



Development and Infrastructure Services

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Date: 25th August 2011

Our Ref: SG/11/0006/LRB
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Committee Services
Governance and Law
Argyll and Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
LOCAL REVIEW BODY REFERENCE: 11/0006/LRB
PLANNING APPLICATION REFERENCE: 10/00382/PP
BRAEHOME, 27 CRICHTON ROAD, ROTHESAY ISLE OF BUTE PA20 9JR**

I refer to the forms AB5 and AB7 that were issued subsequent to the decision of the Local Review Board held on 24th August 2011.

As requested, please find enclosed a copy of the decision letter issued by the Scottish Government's Directorate of Planning and Environmental Appeals dated 17th August 2011 in respect of Mr Mcneil's Listed Building appeal.

I confirm that I have also sent a copy of the decision letter to the appellant.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Steven Gove', written over a circular stamp.

Planning Officer
Bute and Cowal
Development Management



Appeal Decision Notice

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Decision by Donald Harris, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-130-10
- Site address: Braehome, 27 Crichton Road, Rothesay PA20 9JR
- Appeal by Mr Donald MacNeil against the decision by Argyll and Bute Council
- Application for listed building consent 10/00383/LIB dated 9 March 2010 refused by notice dated 31 March 2011
- The works proposed: installation of replacement timber windows
- Date of site visit by Reporter: 2 August 2011

Date of appeal decision: 17 August 2011

Decision

I dismiss the appeal and refuse listed building consent.

Preliminary

1. The application is for the replacement of existing sliding sash and case timber windows with double swing timber windows. The application refers to windows on the rear elevation of the house, as well as the front. However, the planning authority has made it clear that, in accordance with established policies, there would be no objection to the replacement of windows on the rear elevation with double swing timber windows. I accept this, so in the following reasoning I concentrate on the proposal as it affects the front elevation.

Reasoning

2 The determining issues in this appeal are:-

(a) the effect on the listed building, bearing in mind the provisions of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. I am required by the Act 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; and



- (b) the effect on the Rothesay Conservation Area, bearing in mind the provisions of section 64 of the Act. This requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Listed Building

3. No. 27 Crichton Road is a semi-detached villa listed Category C(S) – buildings of local importance. It is paired with no.28, forming a handsome symmetrical building on rising ground. It forms part of Brighton Terrace, which consists of six pairs of semi-detached Victorian villas (nos. 23 – 34). Although set back from the road these substantial buildings dominate the street scene. The terrace is described in the council's *Rothesay Window Policy Statement* as "a symmetrical row of semi-detached villas with green or white painted timber detailing and fenestration. Some modern replacements but mostly intact". Historic Scotland (information supplementary to the statutory list) notes that the details of the terrace which are intact are of good quality.

4. Specifically, Historic Scotland notes the two-pane timber sash and case glazing of nos.27-28. The windows are certainly a major feature of the front elevation. The timber frames in no. 27 show signs of decay and I accept that their replacement is desirable. The proposed double swing timber windows would appear similar to the existing windows when closed. But when open, they would project from the building. In my opinion they would then be unsightly, inharmonious and out of keeping with the character of this dignified building.

5. The appellant points to the various styles, types and openings of window on Crichton Road. However, I do not think this justifies the proposal, particularly as the houses in Brighton Terrace have mostly retained sliding sash and case windows. There is, however, a notable exception: double swing units have been permitted in the lower flat at no.28 adjoining. This creates an anomaly and I have considered carefully whether it justifies the installation of similar windows in the front elevation of no.27. I note that this permission was given as a minor departure from policy for personal reasons. Also, it is subject to a condition requiring replacement with traditional windows when replacement becomes necessary. In these circumstances, I do not accept that a precedent has been created which would apply to no.27.

6. In considering this issue, I take account of the four points set out at paragraph 3.49 of Historic Scotland's *Scottish Historic Environment Policy (SHEP)*. My conclusions are as follows:-

- (a) The sliding sash and case timber windows on the front elevation of the building are an essential aspect of its special interest and are very important.
- (b) The impact on that special interest is substantial, as discussed above.
- (c) The building could continue in beneficial use if replacement sliding sash and case timber windows were fitted. In so far as this would be more expensive, it is a

matter of regret. Unfortunately for the appellant, the need to protect the special interest of the building outweighs this consideration.

(d) There are no significant benefits for economic growth which would justify departing from the presumption against works that adversely affect the special interest of the building.

7. I therefore conclude that the proposal would be inconsistent with the preservation of the listed building and is unacceptable.

Conservation Area

8. I have already concluded that when open, the proposed windows would be unsightly, inharmonious and out of keeping with the character of the building. For this reason, I also conclude that the proposal would fail to preserve or enhance the character and appearance of the Rothesay Conservation Area, which is typified by the number of distinguished Victorian buildings looking over the Firth of Clyde and up Loch Striven.

Other matters

9. I have considered all the other points put forward by the parties, but find none which persuades me to arrive at a different decision. The appellant has expressed concern that he has been discriminated against by the refusal of the application. I am not persuaded that this is the case, as the planning authority clearly regarded their decision in respect of the ground floor flat of no. 28 as a minor departure from policy for personal reasons. Moreover, it sought the replacement of the permitted windows with traditional windows when replacement becomes necessary. Although the appellant claims that his family cannot open sash and case windows, I am not convinced that this would be true of properly fitted replacements.

10. I am therefore not persuaded that the appellant has demonstrated personal reasons which would justify the necessary departure from policy. The policy background includes not only the statutory obligations referred to in paragraph 2 above, but also the advice in Historic Scotland's *Scottish Historic Environment Policy (SHEP)* and the development plan and other policies named in the planning authority's reasons for refusal of listed building consent.

11. Regarding energy efficiency, I accept that the proposed double glazed swing units would assist in energy conservation. In this respect they would be an improvement on the existing single glazed sliding sash and case windows. However, I note that the planning authority would have no objection to the installation of double glazed sliding sash and case windows. These could be expected to make a similar contribution to energy efficiency.

Overall Conclusion

12. The proposed extension would fail to preserve either the listed building or the character and appearance of the Rothesay Conservation Area. Accordingly, the appeal fails.

Donald Harris

Reporter

