



## Appeal Decision Notice

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Decision by Gordon S Reid, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-130-2029
- Site address: 26 Crichton Road, Rothesay, Isle of Bute, Argyll and Bute, PA20 9JR
- Appeal by P Campbell against the decision by Argyll and Bute Council
- Application for listed building consent 22/01847/LIB dated 9 September 2022 refused by notice dated 21 June 2023
- The works proposed: replace existing sliding sash and case single glazed windows with double swing double glazed timber frame windows to front elevation and upvc double glazed windows to the rear
- Date of site visit by Reporter: 3 November 2023

Date of appeal decision: 21 November 2023

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### Decision

I dismiss the appeal and refuse listed building consent.

### Reasoning

1. The appeal concerns works to a C-listed building. Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
2. As the appeal site lies within the Rothesay Conservation Area, in accordance with section 64(1) of the aforementioned Act, I must also pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. Accordingly, the determining issues in this appeal are whether the proposed works would preserve the listed building, its setting or any features of special architectural or historic interest it possesses and whether the works would preserve or enhance the character and appearance of the conservation area.
4. Reference is made to the historic environment policies in National Planning Framework 4 and in the adopted Argyll and Bute Local Development Plan 2015 including the related supplementary guidance. In addition, reference is made to the council's Rothesay Windows Technical Working Note 2015, the proposed local development plan and Historic Environment Scotland's Managing Change Guidance on Windows (2018).
5. As this is an appeal against refusal of listed building consent not planning permission, development plan policies do not have statutory status. Nevertheless, together with the submitted advice and guidance, the submissions are relevant considerations and I have taken them into account in reaching my decision. In essence, the provisions in these

documents promote the care and protection of the historic environment where changes to assets are informed by a clear understanding of their importance and sensitivity to change.

6. The appeal property dates from 1878 and forms the easternmost half of a two-storey semi-detached villa. The other half of the property at 25 Crichton Road is subdivided into two flats. The property is located within the Rothesay Conservation Area and forms part of the symmetrical Brighton Terrace. The list description notes the presence of the original fenestration as two pane timber sash and case windows. I am satisfied that the existing windows, with the exception of the two ground floor windows on the main rear elevation, form part of the special historic and architectural interest of this listed building.

7. The proposed works would involve the removal of all 13 windows on the front elevation of the property. These are all two-paned, timber, sliding sash and case, single-glazed windows. The proposed replacements are two-paned, timber, dual-swing, double-glazed windows. On the rear elevation the two windows on the upper floor are two-paned, timber, sliding sash and case, single-glazed units which are to be replaced with two-paned, upvc, dual-swing, double-glazed windows. The two smaller windows on the single storey extension to the rear are two-paned, timber, sliding sash and case, single-glazed units and are to be replaced with two-paned, upvc, double-glazed windows with only the upper section opening outwards.

8. I observed during my site visit that the four original windows on the rear elevations had already been replaced with flat profile upvc windows. These do not maintain the stepped character or method of opening of the original windows.

9. Historic Environment Scotland's guidance on windows and the council's Technical Working Note advise that where the original windows or those of historic interest remain then the repair of their components is preferable to replacement. However, where repair is not viable then the installation of 'like-for-like' replacements is the preferred option. The guidance also advises that where windows are in a poor condition, a survey by an appropriately skilled tradesperson is useful to establish whether the windows can be repaired. No condition survey has been submitted by the appellant. I observed during my visit that there appeared to be some level of decay to the external elements of the windows on the front elevation. However, without the benefit of a condition survey providing an assessment of each window, I am unable to fully establish whether they are beyond viable repair.

10. The proposed replacement windows on the front elevation use appropriate materials and replicate the fenestration pattern of the originals, when closed. In addition, the use of slimline double glazed units is acceptable in principle. However, the use of dual-swing openings would result in the windows projecting outwards from the façade of the property when open. I am of the view that this would not maintain the authentic character of the historic windows which are sliding sash and case and as such would introduce a visually discordant feature. In addition, I consider that the use of flat profile upvc windows on the rear elevation would fail to maintain the appropriate historic materials and stepped fenestration pattern for this property. Accordingly, I find that the proposed replacement windows on both the front and rear elevations would fail to preserve the listed building and its features of special architectural and historic interest.

11. In terms of the impacts on the Rothesay Conservation Area, I am satisfied that the windows on the rear elevation would not be particularly visible from any public vantage point within the surrounding area. As such they would not have a significant adverse effect on the character or appearance of the conservation area. The windows on the front

elevation, for the reasons set out above, would introduce a visually discordant feature to this prominent elevation within the street scene. As such, I find that they would fail to preserve the character and appearance of the conservation area.

12. The appellant refers to examples of properties with varying window types in the surrounding area including those at the ground floor at 28 Crichton Road. I viewed these properties from the street during my site visit. I acknowledge that varying window types are present within other properties. I also note the reasons submitted in evidence for the approval of those at 28 Crichton Road. However, I do not find that these matters are sufficient to outweigh the requirement to protect the special interest of the appeal property. In any case, I am required to determine the current appeal proposal on its own merits.

13. The appellant raises issues of energy efficiency and financial cost as being important in considering the design of the replacement windows. I consider that the principle of using slimline double-glazed units would be acceptable and could equally be used in either refurbished or replacement sliding sash and case windows to achieve similar energy efficiency outcomes. Whilst the financial cost is a matter of importance to the appellant, I do not consider that it is sufficient to set aside the requirement to preserve the special interest of the property in this instance.

14. Overall, I conclude that the proposed works would fail to preserve the listed building and its features of special architectural and historic interest and would also fail to preserve the character and appearance of the conservation area. I have considered all other matters but there is nothing before me that would lead me to alter my conclusion and I, therefore, dismiss this appeal.

*Gordon S Reid*  
Reporter