

STATEMENT OF CASE
FOR
ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY

**REFUSAL OF PLANNING PERMISSION FOR INSTALLATION OF
REPLACEMENT WINDOWS AT BRAEHOME, 27 CRICHTON ROAD,
ROTHESAY, ISLE OF BUTE**

APPEAL REF. NO. 11/00009/REFPLA

LOCAL REVIEW BODY REF. 11/0006/LRB

PLANNING PERMISSION APPLICATION
REFERENCE NUMBER 10/00382/PP

18TH JULY 2011

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Mr Donald James Macneil.

An application for planning permission (ref. 10/00382/PP) for the installation of replacement windows at Braehome, 27 Crichton Road, Rothesay, Isle of Bute ('the appeal site') was refused under delegated powers on 31st March 2011. The planning application has been appealed and is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The subject property is a Category C(S) Listed Building and is located prominently within the Rothesay Conservation Area on Crichton Road. It is a two-storey double villa forming part of the symmetrical Brighton Terrace and dates from 1878. The appeal relates to the proposal to remove the existing timber sliding sash and case windows in the dwellinghouse on the eastern half of the villa and to install timber double swing windows.

PLANNING HISTORY

Listed Building Consent (ref: 08/01381/LIB) and Planning Permission (ref: 08/01393/DET) were granted in December 2008 for the installation of timber double swing windows in the ground floor flat of the adjacent property. These windows have been installed.

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

STATEMENT OF CASE

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

- Whether the proposed windows would enhance or preserve the character and appearance of the Rothesay Conservation Area;
- Whether, if it is concluded that the windows would not enhance or preserve the character or appearance of the Rothesay Conservation Area, there are any material considerations that would indicate that the proposal should be approved.

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 HEARING

It is considered that no new information has been raised in the appellant's submission which would result in the Planning Department coming to a different determination of this proposal. The issues raised were covered 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 that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

COMMENT ON APPELLANT'S SUBMISSION

Having regard to the detailed reasons for requesting the review set out in part (7) of the appellants' submission, the following summary points are noted in response to the appellant's comments:

- 1. The proposed windows would neither impact upon nor detract from the architectural or historic interest of the Listed Building. The previous 15 years have seen no sash and 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 allowed to install either upvc or other types of window. The housing on Crichton Road is a mixture of modern and period property with a varied mixture of window types ranging from the traditional sash and case through to aluminium case; these windows have a variety of finished colours from white, dark brown, green and untreated aluminium.*

Comment: Having examined the Council's records, eleven properties have applied for Planning Permission for replacement windows in Crichton Road over the past fifteen years. The property which is the subject of this appeal is the only one that has been refused permission. Of the other ten, three have had the use of upvc approved on the front elevation and a further one has had upvc approved on the rear elevation. Timber fenestration was approved for the remaining six properties, although some of these windows were of the double swing variety that is currently proposed.

All of these decisions were made having due regard to Development Plan policy and were partly based upon compliance with the Rothesay Window Policy Statement, which is a non-statutory document approved by Councillors in the mid-1990s. This statement had a policy for each property within the Rothesay Conservation Area based upon the fenestration character of each building.

Having regard to the particular fenestration character within Brighton Terrace (23 to 34 Crichton Road), it is considered both reasonable and justifiable to have refused consent for the proposed window replacement.

- 2. The permission and fitting of double swing sash and case windows to the property at 28 Crichton Road were based on other factors. The application included health and safety implications that the appellant's family could be exposed to and he considers that he has been discriminated against as his wife and young children would not be able to open the sash and case windows to aid escape.*

Comment: It is considered that the installation of new double-glazed timber sliding sash and case windows that work properly would be capable of being operated successfully by the appellant and his family.

3. *The property does not meet the expectations of the Scottish Government with regard to energy efficiency and the Climate (Scotland) Act 2009 Chapter 3.*

Comment: It is clear that energy conservation is necessary in addressing climate change. In many cases, it is considered that cost-effective and sustainable improvements to the energy efficiency of traditional buildings can be achieved without damage to their character. Heat loss typically occurs in various parts of a building and it is, therefore, important to take an overall view of energy efficiency measures. Double-glazing can improve the energy efficiency of buildings and, in some circumstances, this can be an appropriate solution. The Council would not be averse to the installation of double-glazed timber sliding sash and case windows in the property and no evidence has been provided that energy efficiency can only be achieved through double-glazed, double swing windows.

4. *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 make such an option untenable. Repair cost quotes are in excess of replacement prices and with no help given in the form of grants or financial assistance, the appellant can see no other way forward in meeting energy efficiency targets or improvements to the building other than the fitting of double swing units.*

Comment: There are certain responsibilities associated with the maintenance of Listed Buildings and, unfortunately, there are potentially greater financial burdens in achieving the standard of works required.

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.

The attached Report of Handling clearly details why planning permission could not be supported due to the inappropriate method of opening that is proposed on this Category C(S) Listed Building that is located prominently within the Rothesay Conservation Area.

Taking account of all of the above, it is respectfully requested that the appeal be dismissed.

APPENDICES

Appendix 1 Report of Handling dated 29th March 2011