

STATEMENT OF CASE

FOR

19/0006/LRB

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING APPLICATION 18/02163/PP
FOR INSTALLATION OF REPLACEMENT WINDOWS
FROM TIMBER SASH AND CASE TO WHITE UPVC
DOUBLE GLAZED SASH AND CASE WINDOWS TO
INCLUDE FORMATION OF REAR PATIO DOOR,
REPLACEMENT DOOR TO SIDE ELEVATION AND
NEW WINDOW OPENING IN GABLE WALL AT 63
JOHN STREET, HELENSBURGH**

15 OCTOBER 2019

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Dr Nicolas Dunn and Dr Gillian Dunn (“the appellant”).

Planning application 18/02163/PP for the installation of replacement windows from timber sash and case to white uPVC double glazed sash and case windows to include formation of rear patio door, replacement door to side elevation and new window opening in gable wall (kitchen area) at 63 John Street, Helensburgh G84 9JZ (“the appeal site”) was refused under delegated powers on 09.07.2019.

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

DESCRIPTION OF PROPOSAL

Planning permission is sought for the installation of 30 replacement windows, the formation of a new window opening and the formation of patio doors to 63 John Street, Helensburgh. This is a traditional, unlisted villa within the Upper Helensburgh Conservation Area. Although unlisted, this is a very attractive building with all of its original timber windows. The proposal is to replace all of these windows with sliding sash and case uPVC units. These windows will be similar in appearance to the existing windows, however the astragals will be surface mounted rather than separating the physical panes as the original windows do.

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, determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application and appeal.

STATEMENT OF CASE

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

Whether the proposal accords with policies set out in the adopted ‘Argyll and Bute Local Development Plan’ (LDP) 2015 and, if not, whether there are other material considerations which would justify a departure from these policies.

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.

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 the scale of the proposal it is not considered that a Hearing is required.

COMMENT ON APPELLANT’S SUBMISSION

In summary, the appellant contends the following:

A. Three days before the application was lodged, permission was granted for the replacement of 7 timber, single glazed windows to uPVC double glazed, of the same style and appearance.

Comment: It is considered that these are two very separate cases. In application reference 18/01478/PP at 59 John Street, the townscape block was limited primarily to the application property and the building to the south which has plastic windows. In the application property itself there were already uPVC windows. It is in a secondary location within the conservation area and has a large, unsympathetic box dormer on each elevation of the roof. This undermines the integrity of the whole building and as such could be considered as a de-valued townscape block. Within de-valued townscape blocks, there is more flexibility with regards to what is considered to be acceptable. In these circumstances a number of different units will be permitted including good quality, well-proportioned white uPVC sliding sash and case. The proposed windows will have the same proportions and method of opening. None of the windows contain astragals or stained glass.

The subject of the appeal is a traditional 2 storey sandstone villa set within a block of 4 similar buildings, with a frontage onto John Street between Millig Street and Queen Street. These buildings are all very visible from the street and three out of the 4 have retained their original windows. These windows are timber sash and case units with astragals to the upper panes. They are integral to the character and appearance of the dwellings and the wider conservation area. It is therefore considered that this is a prime townscape block.

As such, the appeal site is considered to be a Prime Townscape Block where like for like replacement or refurbishment will be permitted. The dwelling at 59 John Street is considered to be a de-valued townscape block where a more flexible approach is taken.

B. Dr and Dr Dunn and myself as agent are disappointed that the Council does not seem to be aware of the continuing development of window technology/manufacturing and appearance, that they were seemingly unsatisfied by the requested manufacturers information that was supplied to them. These windows are of the Rahu Heritage Sash range and are the most authentic uPVC sash and case units available.

Comment: The Council are very aware of the continuing development of window technology. In fact, replacement window applications account for a large number of householder and listed building applications. We also are aware of examples where timber windows have been replaced with uPVC sliding sash and case units. It is the Council's opinion that these windows will be visually intrusive, visually discordant and as such detract from and undermine the character and appearance of this traditional building. This will have a detrimental effect on the integrity and architectural quality of the building as a whole and in turn will undermine the character and appearance of the conservation area.

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.

In the consideration of this review regard has to be given to the policies set out in the LDP. It is therefore considered that the replacement windows are not consistent with the terms of the Council's Technical Working Note. It is therefore considered that the installation of 30 replacement windows which do not exactly match the original timber windows in terms of materials and appearance will be visually intrusive, visually discordant and as such detract from and undermine the character and appearance of this traditional building. This will have a detrimental effect on the integrity and architectural quality of the building as a whole and in turn will undermine the character and appearance of the conservation area. The works are

therefore considered contrary to policies LDP 3(C) of the Local Development Plan (adopted 26th March 2015), SG LDP ENV16 (a) and ENV17 of the Supplementary Guidance and the council's Technical Working Note on Replacement Windows in Argyll & Bute.

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

Appendix 1

Argyll and Bute Council Development & Infrastructure 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 16/01835/PP
Planning Hierarchy: Local
Applicant: Mr James Hodge
Proposal: Erection of dwelling house and formation of vehicular access
Site Address: 32 Macleod Drive, Helensburgh G84 9QU

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwelling house
- Formation of vehicular access
- Formation of two parking spaces

(ii) Other specified operations

- Connection to existing public water supply
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(B) RECOMMENDATION:

That planning permission be refused

(C) HISTORY: None

(D) CONSULTATIONS:

Area Roads: - Response dated 28/06/16 recommending no objection subject to conditions concerning: provisions to prevent the discharge of surface water discharge onto the public road; and, the surfacing of the first three metres of the driveway/parking area to prevent the spillage of loose material onto the public road.

Network Rail: - Response dated 30/06/16 confirming that the proposed development will have no impact on railway infrastructure and there are no comments/objections to the application.

Helensburgh Community Council: - Email dated 18/07/16 offering support for the proposed development on this elevated site as it will make a welcome, albeit very small addition to Helensburgh's housing stock. The email goes on to state that the proposed house will occupy a wonderful site at the north west of the town and, if suitably developed will offer stupendous views across the Clyde Estuary. While noting that the proposed house is inoffensive and ordinary a number of suggestions are made with regard to siting and design. These include: greater use of balconies, French doors; an outside terrace facing the Clyde Estuary; front door and porch to stand out and be more emphasised; bay windows (upstairs and downstairs) on the south face of the building; deeper and shallower steps to alleviate any issues with mobility problems. The use of solar panels is commended.

The correspondence can be read in full at: <http://pa2.argyll-bute.gov.uk/online-applications>

(E) PUBLICITY: Regulation 20 – Advert Local Application from the 07/07/2016 to the 28/07/2016.

(F) REPRESENTATIONS:

Two emails of objection* from:

Ms A. Laird – 30 MacLeod Drive, Helensburgh G84 9QS
Mrs E. Jamieson – by email - no postal address given

The reasons for objection can be summarised as follows:

- The proposed development, by reason of its size, depth, width, height and massing and would have an unacceptably adverse impact on the amenities of the properties in the immediate area.
- The proposed house, by reason of its scale and bulk, would be out of keeping with the design and character of the existing houses, and would have an adverse effect on the visual amenity of the area as a whole.
- The layout and siting is inappropriate and unsympathetic to the appearance and character of the local environment.
- The possibility of setting a precedent for development within front garden areas that could lead to overly dense development where there would be a detrimental impact on the semi-rural character of Helensburgh and the natural environment.
- The existing houses on the estate have a reasonable amount of garden ground to the front and a new house would be too close to other dwellings and the road and will spoil the line of the development by being set forward of other properties.
- The proposal would have a detrimental impact on the residential amenity and privacy of existing houses.
- The proposal would have a negative impact on the value of existing housing stock in the area.
- The proposal would have a negative impact on the look and feel of this quality environment.

The issues raised in the emails are addressed in Section P below.

**The correspondence can be read in full at: <http://pa2.argyll-bute.gov.uk/online-applications>*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
| (v) Engineer's Report: | No |
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(H) PLANNING OBLIGATIONS

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|--|-----|
| Is a Section 75 agreement required: | No |
| Reason for refusal in the event that the legal agreement is not concluded within four months: | N/A |
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| (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
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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 Local Development Plan (Adopted March 2015)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG LDP 2 – Sustainable Siting and Design Principles
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision

- (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.

Scottish Planning Policy (SPP) 2014

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

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

(O) Requirement for a hearing (PAN41 or other): No

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

Planning permission is sought for the erection of a single dwelling house and formation of a vehicular access with two off street parking spaces on a site within the settlement of Helensburgh. The application site extends to 550sq metres and is located on the north side of the road within the front garden area of a detached single storey property at number 32 McLeod Drive. Access to the donor property is currently via an existing private access road located between numbers 30 and 32 McLeod Drive and will be unaffected by the proposed development. The site is located in a residential area comprising a range of detached modern dwelling houses set within single plots of various shapes and sizes.

The proposed dwelling house has been designed as a traditional one and a half storey detached dwelling house with an entrance porch and two dormer windows to the front and a single dormer to the rear. Velux windows will be located on both the front and rear slopes of the roof and two solar panels will be located on the south facing slope. The plans indicate that the ground floor accommodation will comprise a living area, sitting/dining area with open link to the kitchen and that the accommodation in the roof space will comprise three bedrooms (one with en-suite) and a bathroom. The external ground floor walls and roof dormers will be finished in 'K-rend' render with the exception of the porch and base course which will be finished in facing brick. The roof will be finished in concrete tiles.

In terms of the Argyll and Bute Local Development Plan 2015 the site is located within the settlement of Helensburgh as defined by the Argyll and Bute Local Development Plan 2015. Policy LDP DM 1 gives support to suitable forms of development within settlements subject to compliance with other relevant policies and supplementary guidance. In particular, Policy LDP 9 requires the design of development and structures to be compatible with the surroundings where careful attention should be paid to the acceptability of massing, form, design details, materials, landscaping and boundary treatment. With regard to design the policy requires that particular attention should be paid to roof pitch, depth of the building and window design. Any adverse impact on the amenity and privacy of neighbouring properties in terms of over shadowing and overlooking will also be taken into account. Policy LDP 3 assesses applications for their impact on the natural, human and built environment. In addition,

Supplementary Guidance - SG LDP 2 – Sustainable Siting and Design Principles requires consideration of the proposal in terms of potential impact: the building pattern and built form; the local character; open space/density; design; vehicular access; on-site parking; connection to services; and, existing trees within and adjacent to the application site. In particular, all development should have some private open space (ideally a minimum of 100 sq. m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments. The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size.

The site is located in the front garden area of 32 McLeod Drive where the character of the area is defined by a linear pattern of one plot depth modern detached dwelling houses set within landscaped plots fronting onto housing estate access roads. Properties on the north side of McLeod Drive sit slightly above road level in a single tier arrangement backing onto the West Highland railway line. None of the plots on McLeod Drive are two tier and those to the east of the application site are on average 29 - 30 metres deep. Plots in the wider area vary in size but there are no examples of new dwellings occupying the front gardens of existing dwelling houses that would cause privacy and overlooking issues. The proposed house plot within the existing front garden area has a depth of 16.3 metres. Excluding the front porch the proposed dwelling house would have a depth of 7.7 metres leaving a front garden depth of 3.3 metres and a rear garden depth of only 5.6 metres. The resultant window to window distance would be 16.4 metres and while the donor property does not have any upper windows it sits at a higher level than the proposed dwelling house and there is potential for a detrimental impact on privacy and residential amenity by virtue of overlook. A 1.8 metre high timber screen fence along the rear boundary of the new plot aims to deal with any privacy issues in terms of window to window distance but the development would be sub-standard as a consequence of the two tier arrangement and spacing between the buildings. The combination of a two tier backland development in an area of linear one plot development and the resultant separation between the existing and proposed house would be visually discordant, visually intrusive, would represent over development and would be out of character with the existing pattern of development in the area. As such the proposal is contrary to Policies LDP DM1, LDP 3, LDP 9 and SG LDP Sustainable Siting and Design Principles of the Local Development Plan which presume against development that is not compatible with its surroundings, that does not protect or enhance the built environment, that does not pay regard to the context within which it is located and has an adverse impact on the amenity and privacy of neighbouring properties and the surrounding area.

Two emails of objection were submitted in response to the application and issues concerning: inappropriate scale and massing; adverse impact the amenity of neighbouring properties; adverse impact on visual amenity; unsympathetic layout and siting; over dense development; precedent for development in front gardens; detrimental impact on residential amenity and privacy; and a negative impact on the value of properties in the area.

The proposal for a dwelling house in the front garden of an existing dwelling house would not be consistent with the provisions of the Argyll and Bute Local Development Plan 2015 and that the site currently occupied by a dwelling house is not capable of accommodating a further dwellinghouse without detriment to residential amenity and the pattern of development in the area. There are no other material planning considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan. As such the recommendation is to refuse.

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

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Refused:

See reasons for refusal below.

(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: No

Author of Report: Jack McGowan **Date:** 23/08/16

Reviewing Officer: Howard Young **Date:** 12/07/17

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 16/01835/PP:

The site is located in the front garden area of 32 McLeod Drive where the character of the area is defined by a linear pattern of one plot depth modern detached dwelling houses set within landscaped plots fronting onto housing estate access roads. Properties on the north side of McLeod Drive sit slightly above road level in a single tier arrangement backing onto the West Highland railway line. None of the plots on McLeod Drive are two tier and those to the east of the application site are on average 29 - 30 metres deep. Plots in the wider area vary in size but there are no examples of new dwellings occupying the front gardens of existing dwelling houses that would cause privacy and overlooking issues. The proposed house plot within the existing front garden area has a depth of 16.3 metres. Excluding the front porch the proposed dwelling house would have a depth of 7.7 metres leaving a front garden depth of 3.3 metres and a rear garden depth of only 5.6 metres. The resultant window to window distance would be 16.4 metres and while the donor property does not have any upper windows it sits at a higher level than the proposed dwelling house and there is potential for a detrimental impact on privacy and residential amenity by virtue of overlook. A 1.8 metre high timber screen fence along the rear boundary of the new plot aims to deal with any privacy issues in terms of window to window distance but the development would be sub-standard as a consequence of the two tier arrangement and spacing between the buildings. The combination of a two tier backland development in an area of linear one plot development and the resultant separation between the existing and proposed house would be visually discordant, visually intrusive, would represent over development and would be out of character with the existing pattern of development in the area. As such the proposal is contrary to Policies LDP DM1, LDP 3, LDP 9 and SG LDP Sustainable Siting and Design Principles of the Local Development Plan which presume against development that is not compatible with its surroundings, that does not protect or enhance the built environment, that does not pay regard to the context within which it is located and has an adverse impact on the amenity and privacy of neighbouring properties and the surrounding area.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 16/01835/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

Argyll and Bute Council
Development and Infrastructure 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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/02163/PP
Planning Hierarchy: Local Application
Applicant: Nicholas and Gillian Dunn
Proposal: Installation of replacement windows from timber sash and case to white uPVC double glazed sash and case windows to include formation of rear patio door, replacement door to side elevation and new window opening in gable wall (kitchen area).
Site Address: 63 John Street, Helensburgh, Argyll and Bute, G84 9JZ

DECISION ROUTE

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

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Installation of replacement windows
Formation of rear patio door
Replacement door to side elevation
New window opening in gable wall (kitchen area)

ii) Other Specified Operations

None

(B) **RECOMMENDATION:** It is recommended that planning permission be refused.

(C) **HISTORY:** None

(D) **CONSULTATIONS:** None

(E) **PUBLICITY:** Listed Building/Conservation Advert Expiry Date: 13.12.2018

(F) **REPRESENTATIONS:** None received

i) **Representations received from:** N/A

ii) **Summary of issues raised:** N/A

(G) **SUPPORTING INFORMATION**

i) Environmental Statement:: Not Required

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

(H) **PLANNING OBLIGATIONS**

None Required

(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 Local Development Plan adopted March 2015

Policy LDP STRAT 1 – Sustainable Development

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

Policy LDP 9 – Development Setting, Layout and Design

Argyll and Bute Local Development Plan – Supplementary Guidance

SG LDP ENV 17 - Development in Conservation Areas and Special Built Environment Areas

(i) **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.**

Argyll & Bute Sustainable Design Guidance (2006)
Technical Working Note – Argyll & Bute Windows (April 2018)
Scottish Planning Policy (2014)
Managing Change in the Historic Environment – Windows (2010)
Historic Environment Circular 1 (2016)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N

(L) Has the application been subject of statutory pre-application consultation (PAC):

No Pre-application consultation required

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

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

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

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

Planning permission is sought for the installation of 30 replacement windows, the formation of a new window opening and the formation of patio doors to 63 John Street, Helensburgh. This is a traditional, unlisted villa within the Upper Helensburgh Conservation Area. Although unlisted, this is a very attractive building with all of its original timber windows. The proposal is to replace all of these windows with sliding sash and case uPVC units. These windows will be similar in appearance to the existing windows, however the astragals will be surface mounted rather than separating the physical panes as the original windows do.

The application needs to be assessed against the policies of the Local Development Plan, the council's Technical Working Note – Argyll & Bute Council Windows and all other material considerations.

Policy LDP 3 of the adopted Local Development Plan considers that in all development management zones the planning authority will assess applications with the aim of protecting, conserving and, where possible, enhancing the built, human and natural environment. Section C of this policy states that development will not be supported where it does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design.

This is further back up by SG LDP ENV 17 also seeks to resist development that will not enhance or preserve the character of the historic environment. It states that:
“There is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed conservation area or its setting, or a Special Built Environment Area.

New development within these areas and on sites forming part of their settings must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their actual or proposed designation and confirm to Scottish

Historic Environment Policy 2011 and accompanying Managing Change Guidance Notes.”

In order to assist in this assessment, the Council is in the process of adopting a Technical Working Note which aims to provide clear and consistent planning advice in relation to the replacement and refurbishment of windows in Listed Buildings and Conservation Areas. This document takes account of the aforementioned policies and the relevant Historic Environment Scotland documents including Managing Change in the Historic Environment series, specifically windows.

This **draft** Argyll and Bute Windows (Replacement Windows in Listed Buildings and Conservation Areas) Technical Working Note was approved by PPSL on 18th April. The document requires to undertake a period of public consultation before being adopted as non-statutory planning guidance but should in the meantime be afforded some weighting in determining proposals which include replacement windows in listed buildings and/or conservation areas.

The Technical Working Notes Argyll & Bute Windows describes that:

“Windows are an essential element in the external character, appearance and composition of traditional buildings. They are an important element of a building’s design and weatherproofing. The size, shape and position of the openings are significant, as re the form and design of the framing and glazing. Their style, detailing and materials help us to understand when a building was constructed or altered, its function and advances in related to glazing technology. In simple vernacular buildings considerable amount of the character comes from the windows. When replaced unsympathetically the appearance of the building is damaged, and the unity that comes from the repetition of window patterns and traditional materials, particularly in tenements and terraced properties, is diminished. Cumulatively this leads to an erosion of the character of the street and over time the whole area”.

The document recognised the impact of unsympathetic windows can have on a building and the wider area. In order to provide a bespoke approach to replacement windows in the conservation area the document provides several statements with respect to the council’s position depending on the quality of the building / area. For example, there are prime townscape blocks that may not be listed, but buildings that have retained their historic integrity and provide a significant degree of quality to the overall conservation area. Then there are de-valued townscape blocks which are buildings in secondary locations in conservation areas, which have been compromised by unsympathetic window and door replacements. Deciding if the building is a prime townscape block or a de-valued townscape block will determine the decision route.

The subject of the application site is a traditional 2 storey sandstone villa set within a block of 4 similar buildings, with a frontage onto John Street between Millig Street and Queen Street. These buildings are all very visible from the street and three out of the 4 have retained their original windows. These windows are timber sash and case units with astragals to the upper panes. They are integral to the character and appearance of the dwellings and the wider conservation area. It is therefore considered that this is a prime townscape block. The dwellinghouse that has had the windows replaced has done so without consent. These windows have been replaced with single pane units with surface mounted astragals and no stepped appearance. These windows undermine the character of the dwellinghouse and detract from the character and appearance of the conservation area.

It is therefore considered that the replacement windows are not consistent with the terms of the Council’s Technical Working Note. It is therefore considered that the

installation of 30 replacement windows which do not exactly match the original timber windows in terms of materials and appearance will be visually intrusive, visually discordant and as such detract from and undermine the character and appearance of this traditional building. This will have a detrimental effect on the integrity and architectural quality of the building as a whole and in turn will undermine the character and appearance of the conservation area. The works are therefore considered contrary to policies LDP 3(C) of the Local Development Plan (adopted 26th March 2015), SG LDP ENV16 (a) and ENV17 of the Supplementary Guidance and the council's Technical Working Note on Replacement Windows in Argyll & Bute.

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

(R) Reasons why Planning Permission or a Planning Permission in Principle should be refused:

The windows proposed replacement windows will have non-traditional frames and surface mounted astragals, which by virtue of their inappropriate uPVC material will have an unacceptable impact upon the appearance and the architectural and historic interest of the conservation area. They would fail to preserve the character of the conservation area and are contrary to the policy position expressed in Scottish Planning Policy and Managing Change in the Historic Environment.

The council's Technical Working Note Argyll & Bute Windows specifically sets out which buildings can be classed as Prime Townscape Blocks. This building, by virtue of its high visibility within the conservation area, its largely unaltered windows and set between two traditional villas who have also retained their original windows is considered to be one. Within prime townscape blocks, only refurbishment/repair or like for like timber replacement will be permitted. The introduction of uPVC windows, although the same style and method of opening, lack the elegance and refinement of traditional timber windows and the astragals will be surface mounted rather than separating the physical panes as the original windows do. As such they would appear visually intrusive, visually discordant and would detract from the character and appearance of the existing building and the wider conservation area.

The development is therefore contrary to LDP STRAT 1, LDP 3, LDP 9 of the Local Development Plan and SG LDP ENV 17 of the Supplementary Guidance which presumes against development which does not preserve or enhance the character or appearance of a the built environment, including Conservation Areas. The proposal is not consistent with the expectations of HES through their Managing Change in the Historic Environment guidance of the Councils Technical Working Note Argyll & Bute Windows April 2018.

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

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Stephanie Spreng

Date: 17.12.2018

Reviewing Officer:

A handwritten signature in black ink, appearing to be 'HY' with a stylized flourish underneath.

Howard Young

Dated: 09/07/2019

Angus Gilmour
Head of Planning, Housing and Regulatory Services

GROUNDNS FOR REFUSAL RELATIVE TO APPLICATION: 18/02163/PP

1. The proposed replacement windows will have non-traditional frames and surface mounted astragals, which by virtue of their inappropriate uPVC material will have an unacceptable impact upon the appearance and the architectural and historic interest of the conservation area. They would fail to preserve the character of the conservation area and are contrary to the policy position expressed in Scottish Planning Policy and Managing Change in the Historic Environment.

The council's Technical Working Note Argyll & Bute Windows specifically sets out which buildings can be classed as Prime Townscape Blocks. This building, by virtue of its high visibility within the conservation area, its largely unaltered windows and set between two traditional villas who have also retained their original windows is considered to be one. Within prime townscape blocks, only refurbishment/repair or like for like timber replacement will be permitted. The introduction of uPVC windows, although the same style and method of opening, lack the elegance and refinement of traditional timber windows and the astragals will be surface mounted rather than separating the physical panes as the original windows do. As such they would appear visually intrusive, visually discordant and would detract from the character and appearance of the existing building and the wider conservation area.

The development is therefore contrary to LDP STRAT 1, LDP 3, LDP 9 of the Local Development Plan and SG LDP ENV 17 of the Supplementary Guidance which presumes against development which does not preserve or enhance the character or appearance of a the built environment, including Conservation Areas. The proposal is not consistent with the expectations of HES through their Managing Change in the Historic Environment guidance of the Council's Technical Working Note Argyll & Bute Windows April 2018.

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 18/04/2018 and the refused drawing reference numbers;

- 1/16 – Location Plan and Site Plan. Drawing Number 01
- 2/16 – Front Elevation as Existing. Drawing Number 05, Rev B
- 3/16 – Rear Elevation as Existing. Drawing Number 07, Rev B
- 4/16 – Side Elevation as Existing. Drawing Number 06, Rev B
- 5/16 – Side Elevation as Existing. Drawing Number 08, Rev B
- 6/16 – Ground Floor Plan as Existing. Drawing Number 02, Rev B
- 7/16 – First Floor Plan as Existing. Drawing Number 03, Rev B
- 8/16 – Elevations and Dimensions of Windows Existing. Drawing Number 16
- 9/16 – Ground Floor Plan as Proposed. Drawing Number 09, Rev B
- 10/16 – First Floor Plan as Proposed. Drawing Number 10, Rev B
- 11/16 – Front Elevation as Proposed. Drawing Number 12, Rev B
- 12/16 – Side Elevation as Proposed. Drawing Number 13, Rev C
- 13/16 – Rear Elevation as Proposed. Drawing Number 14, Rev B
- 14/16 – Side Elevation as Proposed. Drawing Number 15, Rev B
- 15/16 – Elevations and Dimensions of Windows (Proposed) Drawing Number 17
- 16/16 – Details of Proposed Replacement Windows. Drawing Number 18

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **18/02163/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?

N

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

The windows proposed replacement windows will have non-traditional frames and surface mounted astragals, which by virtue of their inappropriate uPVC material will have an unacceptable impact upon the appearance and the architectural and historic interest of the conservation area. They would fail to preserve the character of the conservation area and are contrary to the policy position expressed in Scottish Planning Policy and Managing Change in the Historic Environment.

The council’s Technical Working Note Argyll & Bute Windows specifically sets out which buildings can be classed as Prime Townscape Blocks. This building, by virtue of its high visibility within the conservation area, its largely unaltered windows and set between two traditional villas who have also retained their original windows is considered to be one. Within prime townscape blocks, only refurbishment/repair or like for like timber replacement will be permitted. The introduction of uPVC windows, although the same style and method of opening, lack the elegance and refinement of traditional timber windows and as such would appear visually intrusive, visually discordant and would detract from the character and appearance of the existing building and the wider conservation area.

The development is therefore contrary to LDP STRAT 1, LDP 3, LDP 9 of the Local Development Plan and SG LDP ENV 17 of the Supplementary Guidance which presumes against development which does not preserve or enhance the character or appearance of a the built environment, including Conservation Areas. The proposal is not consistent with the expectations of HES through their Managing Change in the Historic Environment guidance of the Councils Technical Working Note Argyll & Bute Windows April 2018.