

Ref:
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ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's Website. You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(1) APPLICANT FOR REVIEW	(2) AGENT (if any)
Name <input style="width: 90%;" type="text" value="Donald James Macneil"/>	Name <input style="width: 90%;" type="text"/>
Address <input style="width: 90%;" type="text" value="27 Crichton Road"/>	Address <input style="width: 90%;" type="text"/>
<input style="width: 90%;" type="text" value="Rothesay"/>	<input style="width: 90%;" type="text"/>
<input style="width: 90%;" type="text" value="Isle of Bute"/>	<input style="width: 90%;" type="text"/>
Postcode <input style="width: 90%;" type="text" value="PA20 9JR"/>	Postcode <input style="width: 90%;" type="text"/>
Tel. No. <input style="width: 90%;" type="text" value="01700 505334"/>	Tel. No. <input style="width: 90%;" type="text"/>
Email <input style="width: 90%;" type="text" value="donaldmacneil@btinternet.com"/>	Email <input style="width: 90%;" type="text"/>

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application
 (b) Date of Submission
 (c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Braehome
27 Crichton Road
Rothesay
Isle of Bute
PA20 9JR

(6) Description of Proposal

Replacement Windows

(7)

Please set out the detailed reasons for requesting the review:-

The reasons for requesting a review are as per the evidence and statement delivered supporting my application and appeal.



(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

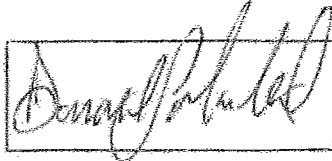
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (Note: 3 paper copies of each of the documents referred to in the schedule below must be attached):

No.	Detail
1	Letter to Argyll & Bute Council x 2 + Original Application <i>1 ALREADY SUBMITTED</i>
2	Photographic images of the properties x 2 + Original Application <i>1 ALREADY SUBMITTED</i>
3	Scottish Office Appeal x 3
4	Scottish Office Accompanied Letter x 3
5	Ownership Form x 3
6	N.B Planning Documents returned with original application
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)



Dated

23 June 2011

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to **Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT**
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)



LBA-130-10

28 JUN 2011

FORM LBA

FOR OFFICIAL USE

Directorate for Planning and Environmental Appeals

www.scotland.gov.uk/topics/planning/appeals

(Date Stamp)

RECEIVED 14 JUN 2011

APPEAL TO SCOTTISH MINISTERS

UNDER SECTION 18 OF THE PLANNING
(LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997
IN RESPECT OF LISTED BUILDING AND CONSERVATION AREA CONSENTS

IMPORTANT: Please read the Notes for Appellants before filling in the form and use block capitals

1. APPELLANT(S)

Name Address
BRAEHOME
27 CRICHTON ROAD
ROTHESAY
ISLE OF BUTE

Postcode PA20 9JR

Daytime Tel. No 01700 505334

Fax No

E-mail Address DONALDMACNEIL@BTINTERNET.CO.UK

2. AGENT (if any)

Name Address

Postcode

Daytime Tel. No

Fax No

E-mail Address

3. ADDRESS OF APPEAL PROPERTY
(if different from 1 above)

Postcode

4. BRIEF DESCRIPTION OF PROPOSAL

INSTALLATION OF
REPLACEMENT TIMBER
WINDOWS.

5. DETAILS OF APPLICATION

Name of Planning Authority ARGYLL AND BUTE

Date of application to planning authority 9 th MARCH 2010	Date of authority's decision 31 st MARCH 2011	Authority's Code or Reference Number (if known) 10/00382/PP 10/00383/LIB
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6. TYPE OF APPLICATION – (Please tick ONE box)

Listed building consent

Conservation Area consent

Approval of reserved details of works

Variation of discharge of conditions

7. APPEAL AGAINST– (Please tick ONE box)

Refusal of application

Conditions imposed

Failure to give a decision (deemed refusal)

8. PROCEDURE – (Please tick ONE box)

I wish my appeal

to be dealt with on the basis of written submissions

to be dealt with on the basis of a hearing

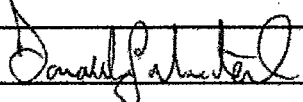
to be the subject of a public inquiry .

9. SUPPORTING DOCUMENTS

You must enclose the following

- a copy of the application to the planning authority (including the certificate under Regulation 6 which accompanied it)
- a further certificate under Regulation 6 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987
- a copy of all the relevant plans or drawings and other particulars, documents and correspondence relating to the application
- a copy of the Notice of the planning authority's decision, if any
- if the appeal concerns approval of reserved details or the variation or discharge of conditions – a copy of the original application, consent and approved plans

I appeal to Scottish Ministers on the grounds stated below and confirm that I have sent a copy of this form to the planning authority who dealt with the application.

Signed  Date 9th June 2011

This form and supporting documents should be sent to:
 Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park,
 Callendar Road, Falkirk, FK1 1XR
 E-mail: DPEA@scotland.gsi.gov.uk (an appeal can only be lodged by e-mail if it is complete, including all supporting documents.)

10. GROUNDS OF APPEAL *(This should be a clear and concise statement of your full case)*

SEE ATTACHED LETTER AND SUPPORTING
DOCUMENTS.

(continue on separate sheet if necessary)

Braehome
27 Crichton Road
Rothesay
Isle of Bute
PA20 9JR

Date: 9th June 2011

Directorate of Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR

Dear Sirs,

**APPEAL TO THE SCOTTISH GOVERNMENT
ARGYLL & BUTE COUNCIL; REFUSAL OF PLANNING PERMISSION No.s 10/00382 & 10/00383
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
BRAEHOME, 27 CRICHTON ROAD, ROTHESAY, ISLE OF BUTE.**

Please find below my statement of appeal with regard to my planning and listed building consent refusal for the fitting of double glazed, double swing replacement sash and case look alike windows.

I would request that a review regarding the refusal of planning permission takes place as it is clear from the photographs provided of the actual building and that of the surrounding area that it neither impacts nor detracts from the architectural or historic interest of this Category C(S) Listed Building as stated as the reason for refusal, the previous 15 years have seen no sash & case double glazed units fitted on Crichton Road however, during this period numerous buildings have been retro fitted with various window types complete with various types of window opening.

The side and rear elevations of many properties have been permitted to install either UPVC or other types of window, I am requesting to keep the windows the same as the recently fitted windows within the building at 28 Crichton Road maintaining a uniform perspective and preserving the visual appearance.

The building is a period property and given that recent permission has been granted to 28 Crichton Road Lower Flat to have double swing sash and case look alike windows fitted to a quarter of the building it is visually apparent that this neither impacts or detracts from the architectural or historic interest of this Category C(S) Listed Building as stated within the planning refusal.

The housing on Crichton Road is a mixture of modern and period property with a varied mixture of window types ranging from the traditional timber sash and case, timber double swing, UPVC fixed and double swing with sash and case features through to aluminium case, these windows have a variety of finished colour's from white, dark brown, green and untreated aluminium that all contradict STRAT DC9 of the Argyll and Bute Structure Plan 2002; Policy LP ENV 14 of the Argyll and Bute Local Plan 2009.

The permission and fitting of double swing sash and case windows to the property at 28 Crichton Road were based on other factors, my original application included health & safety implications that my family could be exposed to however, I feel that I have been discriminated against as my wife and young children cannot open the sash and case windows to aid escape.

The poor condition of the current windows makes them impossible for my wife to slightly open enough to air the building and on these grounds I request that my appeal is looked at favorably.

The property as it stands does not meet the expectations of the Scottish Government with regard to energy efficiency targets and the Climate (Scotland) Act 2009 Chapter 3, the guidance and requirements from the act should also be considered as the new style and characteristics of the window units allow for additional and increased efficiency this also reducing the carbon footprint for Bute.

Housing (Scotland) Act 2006, Parts 1 and 2: Advisory and Statutory Guidance for Local Authorities: Volume 4 Tolerable Statutory Guidance for Local Authorities: Volume 4 Tolerable Standard has been the principal measure of housing quality in Scotland for almost 40 years; 2006 introduced an important new criteria to this guidance "satisfactory thermal insulation" with respect to the guidance this property cannot achieve the minimum standard with the current window types.

As economic conditions have changed dramatically since 2008, the financial constraints concerned with repair or replacement of the current units with a like for like sash and case in double glazing make such an option un-tenable repair cost quotes are in excess of replacement prices and with no assistance available in the form of grants or financial assistance and given the current financial crisis and budget available to me, I can see no other way forward in meeting energy efficiency targets or improvements to the building other than fitting of double swing units as per my application.

I propose that the single glazed sash in case windows are replaced with good quality Blair timber double swing windows which match in appearance and finish, it is accepted that both traditional and modern sash in case windows fail in energy performance therefore the application and proposal complies with elements of local and national government policy on sustainable design.

The proposal also complies with European directives to reduce carbon and fuel poverty in disadvantaged households.

The windows constitute only a small element of the historic, architectural and cultural fabric of Rothesay's conservation area, so any conflict with these policies must be considered in this context and against the scale of the current financial constraints imposed.

Yours faithfully



Donald James Macneil

CERTIFICATE A OR B

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

CERTIFICATE UNDER REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND BUILDINGS IN CONSERVATION AREAS) (SCOTLAND) REGULATIONS 1987 - AT APPEAL STAGE

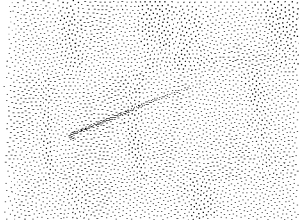
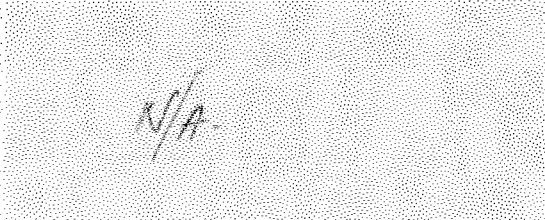
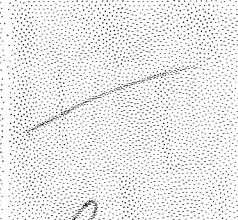



*CERTIFICATE A (where the appellant is the sole owner of the building)

I hereby certify that at the beginning of the period of 21 days ending with the date of the accompanying appeal no person other than the appellant was an owner of any part of the building to which the appeal relates.

OR

*CERTIFICATE B (where the appellant is not the sole owner of the building)

I hereby certify that ~~**I have~~/the appellant has given the required notice to all persons (other than the appellant) who, at the beginning of the period of 21 days ending with the date of the accompanying appeal, were owners of any building or part thereof to which the appeal relates, as listed a below.

Owner's Name	Address at which notice was served	Date of service of Notice
		
Signed		
*on behalf of		
Date		

*Please tick ONE box only. Certificates A and B are alternatives.

**Delete as appropriate

CERTIFICATE C OR D

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND)
ACT 1997

CERTIFICATE UNDER REGULATION 6 OF THE TOWN AND COUNTRY PLANNING
(LISTED BUILDINGS AND BUILDINGS IN CONSERVATION AREAS) (SCOTLAND)
REGULATIONS 1987 - AT APPEAL STAGE

I certify that:

1. ****I am/The appellant is** unable to issue a certificate in accordance with either sub-paragraphs (a) or (b) of regulation 6(1) in respect of the accompanying appeal.
****I have/the appellant has** taken all reasonable steps to find out the names and addresses of the owners of any part of the building but have been unable to do so. These steps were as follows:-

[Redacted area for details of steps taken to find owners]

2. Notice of the appeal in the form attached to this certificate has been published in a local newspaper () on .

- *3. ****I have/The appellant has** given the required notice to the following persons who, at the beginning of the period of 21 days ending with the date of the appeal, were owners of any part of the building to which the appeal relates.

Owner's Name	Address at which notice was served	Date of service of Notice
[Redacted]	[Redacted]	[Redacted]
	Signed	[Redacted]
	*on behalf of	[Redacted]
	Date	[Redacted]

- * Delete as appropriate.
Paragraphs 1 and 2 must be completed in both types of certificate.
Paragraph 3 only applies where some of the owners of the building are known and if this is completed the certificate is a CERTIFICATE C.
If none of the owners of the building are known paragraph 3 should not be completed and the certificate is a CERTIFICATE D.

(NOTICE FOR SERVICE ON INDIVIDUALS)

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND)
ACT 1997**

Notice of appeal concerning an application for (1) [REDACTED]

Proposal to carry out works (2) [REDACTED]

TAKE NOTICE that an appeal is being made to Scottish Ministers by (3)

*against the decision of the (4) [REDACTED] Council
*on the failure of the (4) [REDACTED] Council to give a decision
on an application (5) [REDACTED]

If you wish to make representations to Scottish Ministers about the appeal, you should make them not later than (6) [REDACTED] to the Scottish Executive Inquiry Reporters Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FKI IXR

Signed [REDACTED]

*on behalf of [REDACTED]

Date [REDACTED]

*Complete one field only.

Notes on Insertions

1. insert either listed building consent, conservation area consent or variation or discharge of conditions of listed building consent
2. insert address or location of building and indicate whether demolition, alteration or extension of the building is proposed
3. name of appellant
4. name of planning authority
5. description of proposed works
6. date not less than 21 days after the date on which the notice is served.

(NOTICE FOR PUBLICATION IN LOCAL NEWSPAPER)

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND)
ACT 1997**

Notice of appeal concerning an application for (1) [REDACTED]

Proposal to carry out works (2) [REDACTED]

Notice is hereby given that an appeal is being made to Scottish Ministers by (3) [REDACTED]

*against the decision of the (4) [REDACTED]

Council

*on the failure of the (4) [REDACTED]

Council to give a decision

on an application (5) [REDACTED]

Any owner of the building or any part thereof who wishes to make representations to Scottish Ministers about the appeal should make them in writing not later than (6) [REDACTED] to the Scottish Executive Inquiry Reporters Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

Signed [REDACTED]

*on behalf of [REDACTED]

Date [REDACTED]

*Complete one field only.

Notes on Insertions

1. insert either listed building consent, conservation area consent or variation or discharge of conditions of listed building consent
2. insert address or location of building and indicate whether demolition, alteration or extension of the building is proposed
3. name of appellant
4. name of planning authority
5. description of proposed works
6. date not less than 21 days after the date on which the notice is served.