

## **Introduction**

We wish to appeal against the decision of Argyll and Bute Council to refuse our planning application for replacement windows (*Reference 22/01848/PP*). Our planning request is no different to those previously granted for adjacent properties on Crichton Road within Brighton Terrace. (cfr *Reference 08/01391/LIB* and *Reference 14/00627/LIB*) and there have been no objections to the proposed works in Planning application Reference Number: 22/01848/PP. Our appeal is supported by local councillors Liz McCabe, Reeni Kennedy-Boyle and Peter Wallace.

## **Delayed Decision**

The ePlanning website which all applications must be submitted through states:

“In most cases, planning applications are decided within 2 months. For unusually large or complex applications the time limit is 4 months. For these types of applications, Planning Authorities should offer to enter into a processing agreement with developers which provides certainty and a project managed approach to decision making. If the decision takes longer, you can appeal.”

Our application was accepted on the 30th September 2022, a decision was not forthcoming until 21st June 2023, a wait of nearly nine months in total and therefore a delay of almost seven months. Additionally, a response was only obtained from the council after the intervention of our local councillor. This was an excessive amount of time to have to wait for a decision given that replacing windows on a domestic property is not generally considered to be a ‘complex application’ and the Scottish Government removed all COVID policies on the 24 June 2022. We would like to highlight by way of comparison application Reference 22/01413/PP a much more complex proposal which was received in July and approved in November 2022.

In our application we asked specifically if the proposal being recommended was to be refused then could it be considered by the Planning Committee, (see Supporting Planning Statement), no reference has been made in the decision notice that we received as to when or if this was ever discussed at Committee. No email was received with the decision notice that planning permission has been refused, the only email received was to Reference 22/01847/LIB.

## **Information Access**

The decision notice which details the conditions of refusal states:

“The proposal is also not consistent with Policies 4, 5, 9, 10, 15, 16 and 17 of the Proposed Local Development Plan 2 which is a significant material consideration”

At the time of writing this appeal, 'Proposed Local Development Plan 2' is not available for viewing. While the report of examination is available, I am unable to address the points raised as the examiners report details only amendments to the policies.

### **Technical Working Note**

In the decision notice published in response to our application, the Council references Rothesay Windows Technical Working Note 2015 which states:

“Development Plan which is to uphold the historical and traditional window characteristics – mainly by repairing or replacing with white timber sliding sash and case units.”

It is important to note the significance of the use of the word 'mainly' rather than 'exclusively'. The Oxford English dictionary defines mainly as “For the most part; in the main; as the chief thing, chiefly, principally.”

Whereas exclusively is defined as “So as to exclude all except some particular object, subject, etc.; solely.”

In the conclusion (1.10) it states:

“The new Technical Working Note also builds in added flexibility for those buildings that have already had unsympathetic window alterations or do not contribute significantly to the Conservation Area (ie limited views from public places or on rear elevations). There is also an acceptance that good quality uPVC window units can be used in the Conservation Area in certain circumstance”

In the Technical Note, published in 2015, it states the Townscape Heritage Initiative is a 5 year plan, there is no review date for this Technical Note that I we have been able to find. We would question therefore the appropriateness of much of this document with regard to our application and this appeal.

The Argyll and Bute Council Development Plan Scheme, March 2022

“we need to keep the plan up to date to reflect changing circumstances as land is developed and new issues arise or other factors change” there appears to be no update or planned review of this document.

We would also like to highlight and support proposal Reference 22/01413/PP where the property is in the Rothesay Conservation area. The windows granted approval are uPVC double swing.

The world has changed dramatically since the publication of this document. The National Planning Framework 4 recognises this stating that Local Development Plans

“must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.”

The Climate Change (Emissions Reduction Targets) Act 2019, was passed by the Scottish Parliament on 25 September 2019 and received Royal Assent on 31 October 2019. The Act requires Scotland to reach net zero greenhouse gas emissions by 2045, with interim reductions of 75% required by 2030, and 90% by 2040. In the Heat Networks (Scotland) Bill (SP Bill 64) as introduced in the Scottish Parliament on 2 March 2020 it recognises “One of the major challenges to meeting these targets will be reducing the emissions caused by heating the country’s homes and other buildings”

We feel that the Technical Working Note is out of date and does not address the needs or focus appropriately on the key issues facing communities today. Global environmental improvement requires that priority is given to that which local communities and individuals can do to contribute to saving the planet rather than simply protecting an aesthetic largely driven by antiquated administrative notions and personal opinion. Our application achieves better environmental outcomes and maintains a reasonable aesthetic objective.

### **Increased Costs**

There is a cost of living crisis. The first Minister Humza Yousaf recognised this in his statements on Government priorities.

The Argyll and Bute Council Vision is ““We recognise that the cost of living crisis will affect countless households in Argyll and Bute. We want to play a part in responding to that and mitigating the impact on our communities’ overall wellbeing and future success.

We see our council and our communities working together in playing our part and making our contributions to wider priorities like climate change, economic growth, strong local governance and more - using our strong track record in partnership working, at all levels, to secure the best possible outcomes.”

The fuel bills for our property have trebled in the last two years and a major contributing factor to this is heat loss due to the poor quality of our windows. We have taken other measures to reduce our fuel bills such as insulating the roof and below the floors. The planning department have recognised that the windows require replacement in the Delegated Planning Application Report. We are seeking to replace our windows with the most cost effective option for ourselves whilst maintaining the look of the property and addressing environmental issues.

The Energy Saving Trust states 18% of heat loss occurs through windows. It is recognised that double swing windows are more energy efficient than sliding sash due to tight fitting seals positioned around the frame. Sliding sash windows become loose over time. Their production also has a bigger impact on the environment as the lead ore for the weights in the balance mechanism have to be mined.

In appendix C of the Rothesay Windows Technical note 2015 it states that the cost of replacing a window as £681. I have obtained a quote from Blairs Windows and Doors Greenock for a window to this specification. The current cost of that window would be £1305.56 excluding fitting, a rise of 92%.

Due to the delay in response from the Council, there has also been a marked rise in prices for replacement windows for our property. If the front elevation was to be replaced in double swing timber windows the cost has increased by 35%. If the replacement was in sliding sash the increase in price would be 29% however as these windows are much more expensive in cost and in fitting, the cost is prohibitively expensive. These quotes are only valid for the month of August 2023 as Blairs say material costs are escalating all the time. We feel that the Council's delay in responding has put us at a severe financial disadvantage in these very difficult times.

### **Precedents, caveats and personal issues**

As will be mentioned later in our appeal, the type of windows we propose for the front elevation would be the same as those approved by the council in planning application ref 08/01381/LIB.

This approval included the caveat that when those needed replacing it would be with sliding sash windows. Given the current financial climate we simply cannot afford sliding sash windows. We would however be very happy for a similar condition to be imposed on our application that allowed us to use the same windows as number 28 while preserving the look, reducing our fuel costs, decreasing our carbon foot print and preserving the structure of our building which has already been damaged due to water ingress.

As can be seen in Appendix B, the proposed windows are indistinguishable from sliding sash windows from the street. The application ref 08/01381/LIB was also granted taking into account unspecified 'personal reasons'. We also have 'personal reasons' which mean there are difficulties in opening our current style of window. However, we did not feel the planning website was the place to detail them and so an email was sent to Fergus Murray on the 27th June from councillor McCabe regarding this. We would be happy to discuss this at the appeal.

## **Appeal Detail**

### ***Rear Elevation***

The Historic Environment Scotland website lists the properties in Brighton Terrace, 23 to 34 Crichton Road as a Grade C listed buildings. Shown in Appendix A are various properties within Brighton Terrace. As can be seen from these photographs, the installation of uPVC double swing windows is evident in a number of properties. On the Argyll and Bute Council website, the adjacent property planning application (Reference Number 09/01762/PP) it states:

“The retention of plastic windows upon the rear and side elevation is deemed to be acceptable.”

Planning application 14/00627/LIB uPVC replacement approved.

In the Technical Working Note - Rothesay Conservation Area (Replacement Windows) Conclusion 1.10 it states:

“There is also an acceptance that good quality uPVC window units can be used in the Conservation Area in certain circumstances (ie limited views from public places or on rear elevations).”

We cannot understand why our application has been refused. We are a semi-detached property and the attached building has double swing timber in the upper flat and uPVC double swing windows in the lower flat, an inconsistent finish. The other properties shown in Appendix A also show that there is not a consistent finish. The main window at the rear of the property on the stairwell has had a uPVC finish prior to us purchasing the property in 1996.

In light of this information we feel justified in asking that we be afforded the same rights, given the same opportunity and treated in the same way as our neighbours.

### ***Front Elevation***

Our proposal for replacement double swing timber windows is based on cost and retaining the look of the property, otherwise we would have request uPVC windows which are much cheaper. It is recognised that double swing windows are more energy efficient than sliding sash due to tight fitting seals positioned around the frame. Sliding sash windows become loose over time.

At time of writing this appeal, as previously mentioned, the Proposed Local Development Plan 2 was not available to view online. The examiners comments were but we were not

able to access the policies in full so cannot comment on them. However, the Delegated Planning Application report outlines the National Planning Framework 4 development plan context. NPF4 Policy 7 seeks to

"protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places"

with some of the outcomes being that the historic environment is valued, protected, and enhanced; supporting the transition to net zero; and ensuring assets are resilient to current and future impacts of climate change.

Policy 7(c) advances support for the alteration of a listed building only in cases where the proposal would preserve its character, special architectural or historic interest and setting. We would argue the given our financial constraints and the lack of grants available from local government that the proposed windows would preserve the interior of the property from water damage. The cornicing in the all the front rooms is original and intact at the moment but may be subject to damage in future if there is further water ingress.

Policy 7(d) advances support for development proposals in or affecting Conservation Areas only in cases where the character and appearance of the designated area would be preserved or enhanced. Relevant considerations include the architectural and historic character of the area; the quality of design; and the use of suitable materials. We would argue that this refers to the area of Brighton Terrace, 23-34 Crichton Road. Our proposed windows would be the same as 28, these look exactly the same as sliding sash windows, see Appendix B, unlike 23 which has uPVC on the front elevation.

We would also state that our proposed windows would have less impact on the character of the area than changes already made to other properties from the description on the Historic Environment Scotland website which has not been updated since 1997. There have been changes to roofs of some of the properties in Brighton Terrace. Some have been re-roofed in Spanish slate which differs in both colour and shape from the traditional slate. I believe it is more thermally efficient. There have also been changes made from the octagonal chimney pots.

We would also like to point out that Scottish Environment Scotland lists 19,20 and 21 Crichton Road as a Grade C listed Building, the same as ourselves. In the statement of Special Interest it states "An imposing block with unusual features - note the decorative windows, hipped gables, cast-iron finials and bracketed eaves." see Appendix C. Yet replacement windows were granted permission, REFERENCE NUMBER: 12/02280/PP. which are completely different in fenestration to the rest of the building. The transom height

is completely different, I have absolutely no objection to these windows but it does highlight some inconsistency in decision making.

Policy 7(e) advances support for development proposals in Conservation Areas where the existing natural and built features that contribute to the character of the designated area would be retained. We would argue that the windows proposed retain the character of the area. The opening method is the only difference and given that the house is Victorian, made of sandstone and located in the West of Scotland it is much cooler inside than a more modern house the number of times the windows will be open will not be significant. The replacements which have been permitted in number 28 will be the same.

Policy 14(b) advocates the adoption of the six qualities of successful places in the formulation of developments. These include:

Distinctiveness - supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity

Sustainability - supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions

Adaptability - supporting commitment to investing in the long-term value of buildings by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Given I am classed as an essential worker in the NHS on the Isle of Bute, if the proposal is unsuccessful and as such affects our quality of life due to financial pressures we would need to consider working elsewhere which may affect the quality of Healthcare on the Island.

NPF4 Policy 16 seeks to

"encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland."

Policy 16(g) provides support for householder development proposals where they would not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials. Policy 16(h) supports

householder development proposals that provide adaptations in response to risks from a changing climate.

As already stated our increased energy use and carbon footprint is very much driven by loss of heat through windows that require to be replaced.

Refusal of our application was also based on comments from the reporter Mr Donald Harris in his letter of the 17th August 2011 when he commented on the application on number 27. Historic Environment Scotland's description for 26 Crichton Road notes that;

"despite the loss of some balconies, fretwork finials and glazing, Brighton Terrace retains a degree of architectural interest. Still, the symmetrical layout remains and the details which are intact are of good quality."

Mr Harris states that houses in Brighton Terrace have mostly retained sliding sash and case windows but makes no specific mention of the anomaly of uPVC being installed in one of the properties. We would propose that times have very much changed since this report was produced, financial pressures and energy efficiency are very much more to the forefront in the current climate as the Scottish Government has categorically stated on many occasions recently. It was also his opinion that double swing timber would be "unsightly, inharmonious and out of keeping with the character of this dignified building ". We would like to draw attention to a property just a few doors along that is also a Grade C listed building on the Historic Environment Scotland Website, Appendix C and D shows 19-21 Crichton Road, the windows under the roof are both open one as sliding sash, one as double swing and we would contend there is no discernible difference from the street, it is not unsightly, inharmonious or out of keeping.

### **Summary**

We cannot understand why our proposal has been declined for the rear elevation to our property based on the changes to surrounding properties some of which have been approved by the planning department.

Our proposal to changes to the front elevation are that we want to install windows that look the same, which we are able to afford, are more efficient and have already been installed by one of our neighbours with planning consent from the Council.

We are in the middle of a financial crisis and global climate emergency. We would hope that our proposed changes be approved so that we can maintain our property and decrease our carbon footprint. The Council's delay in responding has put us at a severe financial disadvantage in these very difficult times.



Appendix A – Properties on Crichton Road, Brighton Terrace with mixture of window types



Rear elevation of 23 Crichton Road demonstrating uPVC replacement



Rear elevation of 24 Crichton Road demonstrating uPVC replacement

Appendix A continued



Rear elevation of 25 Crichton Road. Adjoining property, mixture of uPVC and Timber windows



Rear elevation of 32 Crichton Road demonstrating a mixture of uPVC and timber windows

Appendix A continued



Rear elevation of 32 Crichton Road demonstrating a mixture of uPVC and timber windows.

Appendix B



Front elevation of 28 -28 Crichton Road, demonstrates no difference in appearance of windows, lower flat 28, double swing, 27 Crichton Road sliding sash.

Appendix C



Front elevation of 19-21 Crichton Demonstration completely different fenestration and transom height in lower flat but approved REFERENCE NUMBER: 12/02280/PP

Appendix D



No inharmonious view from the street between opened sliding sash and double swing windows at the top of the properties.