

**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**18/0001/LRB**

**REFUSAL OF PLANNING PERMISSION FOR  
INSTALLATION OF REPLACEMENT WINDOWS AND  
DOORS AND REPLACEMENT OF TIMBER FACINGS  
ON EXISTING PORCH WITH PVCU**

**DUNJEAIN, 37 ELLENABEICH, ISLE OF SEIL**

**30/01/18**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr D. Campbell ('the appellant').

Planning permission 17/02281/PP for the installation of replacement windows and doors and replacement of timber facings on existing porch with pvcu at Dunjeain, 37 Ellenabeich, Isle of Seil ('the appeal site') was refused by the Planning Service under delegated powers on 13/11/17.

The planning application has been appealed and is subject of referral to a Local Review Body.

### **DESCRIPTION OF SITE**

The property is a Category B Listed Building situated within the Ellenabeich Conservation Area and comprises a traditional, single storey, pitched roof, semi-detached dwellinghouse with a hipped roof projection to its rear elevation and hipped roof entrance porch to its front elevation finished in white render with a natural slate roof.

### **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 Act, regard is to be had to the development plan, and all other material planning considerations 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 are as follows:

- *Whether the proposed replacement windows and doors with upvc units are of an appropriate design and material for use in a Listed Building within a Conservation Area and similarly whether the replacement of the timber cladding and fascias with upvc is an appropriate material.*

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

### **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. 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 any significant public representation, it is not considered that a Hearing is required.

## **COMMENT ON APPELLANT'S SUBMISSION**

The appellant contends that whilst the application was refused for the use of pvcu as a non-traditional material, he states that there are numerous examples of pvcu in the area and many of the neighbouring properties where pvcu was installed illegally but later accepted in retrospect by the Planning Department.

The appellant contends that the proposal will not detract from the area in any way.

*Comment: It remains the view of the Planning Service, for the reasons set out in the Report of Handling appended to this submission, that the replacement doors, windows, fascias and cladding proposed in the application are not considered to be appropriate replacements/materials for use on a Listed Building within a Conservation Area and would materially harm the integrity, character and appearance of the Listed Building within the Ellenabeich Conservation Area.*

*With regards to the allegation regarding unauthorised pvcu units in neighbouring properties, should the appellant wish to bring these to the attention of the Planning Service they will be fully investigated.*

## **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.

Taking all of the above into consideration, as set out above, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the replacement doors, windows, fascias and cladding proposed in the application are not considered to be appropriate replacements for a Listed Building within a Conservation Area and would materially harm the integrity, character and appearance of the Listed Building within the Ellenabeich Conservation Area.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

# APPENDIX 1

## Argyll and Bute Council Development and Infrastructure

**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**

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**Reference No:** 17/02281/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr D. Campbell

**Proposal:** Installation of Replacement Windows and Doors and Replacement of Existing Timber Facings on Existing Porch with PVCU

**Site Address:** Dunjeain, 37 Ellenabeich, Isle of Seil

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### DECISION ROUTE

**Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)**

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#### (A) THE APPLICATION

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

- Installation of replacement windows and doors
  - Installation of replacement facings on porch
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#### (B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

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#### (C) HISTORY:

No relevant history. – The development the subject of this planning application was not the subject of any pre-application enquiry. Therefore the Planning Authority did not have any opportunity to express and explain the strong planning policy presumption against this development that exists in this case or to work positively with the applicant towards an appropriate solution.

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**(D) CONSULTATIONS:**

Conservation Officer

E-mail dated 27/09/17 advising that the material and style of windows are not in keeping with the style of those traditional to the Conservation Area and this type of window is being identified in the forthcoming Management Plan as a type that would not generally be supported.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Listed Building and Conservation Area procedures, closing date 05/10/17.

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**(F) REPRESENTATIONS:**

One expression of support has been received regarding the proposed development.

Mr Iain Hill, 31 Ellenabeich, Isle of Seil,, PA34 4RQ

**Summary of issues raised**

- Technology in UPVC windows is now so good that you would struggle to tell the difference between them and traditional wooden windows.

*Comment: These comments are noted with the proposal fully discussed in Section P below.*

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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|-------|--|-----------|
| (i)   | <b>Environmental Statement:</b>  | <b>No</b> |
| (ii)  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | <b>No</b> |
| (iii) | <b>A design or design/access statement:</b>  | <b>No</b> |
| (iv)  | <b>A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>No</b> |
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**(H) PLANNING OBLIGATIONS**

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|-----|---|-----------|
| (i) | <b>Is a Section 75 obligation required:</b> | <b>No</b> |
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<b>(I)</b>	<b>Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b>	<b>No</b>
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<b>(J)</b>	<b>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</b>	
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<b>(i)</b>	<b>List of all Development Plan Policy considerations taken into account in assessment of the application.</b>	
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Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQ)

SG LDP ENV 16(a) – Development Impact on Listed Buildings

SG LDP ENV 17 – Development in Conservation Areas & Special Built Environment Areas

<b>(i)</b>	<b>List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.</b>	
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Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Historic Environment Scotland Policy (2016)

Consultee Responses

Third Party Representations

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
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<b>(O)</b>	<b>Requirement for a hearing:</b>	<b>No</b>
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**(P) Assessment and summary of determining issues and material considerations**

Planning permission is sought for the installation of replacement windows and doors and replacement facings to the porch at 37 Ellenabeich, Isle of Seil.

The property is a Category B Listed Building situated within the Ellenabeich Conservation Area.

The agent was advised of the need for Listed Building Consent, however, to date, no application has been forthcoming.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, Policy LDP 3 assesses applications for their impact on the natural, human and built environment. As 37 Ellenabeich is a Listed Building within a Conservation Area, consideration has to be given to Supplementary Guidance (SG) LDP ENV 16(a) and SG LDP ENV 17, the key considerations of which seek to ensure that proposed developments do not have a materially harmful adverse impact on the appearance or setting of a Listed Building and do not adversely detract from the character and/or appearance of a Conservation Area.

The site is also situated within the Knapdale and Melfort Area of Panoramic Quality (APQ) where consideration has to be given to SG LDP ENV 13 which seeks to resist developments where their scale, location and/or design will have a significant adverse impact on the character of the APQ.

Policy LDP 9 seeks developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. SG 2 expands on this policy seeking to ensure that works affecting a Listed Building and Conservation Area respect the existing character, form, materials and detailing of the existing building and neighbouring properties.

Historic Environment Scotland Policy 2016 and associated Managing Change in the Historic Environment guidance seeks to protect listed buildings and their settings from inappropriate developments which would have a detrimental impact.

37 Ellenabeich is a traditional, single storey, pitched roof, semi-detached dwellinghouse with a hipped roof projection to its rear elevation and hipped roof entrance porch to its front elevation finished in white render with a natural slate roof. The dwellinghouse has timber windows comprising a mix of traditional sliding sash and case units and non-traditional top opening casement units. The doors comprise one fully timber clad unit with one half timber and glazed unit.

The application proposes to replace the existing timber windows with upvc side and top opening casement units with the doors replaced with upvc half glazed units. The proposed replacement windows and doors are not in keeping with the style of windows and doors traditional to the Ellenabeich Conservation Area.

In addition to the replacement windows and doors, the application proposes to replace the existing timber cladding and fascias to the entrance porch with upvc cladding.

It is appreciated that not all of the windows and doors in the property are original, however, whilst several windows and at least one external door may have been replaced in the past using inappropriate designs, any new replacement proposals should seek to improve the situation through designs and materials that are in keeping with the character of the building.

Replacement of original windows or those constituting a later addition but of appropriate traditional design and materials would normally only be supported in a Listed Building where there is no alternative to their replacement and with any agreed replacement windows required to match the originals/appropriate existing units or else to be of an appropriate design and materials including opening method, astragal dimensions and profiles. Double glazed timber units are sometimes considered to be acceptable but only where the existing windows are beyond repair and the new windows match the original joinery, or, where the double glazing can be incorporated within the original joinery.

In this instance the proposed top and side hung casement upvc windows by virtue of their inappropriate material, design and method of opening are not considered to be appropriate for a Listed Building or in keeping with the style of those traditional to the Conservation Area and would materially harm the integrity, character and appearance of the fenestration of the building as a whole and would give rise to a materially detrimental impact on the character and appearance of this Category B Listed Building within the Ellenabeich Conservation Area.

The proposed replacement of the existing traditional vertically boarded timber door to the rear of the property (annotated '8' on the submitted drawings) with a half-glazed door of uPVC construction, by virtue of its inappropriate materials and glazing pattern, is not considered to be appropriate for a Listed Building or in keeping with the style of doors traditional to the Conservation Area and would materially harm the integrity, character and appearance of the building as a whole and would give rise to a materially detrimental impact on the character and appearance of this Category B Listed Building within the Ellenabeich Conservation Area.

The proposed cladding and fascia to the porch, by virtue of the inappropriate material, is not considered appropriate for a Listed Building within a Conservation Area and would also materially harm the integrity, character and appearance of the Listed Building within the Ellenabeich Conservation Area.

The planning authority have attempted to negotiate with the applicant towards agreeing an appropriate design solution but a written request has been received requiring the determination of the current application without further negotiation and in the understanding that it cannot, unfortunately, be supported for the reasons outlined above (and expressed to the applicant).

In light of the above it is recommended that planning permission be refused for the reasons appended to this report.

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

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**(R) Reasons why planning permission should be refused**

See reasons for refusal below.

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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 Environment Scotland:  
No**

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**Author of Report: Fiona Scott Date: 25/10/17**

**Reviewing Officer: Tim Williams Date: 10/11/17**

**Angus Gilmour  
Head of Planning**

## REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 17/02281/PP

1. The proposed top and side hung casement upvc windows by virtue of their inappropriate material, design and method of opening are not considered to be appropriate for a Listed Building or in keeping with the style of those traditional to the Conservation Area and would materially harm the integrity, character and appearance of the fenestration of the building as a whole and would give rise to a materially detrimental impact on the character and appearance of this Category B Listed Building within the Ellenabeich Conservation Area.

The proposed replacement of the existing traditional vertically boarded timber door to the rear of the property (annotated '8' on the submitted drawings) with a half-glazed door of uPVC construction, by virtue of its inappropriate materials and glazing pattern, is not considered to be appropriate for a Listed Building or in keeping with the style of doors traditional to the Conservation Area and would materially harm the integrity, character and appearance of the building as a whole and would give rise to a materially detrimental impact on the character and appearance of this Category B Listed Building within the Ellenabeich Conservation Area.

The proposed cladding and replacement fascia to the porch, by virtue of the inappropriate material, is not considered appropriate for a Listed Building within a Conservation Area and would also materially harm the integrity, character and appearance of the Listed Building within the Ellenabeich Conservation Area.

Therefore the proposal is considered contrary to Policies LDP 3, LDP 9, SG 2, SG LDP ENV 16(a) and SG LDP ENV 17 of the adopted 'Argyll and Bute Local Development Plan' 2015 and the approved 'Argyll and Bute Sustainable Design Guidance 3' and 'Historic Environment Scotland Policy' 2016, all of which seek to resist inappropriate replacement windows and doors which give rise to adverse consequences for the character and appearance of Listed Buildings and Conservation Areas.