (rear) elevation and the revised garden room.

In terms of the chimney, it is considered that this was a lesser component of the overall chimney features on the house part of the building. There are three other chimneys which are larger in scale and much more visible, whilst the chimney that has been

removed did not contribute significantly to the character of the building. In addition, the roof has been successfully slated over with no adverse effect upon the fabric of the structure.

Regarding the garden room, the previous scheme in 2005 showed the erection of a conservatory-type structure at this location. The Committee report at the time stated:

“there is evidence on the building that a glasshouse previously existed at this location (also archive drawings of the Castle from 1972). The proposed conservatory is relatively simple in design and modest in scale; in essence, it would not detract from the character of the building.”

Whilst the current proposal projects 1m farther from the rear elevation and will have a solid standing seam stainless steel roof with conservation-type rooflights, it remains modest in scale and appropriate in design. A condition will be attached to ensure further details are provided regarding finishes.

It is understood that the stainless steel roof is being proposed in terms of its maximum life expectancy, minimum maintenance, low weight and resistance to corrosion. The construction of the sheeting in vertical bands and its reflectivity when viewed at an angle on a pitched roof will offer similar appearance and reflectivity to that which would have resulted from the use of a glazed roof. It would establish the garden room as a modern replacement for a previous glasshouse feature on the building. As this structure is on the rear of the building rather than a principal elevation it is not considered that the proposed roof covering would not unduly dominate.

There is a relatively small extension on the east (rear) elevation of the building and this is being used as a study. Whilst it is in use, it has not been fully completed externally but the agent has confirmed that it will eventually be implemented in accordance with the originally approved plans.

Finally, there was a document produced at the time of the previous application entitled *“Dunans Castle & House Planning and Listed Building Consent Notes”* which addressed many of the fine details of the proposal at the time. Given that much of the work has already taken place, these notes do not have the same significance although the current agent has confirmed (e-mail dated 9th October 2014) that these specifications remain unchanged. A condition is proposed reflecting this understanding.

On the basis of the foregoing, the works are considered to be acceptable and to accord with the relevant Development Plan policies.

(J) Is the application consistent with the Development Plan: Yes

(K) Reasons why Listed Building Consent should be granted

The proposal accords with policies STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and LP ENV 13(a) of the Argyll and Bute Local Plan 2009. The proposal respects the character and appearance of the listed building raises no other material consideration which would justify refusal of listed building consent.

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

N/A

(M) Need for notification to Scottish Ministers or Historic Scotland: Yes

Author of Report: Steven Gove

Date: 9/10/2014

Reviewing Officer: David Eaglesham

Date: 9/10/2014

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF: 14/01928/LIB

1. Prior to the erection of the garden room, full details (including samples) of its roof covering and the dimensions and profile of the frames to be used in its construction (which shall be timber) shall be submitted to and approved in writing by the Planning Authority. The garden room shall be constructed using the approved details unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of visual amenity in order to protect the character of Dunans Castle as a listed building.

2. Unless otherwise agreed in writing with the Planning Authority, all other alterations to the building shall be undertaken in accordance with the document entitled "*Dunans Castle & House Planning and Listed Building Consent Notes*" which was produced and approved in association with the previous Listed Building Consent ref: 05/00398/LIB.

Reason: In the interests of visual amenity in order to protect the character of Dunans Castle as a listed building.