

**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:** 21/01585/PP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Graeme Miller  
**Proposal:** Installation of 3 Replacement Windows (Retrospective)  
**Site Address:** Flat 1/3, 4 Deanhood Place, Rothesay, Isle of Bute

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

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

- Installation of 3 replacement windows (retrospective)

**(ii) Other specified operations**

- None
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**(B) RECOMMENDATION:**

It is recommended that Planning Permission be **refused** for the reason set out below.

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**(C) HISTORY:**

An application for Planning Permission (ref: 20/00634/PP) for the installation of replacement windows in other flatted properties at 4 Deanhood Place was withdrawn on 10<sup>th</sup> December 2020.

Planning Permission (ref: 20/01645/PP) for the installation of replacement windows in other flatted properties at 4 Deanhood Place was approved on 17<sup>th</sup> November 2020.

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**(D) CONSULTATIONS:**

None

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**(E) PUBLICITY:**

Subject of Neighbour Notification (closing date 28<sup>th</sup> September 2021) and advertised as development in Conservation Area (closing date: 8<sup>th</sup> October 2021).

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**(F) REPRESENTATIONS:**

No representations have been received.

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**(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) Supporting Statement:** Yes

In a letter dated 1<sup>st</sup> November 2021, Alan Marshall (agent for the application) has put forward information in support of the application. The points that have been raised, and my comments thereon, are as follows:

- i. Other windows with uPVC frames, and often not with a traditional sash and case appearance, have been installed widely in the Rothesay area.

**Comment:** One of the aims of the Rothesay Windows Technical Working Note that was adopted by the Council in 2015 was to add a degree of pragmatism and flexibility to the specific development pressures in the Rothesay Conservation Area. This was an acknowledgement of the considerable loss of traditional windows in some of the townscape blocks; the previous rational policy position (outlined in the 1995 Windows Policy Statement); and an acknowledgement that new windows products had been introduced to the market.

The Technical Working Note highlighted that buildings that were not statutorily listed or had not been identified within a Prime Townscape Block were still important within the Conservation Area and could contribute effectively to it. For these buildings, it was still recommended that either repair, refurbishment or 'like for like' timber replacement was pursued in the first instance. However, it was accepted that these buildings had already lost some or all of their original windows or historical fenestration value through inappropriate replacements over the years.

One of the options that was indicated as being acceptable in such properties was the installation of "good quality, well-proportioned white uPVC sliding sash and case" and this type of window has received Planning Permission since the adoption of the Technical Working Note. However, the property that is the subject of the current application is within a Prime Townscape Block and the significance of this designation

in the assessment of the window replacement is detailed in Appendix A below.

- ii. The sash proportions of the windows that are the subject of the current application do not appear to differ significantly from the sash proportions approved in a recent Planning Permission (ref: 20/01645/PP) for windows in the adjoining block.

**Comment:** The type of window approved under Planning Permission 20/01645/PP that the agent refers to as being similar to the windows that are the subject of the current application is proposed on the rear elevation of the property, which is on the opposite side of the building. It is considered, therefore, that a comparison between these two particular types of window is not relevant.

- iii. The flat was vacant and in a derelict state before the refurbishment work was undertaken and this work has contributed positively to the restoration, however imperfect, of the block of flats.

**Comment:** The sympathetic refurbishment of flats within Rothesay Town Centre is to be welcomed. However, the agent's opinion that the installation of the subject uPVC windows has positively contributed to the restoration of this particular flat is not accepted. In addition, it is not considered a sufficiently strong factor to justify over-riding the relevant national and local planning policies and guidance on window replacement.

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**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 obligation required:** No

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

LDP 9 – Development Setting, Layout and Design

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)

SG LDP 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 3/2013.**

Planning History

Argyll & Bute Sustainable Design Guidance (2006)

Technical Working Note – Rothesay Windows, December 2015

Scottish Planning Policy (2014)

Historic Environment Policy for Scotland 2019

*'Managing Change in the Historic Environment'* - Windows, Published by Historic Environment Scotland (2018)

Argyll and Bute Proposed Local Development Plan 2 (November 2019)

The unchallenged policies and proposals within PLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the PLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. There are no provisions in PLDP2 that may be afforded significant weighting in the determination of this particular application.

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

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

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

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

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- (O) **Requirement for a hearing:** No

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

Planning Permission is sought for the retention of three replacement windows (two on the front elevation and one on the rear) in a first floor flat at 4 Deanhood Place, which is located within the Rothesay Conservation Area. The previous windows in the flat (and the windows in adjoining properties within the wider block) are traditional, white-painted, two-paned, timber, single-glazed, sliding sash and case units. The windows that have been installed are white, two-paned, uPVC, double-glazed units with a sliding sash and case method of opening.

Argyll and Bute Council adopted a Technical Working Note in December 2015 in order to provide clear and consistent planning advice in relation to the replacement and refurbishment of windows in Listed Buildings and in the Rothesay Conservation Area.

In the survey associated with the Technical Working Note, 4 Deanhood Place, by virtue of its visual prominence and its largely unaltered traditional fenestration, was identified as a '*Prime Townscape Block*' in recognition of the pivotal role that it played in creating the unique sense of place and heritage interest in the Rothesay Conservation Area.

Within such Prime Townscape Blocks, the adopted Technical Working Note advocates the refurbishment/repair of windows or the installation of '*like-for-like*' replacements as the preferred options. In cases where it can be demonstrated that the existing windows are beyond economic repair, the installation of high quality double-glazed units that are identical to the original windows in all other respects are very likely to be permitted.

The two windows that have been installed on the front elevation, although incorporating a sliding sash and case method of opening, lack the elegance and refinement of a traditional timber window due to their uPVC finish. The difference in the upper sash/lower sash split is palpable in the context of the continuity of the existing fenestration in the block and, when combined with the modern finish, results in the presence of windows that are visually intrusive and discordant and that detract from the character and appearance of the existing building and the wider Rothesay Conservation Area to an unacceptable degree.

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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 refused**

The replacement windows that are the subject of this application have a uPVC finish and do not match the upper sash/lower sash split of the previous windows in the subject flat; of the existing adjoining windows in the building; or of the windows approved under Planning Permission 20/01645/PP in adjoining properties.

Argyll and Bute Council adopted the Rothesay Windows Technical Working Note in 2015 and 4 Deanhood Place, by virtue of its visual prominence and its largely unaltered traditional fenestration, was identified as a '*Prime Townscape Block*' in recognition of the pivotal role that it played in creating the unique sense of place and heritage interest in the Rothesay Conservation Area.

Within such Prime Townscape Blocks, the adopted Technical Working Note advocates the refurbishment/repair of windows or the installation of '*like-for-like*' replacements as the preferred options. In cases where it can be demonstrated that the existing windows are beyond economic repair, the installation of high quality double-glazed units that are identical to the original windows in all other respects are very likely to be permitted.

The two windows that have been installed on the front elevation, although incorporating a sliding sash and case method of opening, lack the elegance and refinement of a traditional timber window due to their uPVC finish. The difference in the upper sash/lower sash split is palpable in the context of the continuity of the existing fenestration in the block and, when combined with the modern finish, results in the presence of windows that are visually intrusive and discordant and that detract from the character and appearance of the existing building and the wider Rothesay Conservation Area to an unacceptable degree.

On the basis of the foregoing, the development is contrary to Policies LDP STRAT 1, LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015. Furthermore, the works are not consistent with Argyll and Bute Council's adopted

Rothsay Windows Technical Working Note 2015 nor with the expectations of Historic Environment Scotland through their '*Managing Change in the Historic Environment*' guidance on windows.

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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: No**

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**Author of Report:** Steven Gove

**Date:** 2<sup>nd</sup> November 2021

**Reviewing Officer:** Howard Young

**Date:** 2<sup>nd</sup> November 2021

**Fergus Murray**  
**Head of Development and Economic Growth**

## GROUNDS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 21/01585/PP

1. The replacement windows that are the subject of this application have a uPVC finish and do not match the upper sash/lower sash split of the previous windows in the subject flat; of the existing adjoining windows in the building; or of the windows approved under Planning Permission 20/01645/PP in adjoining properties.

Argyll and Bute Council adopted the Rothesay Windows Technical Working Note in 2015 and 4 Deanhood Place, by virtue of its visual prominence and its largely unaltered traditional fenestration, was identified as a '*Prime Townscape Block*' in recognition of the pivotal role that it played in creating the unique sense of place and heritage interest in the Rothesay Conservation Area.

Within such Prime Townscape Blocks, the adopted Technical Working Note advocates the refurbishment/repair of windows or the installation of '*like-for-like*' replacements as the preferred options. In cases where it can be demonstrated that the existing windows are beyond economic repair, the installation of high quality double-glazed units that are identical to the original windows in all other respects are very likely to be permitted.

The two windows that have been installed on the front elevation, although incorporating a sliding sash and case method of opening, lack the elegance and refinement of a traditional timber window due to their uPVC finish. The difference in the upper sash/lower sash split is palpable in the context of the continuity of the existing fenestration in the block and, when combined with the modern finish, results in the presence of windows that are visually intrusive and discordant and that detract from the character and appearance of the existing building and the wider Rothesay Conservation Area to an unacceptable degree.

On the basis of the foregoing, the development is contrary to Policies LDP STRAT 1, LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015. Furthermore, the works are not consistent with Argyll and Bute Council's adopted Rothesay Windows Technical Working Note 2015 nor with the expectations of Historic Environment Scotland through their '*Managing Change in the Historic Environment*' guidance on windows.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/01585/PP

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

The application site comprises a flatted property located within the 'Main Town' settlement of Rothesay as identified in the Argyll and Bute Local Development Plan (LDP) 2015. Within this type of settlement, Policy LDP DM 1 encourages sustainable forms of a variety of scales of development on appropriate sites subject to assessment against all other material policy considerations. The proposal is considered to comply with the Settlement Strategy.

#### B. Background to Current Application

An application for Planning Permission (ref: 20/00634/PP) was registered in April 2020 for the installation of replacement windows in a number of flatted properties on the front and rear elevations of 4 Deanhood Place, which is located in Rothesay Town Centre.

This proposal identified the replacement of the existing traditional two-paned, white, timber sliding sash and case fenestration with two-paned, dark-stained, timber double swing windows. Given that these properties were within a 'Prime Townscape Block' as designated in the Rothesay Windows Technical Working Note (2015), the Planning Department advised that this application for proposed windows of a different colour and method of opening than the existing would not be supported.

In view of the lack of support for the above application, a revised proposal was submitted and registered on 11<sup>th</sup> September 2020 (ref: 20/01645/PP). This new application showed the installation of two-paned, white, double-glazed, timber sliding sash and case windows.

From a visual inspection at the time of the processing of application 20/01645/PP, there was evidence that the condition of the existing windows was sub-standard with parts of them being rotten. On the basis of this evidence, it was considered that a justification had been made for the replacement of the windows. In addition, the energy efficiency of the proposed windows provided support to the proposed double-glazing. In these respects, it was concluded that a compelling case had been made for the installation of new windows.

It was also clear that the applicant had sought to source high quality replacement windows that would replicate the finish, colour, profile, method of opening and appearance of the existing windows. In these circumstances, Planning Permission was granted on 17<sup>th</sup> November 2020.

In March 2021, the department was approached by solicitors acting on behalf of the applicant asking for the details of Planning Permission 20/01645/PP on the basis that the installation of replacement windows was due to take place within the following few weeks. Links to the Decision Notice and approved plans relative to the permission were sent by return.

In the early part of June 2021, the department was contacted by the same solicitors and asked to confirm that the windows that had recently been installed were in accordance with the drawings approved under Planning Permission 20/01645/PP. Upon visual inspection, it was noted that three windows had been installed – two were on the front elevation of a first floor flat looking onto Gallowgate and one was on the rear elevation of the same flat facing in the direction of Deanhood Place.

The windows of this particular flat were not shown to be replaced in the approved drawings. Even if they had been, the windows that were installed differed from what was approved in the following ways:

- They have a white upvc finish as opposed to the approved timber finish
- The position of the horizontal transom bar creates a 30/70 split between the upper and lower sashes of the window as opposed to the approved 50/50 split

The current application has been submitted in an attempt to regularise the installation of these three unauthorised windows.

### **C. Location, Nature and Design of Development**

Deanhood Place is located within Rothesay Town Centre and it links Montague Street and Victoria Street. At the junction with Montague Street, there is a three-storey block that contains a chemist on the ground floor (102 – 104 Montague Street) with the first and second floors comprising residential flats. The address of these flats is 4 Deanhood Place. As one moves in a north-westerly direction, part of the block also has a frontage facing onto Gallowgate.

The current application relates to the installation of two windows on the front elevation of a first floor flat in that part of the block that faces onto Gallowgate and one window on the rear elevation of the same flat that faces in the direction of Deanhood Place. As mentioned in the preceding section, the windows are two-paned, white, upvc sliding sash and case fenestration with the horizontal transom bar creating a 30/70 split between the upper and lower sashes of the window.

The other windows on the front-facing elevations of 4 Deanhood Place remain as traditional two-paned, white, timber sliding sash and case fenestration.

### **D. Assessment**

The assessment of this application focusses on the detail and whether or not the development that has taken place is consistent with the character of the Rothesay Conservation Area and Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.

#### Rothesay Windows Technical Working Note (2015)

Argyll and Bute Council adopted a Technical Working Note in December 2015 in order to provide clear and consistent planning advice in relation to the replacement and refurbishment of windows in Listed Buildings and in the Rothesay Conservation Area. This document takes account of the aforementioned Policies and Supplementary Guidance and the relevant Historic Environment Scotland documents including HEPS and the '*Managing Change in the Historic Environment*' series (specifically windows).

During the process of formulating the Technical Working Note, a survey of the Rothesay Conservation Area was carried out in 2015. This survey identified townscape blocks where elevations of prominent buildings had been well maintained and windows/doors remained mostly traditional. These townscape blocks were identified in the Technical Working Note and, like listed buildings, they play a pivotal role in creating the unique sense of place and heritage interest in the Conservation Area. These important buildings that have retained their integrity are referred to as '*Prime Townscape Blocks*'.

For the purposes of the Technical Working Note, 4 Deanhood Place is located within a 'Prime Townscape Block' and it is significant that, in the period since the 2015 survey was carried out, almost all of the traditional fenestration remains.

In the case of existing traditional timber sliding sash and case fenestration on the front elevations of buildings (or secondary elevations which are still important) in 'Prime Townscape Blocks', the Council encourages refurbishment or repair of windows; the installation of 'like-for-like' replacements; or the installation of double-glazed units that are identical to the original windows in all other respects (providing that it can be demonstrated that the existing windows are beyond economic repair).

On rear or secondary elevations, flexibility will be afforded and high quality timber dual swing windows which give the appearance of sash and case units in all respects (except when open) and high quality well-proportioned uPVC sliding sash units which retain the distinct step of sash and case windows are very likely to be viewed favourably.

At the time of determining application 20/01645/PP for the replacement of a total of 20 windows at 4 Deanhood Place, it was considered that the condition of the existing timber fenestration was such that the option of replacement (as opposed to repair or refurbishment) was sufficiently justified. The three timber windows that previously existed in the subject flatted property were of a similar condition with the consequence that the principle of replacement is also accepted in this case.

#### Two Windows on Front Elevation

In terms of the two windows on the frontage of the building facing onto Gallowgate, these do not follow the requirements of the Technical Working Note in that they have a uPVC finish and do not match the upper sash/lower sash split of the previous windows in the flat; of the existing adjoining windows in the building; or of the windows approved under permission 20/01645/PP.

The significance of the uPVC finish is that the horizontal transom bar is slightly thicker than its wooden counterpart and, therefore, lacks the elegance and refinement of a traditional timber window. The difference in the upper sash/lower sash split is palpable in the context of the continuity of the existing fenestration in the block and, when combined with the modern finish, has resulted in the presence of windows that are visually intrusive and discordant and that detract from the character and appearance of the existing building and the wider Rothesay Conservation Area to an unacceptable degree.

#### Window on Rear Elevation

The assessment of the window that has been installed on the rear elevation is more finely balanced. The Technical Working Note recognises that flexibility can be afforded on secondary elevations within 'Prime Townscape Blocks' depending on the availability of public views; the contribution to the Conservation Area; and the integrity of traditional fenestration.

The Rothesay Town Centre Character Area Appraisal was prepared by Argyll and Bute Council in 2010 and it states the following:

*"Deanhood Place marks the route of the culverted Water of Fad (completed by 1863) and connects Montague Street to Victoria Street. There is less continuity in the built form with the section of low single storey development on its west side lacking definition. Its eastern side is distinguished by St Paul's Episcopal Church (1854; 1893), a landmark on the seafront, and the later Edwardian Church Hall is set back on the corner with Montague Street."* (Page 27)

The above statement acknowledges that the buildings on the west side of Deanhood Place do not contribute to a particularly significant or attractive streetscape. However, given that they are only single storey, views to the top floors of the rear of 4 Deanhood Place and the buildings on Gallowgate further to the north are available. Nevertheless, the single window that has been replaced in the subject flat is on the first floor with the consequence that it is barely visible from Deanhood Place or from longer distances on Montague Street and Victoria Street.

Whilst it is not possible to partially approve this current application, it is very likely that, if the window on the rear elevation had been the only development works that had taken place, retrospective permission would have been granted.