

TCP/11/16(179)

Planning Application 11/01134/FLL – Installation of replacement windows (in retrospect) at 1 Pitheavlis Castle, Pitheavlis Castle Gardens, Perth, PH2 0GU

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD

Tel: 01738 475300

Fax: 01738 475310

Email: onlineapps@pkc.gov.uk

Planning Department

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000037117-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title: * Mrs

Other Title:

First Name: * Deborah

Last Name: * Hutchison

Company/Organisation:

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

You must enter a Building Name or Number, or both:*

Building Name: 1

Building Number: 1

Address 1 (Street): * 16 cornhill Road

Address 2:

Town/City: * Perth

Country: * UK

Postcode: * PH1 1LR

Site Address Details

Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="1 Pitheavlis Castle"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="Pitheavlis Castle Gardens"/>	Town/City/Settlement:	<input type="text" value="Perth"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="PH2 0GU"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="722815"/>	Easting	<input type="text" value="310512"/>
----------	-------------------------------------	---------	-------------------------------------

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

11/01134/FLL
Installation of replacement windows (in retrospect)
1 Pitheavlis castle, Pitheavlis Castle Gardens, Perth, PH2 0GU

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The decision contains errors, omission and references to legislation, which are incorrect. The Environmental Service report is extremely subjective and appears to be based upon emotion, rather than objective fact. The author has not inspected the windows closely (they think that they are one piece of glass) - not true. The windows were commissioned to match those above and are not "hefty, deep, clumsy, thick or flat. We request to be judged on fact, legislation and be consulted for accuracy.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review: * (Max 500 characters)

Had not seen errors on Environmental report. Asked Conservation department what they wanted us to do to fix and they would not tell us (VW Feb 2012), instead communicating through their subordinate that we should "just appeal"

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

1. 12-01 Pitheavlis Windows appeal.docx
2. Memo to John russell from Vivienne Whyte, 06/09/2011 ref 11/01135/LBC & 4/FLL
3. 11/00452/LBC Acceptance of windows of comparable design in listed building, which has greater visual prominence - Craigie Primary.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

11/01134/FLL

What date was the application submitted to the planning authority? *

17/05/11

Has a decision been made by the planning authority? *

☒ Yes ☐ No

What date was the decision issued by the planning authority? *

22/12/11

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

Meeting with decision makers to ensure all relevant facts are taken into account to ensure that this building is both preserved for future and that it remains a useful building in Perth. To ensure that energies are invested to continually improve this building and that resources are not squandered needlessly. Highlight that the section in question is separate from the main tower building & justifies independent review. It includes a brick built gable end, considered in previous planning - 2009

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Deborah Hutchison

Declaration Date: 21/03/2012

Submission Date: 21/03/2012

Pitheavlis Windows Appeal

Listed Building consent 11/011/01135/LBC was refused for:

1. Having a detrimental effect on:
 - a. Integrity
 - b. Characterof structure due to:
 - c. Depth of spacing bars
 - d. Width of astragalsIt is suggested that proposal fails to comply with:
 - e. Listed building legislation
 - f. Adopted development plan
 - g. Guidance issued by Historic Scotland
2. The chance it may set a precedent

Planning consent 11/011/01134/FLL was refused for:

1. Having a detrimental effect on:
 - a. Integrity
 - b. Characterof structure due to:
 - c. Depth of spacing bars
 - d. Width of astragalsIt is suggested that proposal fails to comply with:
 - e. Policy 59 of adopted local plan
 - f. Guidance issued by Historic Scotland
2. The chance it may set a precedent

It is accepted that:

1. The previous windows were:
 - a. not consistent with original windows (VW to JR 06 Sept 2011)
 - b. an ad hoc variety of sizes & styles (VW to JR 06 Sept 2011)
 - c. had a negative impact on the building (Rpt of handling 11/01134/FLL)
2. The replacement windows are:
 - a. wooden sash & case (VW to JR 06 Sept 2011)
 - b. an important part of a buildings weatherproofing (Rpt of handling 11/01134/FLL)
 - c. Not precluded by Historic Scotland (Rpt of handling 11/01134/FLL)
 - d. An improvement to the previously installed windows (Rpt of handling 11/01134/FLL)

It is disappointed that despite approaching the Environmental Service (correspondence available), meeting their representatives onsite and seeking out quotes and advice from commercial tradesmen, they were not willing to indicate what actions were required to gain approval.

Subordinates of this department were prompt to reply and most helpful, as were other council departments.

It is argued that

1. The windows are not detrimental to the character of the building (Rpt of handling 11/01134/FLL) either in character or integrity, which has been improved both for comfort and aesthetics.
2. The planning application should be considered upon it's own merits and not of future unknowns (Setting precedents)
3. The astragal & space bars are not excessive, since although each of the six panes are individuals, these are so difficult to see that the panes were mistaken to be full size i.e. one pane and not six individuals (VW to JR 06 Sept 2011)
4. The astragal do not detract from the architectural integrity of the building
 - a. [add survey results of locals]
5. The windows comply with policy 59, since these are an improvement on the previously installed windows.
6. An excellent and successful endeavour to preserve the historic character of this side elevation of the building, whilst being considerable improvements in safeguards, size, shape, proportions, use of appropriate materials and locally sourced skills and resources.

The replacement windows are of traditional wooden sash & case design, were manufactured locally by the same craftsman that made the windows immediately above. They have improved both the aesthetics of the building and its weatherproofing. Only close inspection reveals that they are double glazed and even this is open to confusion where VW could not tell whether there was one single pane or six separate panes, suggesting that the deep reflective bar, is not as deep, or reflective as the report of 06 Sept 11 states.



Memorandum

To	John Russell	From	Vivienne Whyte
Your ref	11/01135/LBC & 4/FLL	Our ref	*
Date	06/09/2011	Tel No	76596

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Conservation/Design comments

1 Pitheavlis Castle, Castle Gardens, Perth – replacement windows (retrospective)

Pitheavlis Castle is a late 16th century category A listed building. The proposal, which is in retrospect, is to replace 4 windows at ground floor level. The work was carried out earlier this year. The photographic evidence presented show a variety of window styles, timber and presumably single glazed. A separate application for replacement first floor windows (Flat 4) was submitted earlier this year, again they had been installed without consent (11/00812/LBC & 1/FLL). Those windows were believed to be around 50 years old. They were reputedly installed, prior to listing in 1965, by the local authority who owned the property at the time. It could well be that these windows on the ground floor may well have been installed around a similar time.

However, unlike Flat 4, the proposed replacement windows at Flat 1 are double glazed units resulting in a heavier glazing bar.

A considerable amount of character derives from windows and any threats to a buildings character must be resisted. The Business and Community Projects (Conservation) Section recommend original or traditional windows in a listed building to be retained, restored and refurbished. Only if there is seen to be an enhancement or the traditional/original units are beyond economic repair would we support replacement. This follows guidance set out by Historic Scotland (Historic Scotland, Managing Change in the Historic Environment: Windows). As the existing windows had been an ad hoc variety of styles, unlikely to have contained historic glass, it would have been a clear enhancement to replace them with units consistent with traditional and/or original windows found elsewhere in the building, in other words single glazed units with slim glazing bars.

The replacement windows may be timber and vertical sliding sash and case, but they are double-glazed which has required a hefty glazing bar to support them. This glazing bar is considerably thicker than the neighbouring single glazed units. Upon a site visit, it was clear to see the difference between the ground floor and first floor flat, comparable from the car park. The application fails to include necessary details and scaled cross sections of the windows, but what information is provided suggests they are “2cm thick” (20mm), “+/- 10mm”. Although not measured, they appeared to be closer to the 30mm than 20mm. The flat profile of the glazing bar only heightens the clumsiness of the proposed units and is far removed from the sharp, neat traditional profile that would be expected in a replacement unit. It is also extremely apparent when approaching the property that the windows are double glazed, the deep reflective spacer bar is very obvious to the eye.

It is unclear whether these glazing bars are structural. Traditionally, individual panes are set into putty. These windows are not puttied and appear as though they are one pane of glass, a look you would expect from using pressure bonded/applied astragals. This only adds to the flatness and 2D effect which in turn alters the special character of the listed building.

It can not be over looked that this is a former castle and a category A listed building, therefore, of national significance. We believe the double glazed units are harmful to the buildings special character and appearance, as such, we can not support this application as it may set a precedent for future A listed buildings and similar applications.

We, therefore, object strongly to this application.

Pertinent information relevant to determining an accurate conclusion in the review of Pitheavlis windows appeal for extension addition to historic tower (partly made up of 1960's brick built gable end, closest to Needless road, previously confirmed as no historic merit. Tower is of National historic significance)

Date 7 December 2009

Dear Sir,

Consultation on Historic Scotland Guidance Notes – Managing Change in the Historic Environment

Contact Rachel Haworth
Direct Dial (01738) 475357
RLHaworth@pkc.gov.uk

p.8, 'Double-glazing': this section indicates that double-glazing can be used where it can be demonstrated that there will be no loss of serviceable historic materials **(there is none in this case at Pitheavlis castle)** and the new windows will match the originals as closely as possible **(replacement enhance appearance and match those above, local expert services were employed in construction of both)**. It would be useful to have some form of explanation of 'serviceable' historic materials. It goes on to say that doubleglazing may be acceptable where the new sashes will contain large sheets of glass, in which case the window frames may still be serviceable? The wording of this section appears slightly inconsistent.

"It is usually difficult or impossible to install multiple small panes of doubleglazing..... without increasing the thickness and profile of the astragals to a damaging degree". We understand systems are available which can install slim double-glazed units into existing joinery to replace individual panes of glass, and it would be useful to mention this. **We demonstrate from pictures below that ours are marginally wider than standard 25mm vs 23mm, but that they appear to be less due to the paint finish – appearance is a key factor repeated in all guidelines. Our appearance is better than that approved in other installation, e.g. Craigie Primary school. If unacceptable, what is required to make acceptable?)**

Sustainable repair: "It is always important to consider the total energy cost of any particular proposal." Is the guidance recommending that the local planning authority should include this as a material consideration in the statutory consent process? If so, further guidance on how to assess this information would be invaluable.

We have improved, aspect, appearance and energy factors. Replacement would be £4000, or 170kg to 400 kg Co2 per year. Based upon:
<http://www.scotland.gov.uk/Publications/2008/10/17095821/7>



Astragal of Criagie primary school double glazed window: 23mm wide. Paint gives appearance of 37mm wide.



Pitheavlis new wooden sash & case double glazed windows, astragal 24mm wide. Appearance 24mm. Windows match those upstairs. No difference in appearance from roadside.

Perth and Kinross Council
Development Control Committee – 22 June 2011
Report of Handling by Development Quality Manager

Refurbishment of sash and case windows at Craigie Primary School
15 Abbot Street, Perth, PH2 0EE

Ref. No: 11/00452/LBC

Ward No: 10 - Perth City South

Summary

This report recommends approval of the application for refurbishment of sash and case windows at Craigie Primary School as the development is considered to comply with the Listed Building Legislation, the provisions of the Development Plan and supplementary Planning Guidance subject to compliance with conditions.

BACKGROUND AND DESCRIPTION

- 1 Craigie Primary School is a late Classical single storey Category C(S) listed building located in Craigie which is predominantly a residential area of Perth. The proposal is to refurbish all existing sliding sash and case windows and replace the existing single pane glazing with slim double glazed timber units which will fit into the existing frame and astragal arrangement.
- 2 In accordance with Regulation 5 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 the Listed Building application has been advertised in the Local Press, Edinburgh Gazette and a site notice was displayed on the 05 April 2011.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are

- Paragraphs 110 -124 : Historic Environment
- Paragraphs 113 -114: Listed Buildings

Scottish Historic Environment Policy (SHEP)

- 4 Sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

Managing Change in the Historic Environment (Windows)

- 5 Is one of a series of guidance notes from Historic Scotland on managing change in the historic environment. The series explains how to apply the policies contained in the 'Scottish Historic Environment Policy' and 'Scottish Planning Policy'.

DEVELOPMENT PLAN

- 6 The Development Plan for the area consists of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Area Local Plan 1997.

Perth and Kinross Structure Plan 2003

- 7 The principal relevant policies are in summary.

Sustainable Communities Policy 9

- 8 Which notes that Local Plans will ensure new development makes a positive contribution to the identity, character and quality of the built and historic environment; contributes to sustainable development through energy conservation, efficiency through design, site layout and where possible, the use of local materials.

Environment and Resources Policy 8

- 9 The policy seeks to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. It specifies that new development which would adversely affect Listed Buildings or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweigh the cultural interest in the site.

Perth Area Local Plan 1997

- 10 Under the Local Plan the site lies within the settlement boundary for Perth.

The principal relevant policies are in summary:

Policy 59 Listed Buildings

- 11 There will be a presumption against planning consent for the demolition of Listed Buildings and a presumption in favour of consent for development

involving the sympathetic restoration of Listed Buildings, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

Draft Area Local Plan 2004

- 12 The Council's Enterprise and Infrastructure Committee, at their meeting on 30 January 2008, took the decision not to progress the draft plan to a Finalised Stage. Given this was a draft document which did not reach an advanced stage I cannot give this any significant material weight in the determination of this application.

OTHER POLICIES

- 13 None.

SITE HISTORY

- 14 08/00859/LBC Alterations to Craigie Primary School (complete replacement of windows). Withdrawn 22.02.2011.

CONSULTATIONS

- 15 None.

REPRESENTATIONS

- 16 The Architectural Heritage Society of Scotland has made representation.

Summary of Issues raised by Representation: -

The Society is delighted that no substantive changes to the fenestration pattern are planned to this distinguished listed primary school. However, the Society questions whether a proper life cycle analysis has been carried out, they note that brush seals may be as effective and have also discussed the potential use of a secondary glazing system.

- 17 The Appraisal section of this report assesses the use of the double glazing units against policy and guidance.

ADDITIONAL STATEMENTS

18

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	None submitted.

APPRAISAL

- 19 This application is for the installation of replacement double glazed units within the refurbished sash and case windows at Craigie Primary School a category C(s) Listed Building.
- 20 The determining issues in this case are:- the statutory requirement under Section 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses; whether the proposal complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

The importance of Historic Windows

- 21 Windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. They are an important element of a building's design and weatherproofing. The size, shape and position of the openings are significant, as are the form and design of the framing and glazing. Their style, detailing and materials help us to understand when a building was constructed.
- 22 Timber sash windows have a very long life if they are well made using good quality material, correctly installed and properly maintained. Many have been in place for at least 100 years, in some cases for considerably longer, and continue to give good service. Those which are defective are often capable of repair, and this is always preferable to replacement (and frequently much less expensive).

Windows Type

- 23 In this case the applicant has revised the proposal that was previously submitted (08/00859/LBC refers) and proposes refurbishment with a seal-glide draught proof system and replacement glazing of a timber form instead of the complete replacement of the entire window unit. This is a considerable improvement which safeguards the size, shape, proportions, timber material and method of opening of the sash and case windows. It should be noted that a condition should be added to ensure the panes are puttied into the window frame/astragal.
- 24 It is worth noting from my site visit and after close inspection that the building still retains historic panes of glass along with a mixture of flat/modern glass and obscure glass. This mixture is probably the result of accidental damage associated with the buildings continued use as a primary school and the fact that the play areas abut the building. Historic Scotland's Managing Change in the Historic Environment (Windows) notes that double-glazing may be used where it can be demonstrated that there will be no loss of serviceable historic materials, and that the new windows will match the originals as closely as

possible. These circumstances are likely to occur where the original or early windows have already been replaced, or where the new sashes will contain large single sheets of glass.

- 25 While I accept historic panes of glass will be lost, the test is whether the special architectural historic interest which the building possesses will be adversely affected. After some deliberation, taking account of the buildings use, views from the streetscene, the mixed nature of glass already in the building, the associated thermal improvement through the installation of the double glazing and all other relevant matters with regards to the refurbishment of the existing frames, I conclude that the proposal is acceptable and should be recommended for approval with conditions.

LEGAL AGREEMENTS

- 26 A legal agreement is not required for this application.

DIRECTION BY SCOTTISH MINISTERS

- 27 This application is required to be sent to Historic Scotland for determination.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 28 In conclusion, the proposal is considered to comply with the requirements set out in legislation to preserve the special architectural historic interest which the buildings possess. Additionally I do consider the application to be in accordance with the adopted Development Plan, I have taken account of material considerations and find none that would justify refusing the application. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
3. For the avoidance of any doubt the glass shall be puttied into the window frames/astragals all to the reasonable satisfaction of the Planning Authority.

Reasons

1. To accord with the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. To ensure that the historic character of the buildings is retained.

3. In order to safeguard the special architectural interest of the building.

B JUSTIFICATION

It is considered that the development complies with the relevant provision of the adopted local plan as well as the listed building legislation and supplementary planning guidance. It is therefore recommended for approval subject to conditions.

C PROCEDURAL NOTES

As the application involves work to Category C(s) Listed Building in the Councils ownership, the application requires to be referred to Historic Scotland for determination.

Background Papers:	One letter of representation
Contact Officer:	Name John Russell – Ext 75346
Date:	31 May 2011

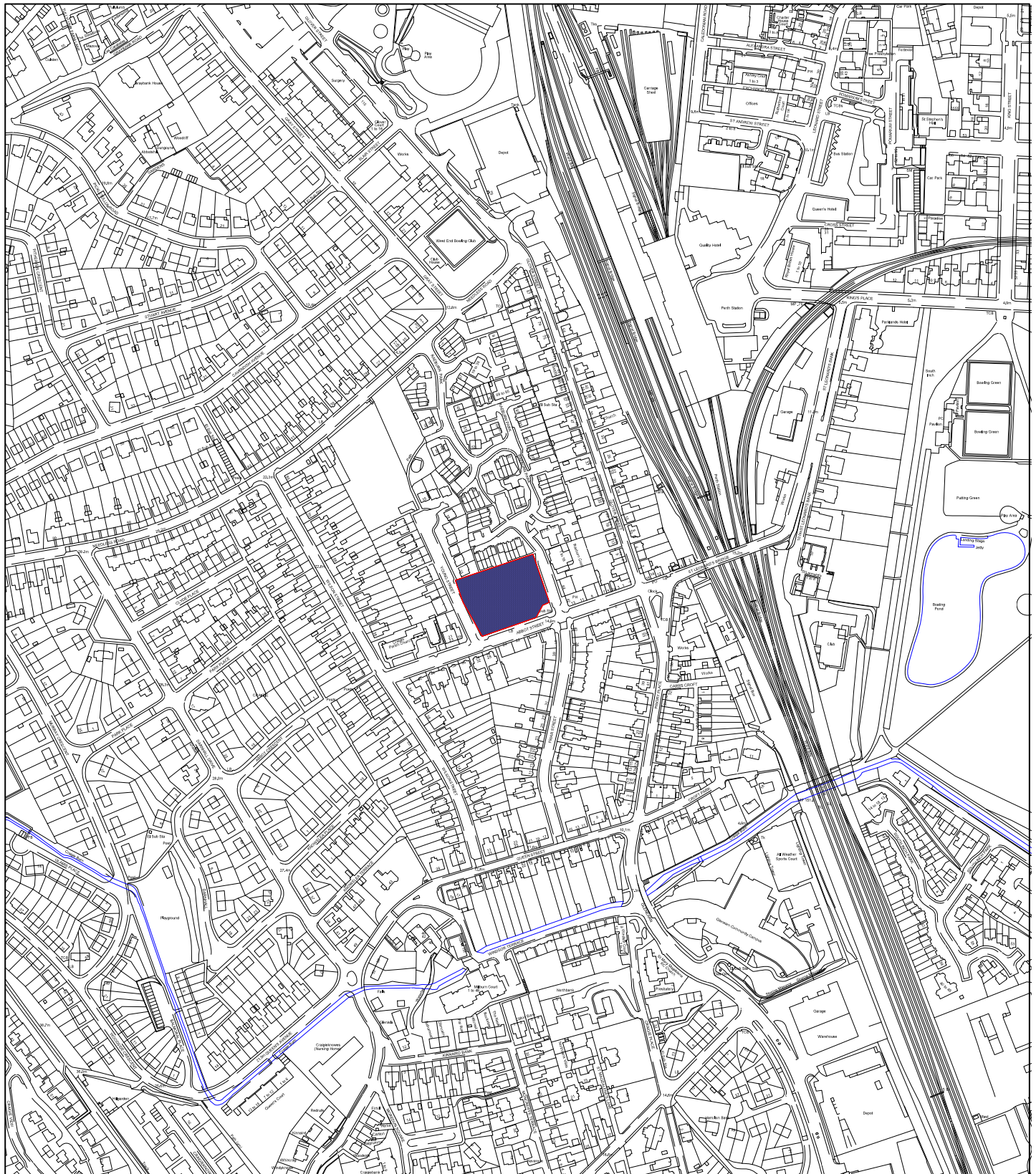
**NICK BRIAN
DEVELOPMENT QUALITY MANAGER**

Perth & Kinross Council

11/00452/LBC

Craigie Primary School, 15 Abbot Street, Perth

Refurbishment of sash & case windows



This map is for reference only and must not be reproduced or used for any other purpose

↑ Scale
1:5000

Perth & Kinross Council

11/00452/LBC

Craigie Primary School, 15 Abbot Street, Perth

Refurbishment of sash & case windows



This map is for reference only and must not be reproduced or used for any other purpose

↑ Scale
1:2500

TCP/11/16(179)

Planning Application 11/01134/FLL – Installation of replacement windows (in retrospect) at 1 Pitheavlis Castle, Pitheavlis Castle Gardens, Perth, PH2 0GU

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mrs Deborah Hutchison
16 Cornhill Road
Perth
PH1 1LR

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 22nd December 2011

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **11/01134/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 26th July 2011 for permission for **Installation of replacement windows (in retrospect) 1 Pitheavlis Castle Pitheavlis Castle Gardens Perth PH2 0GU** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The replacement windows have a detrimental effect on the integrity and character of the listed structure due to the depth of the spacing bars and width of the astragals. Accordingly the proposal fails to comply with Policy 59 of the adopted Local plan. In addition the proposal fails to comply with Historic Scotland's guidance notes on 'Managing Change in the Historic Environment'.
2. Approval would establish a precedent for developments of a similar nature to the detriment of the overall character of the building thus undermine and weaken the established policies of the Perth Area Local Plan 1995.

Justification

The application is unacceptable and contrary to the adopted Local Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

Notes

1. The applicant should be aware that the windows are unauthorised and this matter has been passed to the Enforcement Team to ensure resolution.

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

11/01134/1

11/01134/2

11/01134/3

11/01134/4

11/01134/5

11/01134/6

11/01134/7

11/01134/8

11/01134/9

REPORT OF HANDLING

DELEGATED REPORT

Ref No	11/01134/FLL
Ward No	N10

PROPOSAL: Installation of replacement windows (in retrospect)

LOCATION: 1 Pitheavlis Castle Pitheavlis Castle Gardens Perth PH2 0GU

APPLICANT: Mrs Deborah Hutchison

RECOMMENDATION: Refuse the application

SITE INSPECTION: 29 July 2011

OFFICERS REPORT:

Pitheavlis Castle is a late 16th century category A listed building. The proposal, which is in retrospect, is to replace 4 windows at ground floor level (basement flat). The work was carried out earlier this year. The photographic evidence presented show a variety of window styles, timber and presumably single glazed, these previous windows were believed to be around 50 years old and installed by the local authority who owned the property at the time prior to the buildings listing in 1965.

It should be noted that applications for replacement single glazed windows in the first floor flat were submitted earlier this year, again these windows had been installed without consent but were assessed retrospectively and considered to be acceptable (applications 11/00811/FLL and 11/00812/LBC refer).

Legislative Requirements:

In this case the determining issues are:- whether the proposal complies with development plan policy; how the proposal sits with the general duty imposed on the Planning Authority by Section 59(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (LBCAA); whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

The Importance of Historic Windows:

Windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. They are an important element of a building's design and weatherproofing. The size, shape and position of the openings are significant, as are the form and design of the framing and glazing. Their style, detailing and materials help us to understand when a building was constructed.

Having had the opportunity to undertake a site visit and take account of the supporting information it is clear that the previous windows (which are believed to be around 50 years old and installed before the listing) were not consistent with

traditional and/or original windows found elsewhere in the building. They therefore had a negative impact on the building.

However, now that the historic importance of the building has been recognised under Section 1 of LBCAA there is a duty imposed on me through Section 59 to have special regard to the desirability of preserving the listed building or any features of special architectural or historic context when considering whether to grant planning permission.

While Historic Scotland's Guidance does not preclude the instillation of double glazing to listed buildings their instillation should not be detrimental to the character of the building. The application does not include detailed and scaled cross sections of the windows, but what information is provided suggests they are "2cm thick" (20mm), "+/- 10mm". Although not measured, they appeared to be closer to the 30mm than 20mm and are bulky in appearance. This is further exacerbated by the flat profile of the glazing bar which adds clumsiness in comparison to the sharp traditional astragals found elsewhere on the building. This was particularly noticeable from the car park to the east of the building when I undertook my site visit. Additionally, when close to the property the deep reflective spacing bar is particularly prominent.

Although I acknowledge the installed timber vertical sliding sash and case windows with six over six configurations are an improvement to the previously installed windows they do not meet the standard that the legislation and local plan policy 59 seeks. The retrospective application must therefore be recommended for refusal as the windows astragal dimensions and size of the spacing bar detract from the architectural integrity of the building.

DEVELOPMENT PLAN

Policy 59: Perth Area Listed Buildings

There will be a presumption against planning consent for the demolition of Listed Buildings and a presumption in favour of consent for development involving the sympathetic restoration of Listed Buildings, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

OTHER POLICIES

In addition the following documents are a material consideration in the determination of the application;

Historic Scotland's Scottish Historic Environment Policy (SHEP) October 2008 and Historic Scotland's Guidance note on 'Windows' part of their 'Managing Change in the Historic Environment Series'.

SITE HISTORY

93/00788/FULCONVERSION OF 1 FLAT TO 2 FLATS AT01.09.1993

11/00428/FLLReplacement of windows (in retrospect)17.05.2011

11/00429/LBCInstallation of replacement windows (in retrospect)17.05.2011

CONSULTATIONS/COMMENTS

Conservation Team

Objection.

Historic Scotland

Proceed to determination.

TARGET DATE: 26 September 2011

REPRESENTATIONS RECEIVED:

Number Received: One

Summary of issues raised by objectors:

- Concern with the impact of the double glazed units which are on a highly visible elevation.
- The double glazed windows do not maintain the integrity of the castle.
- The windows if approved would set a precedent.

Response to issues raised by objectors:

- This issue is discussed in the Officers Report.

Additional Statements Received:

Environment Statement

Screening Opinion

Environmental Impact Assessment

Appropriate Assessment

Design Statement or Design and Access Statement

Report on Impact or Potential Impact eg Flood Risk Assessment

Legal Agreement Required:

Summary of terms

Direction by Scottish Ministers

None.

Reasons:-

- 1 The replacement windows have a detrimental effect on the integrity and character of the listed structure due to the depth of the spacing bars and width of the astragals. Accordingly the proposal fails to comply with Policy 59 of the adopted Local plan. In addition the proposal fails to comply with Historic Scotland's guidance notes on 'Managing Change in the Historic Environment'.

- 2 Approval would establish a precedent for developments of a similar nature to the detriment of the overall character of the building thus undermine and weaken the established policies of the Perth Area Local Plan 1995.

Justification

- 1 The application is unacceptable and contrary to the adopted Local Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

Notes

- 1 The applicant should be aware that the windows are unauthorised and this matter has been passed to the Enforcement Team to ensure resolution.

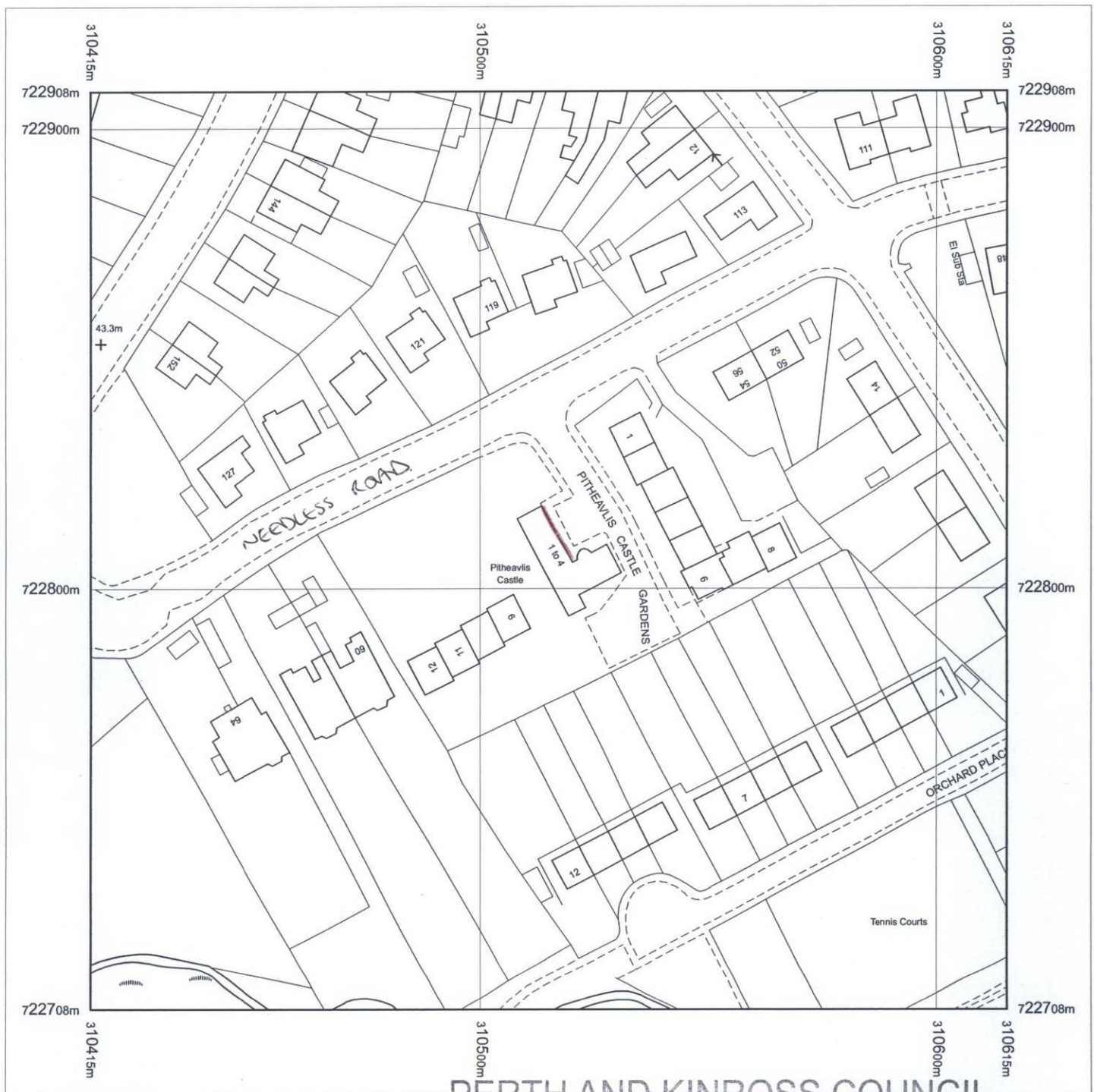


Ordnance
Survey®



Location Plan

OS Sitemap®



PERTH AND KINROSS COUNCIL

Produced 28.06.2011 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2011.

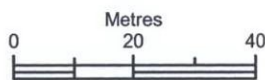
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

DRAWING REF: 11/0134/1



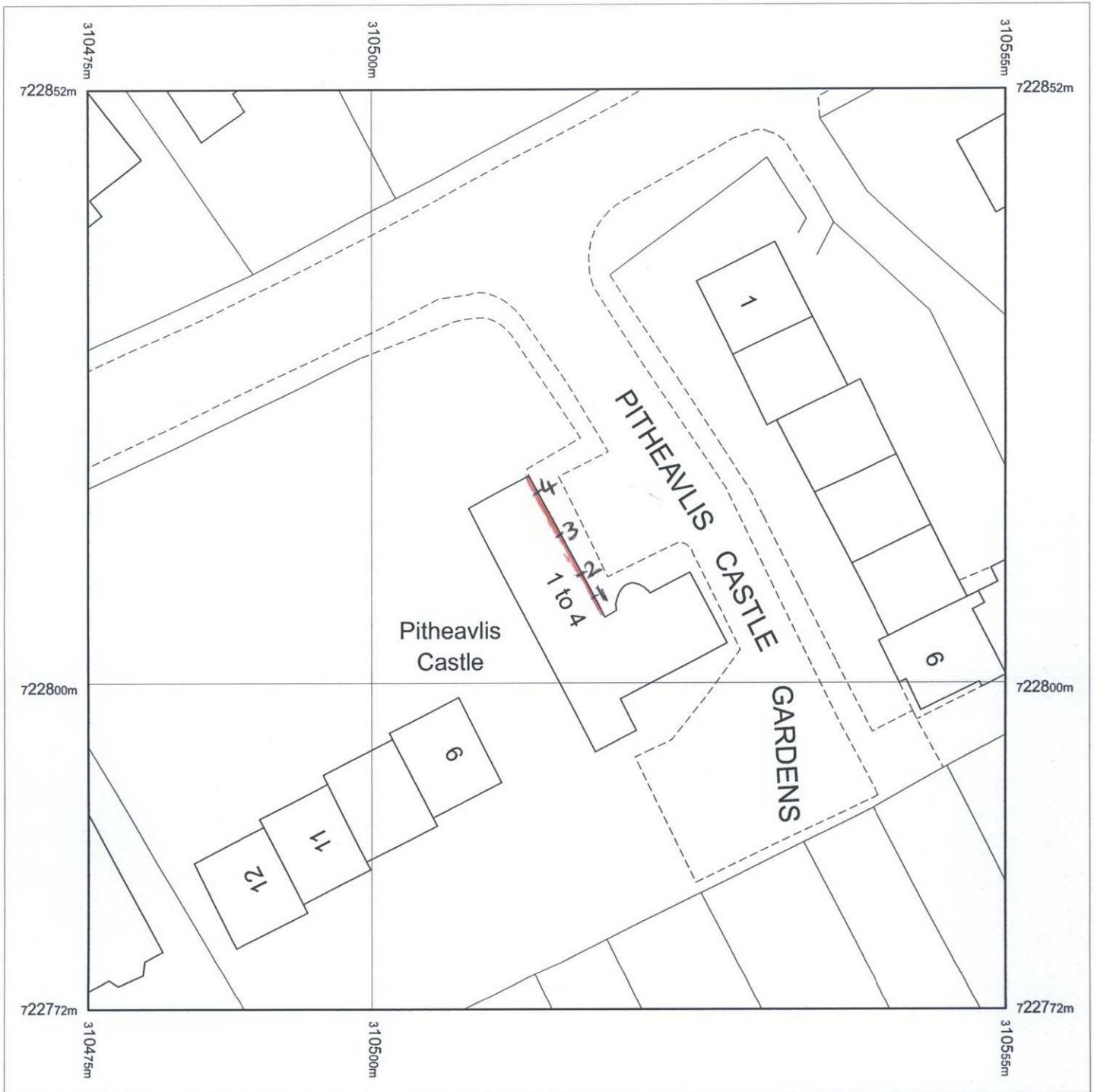
Scale 1:1250

Supplied by: **Danscot Print Ltd**

Serial number: 00205400

Centre coordinates: 310515.25 722808

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk



PERTH AND KINROSS COUNCIL

Produced 28.06.2011 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2011.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

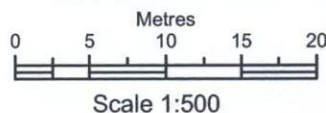
Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

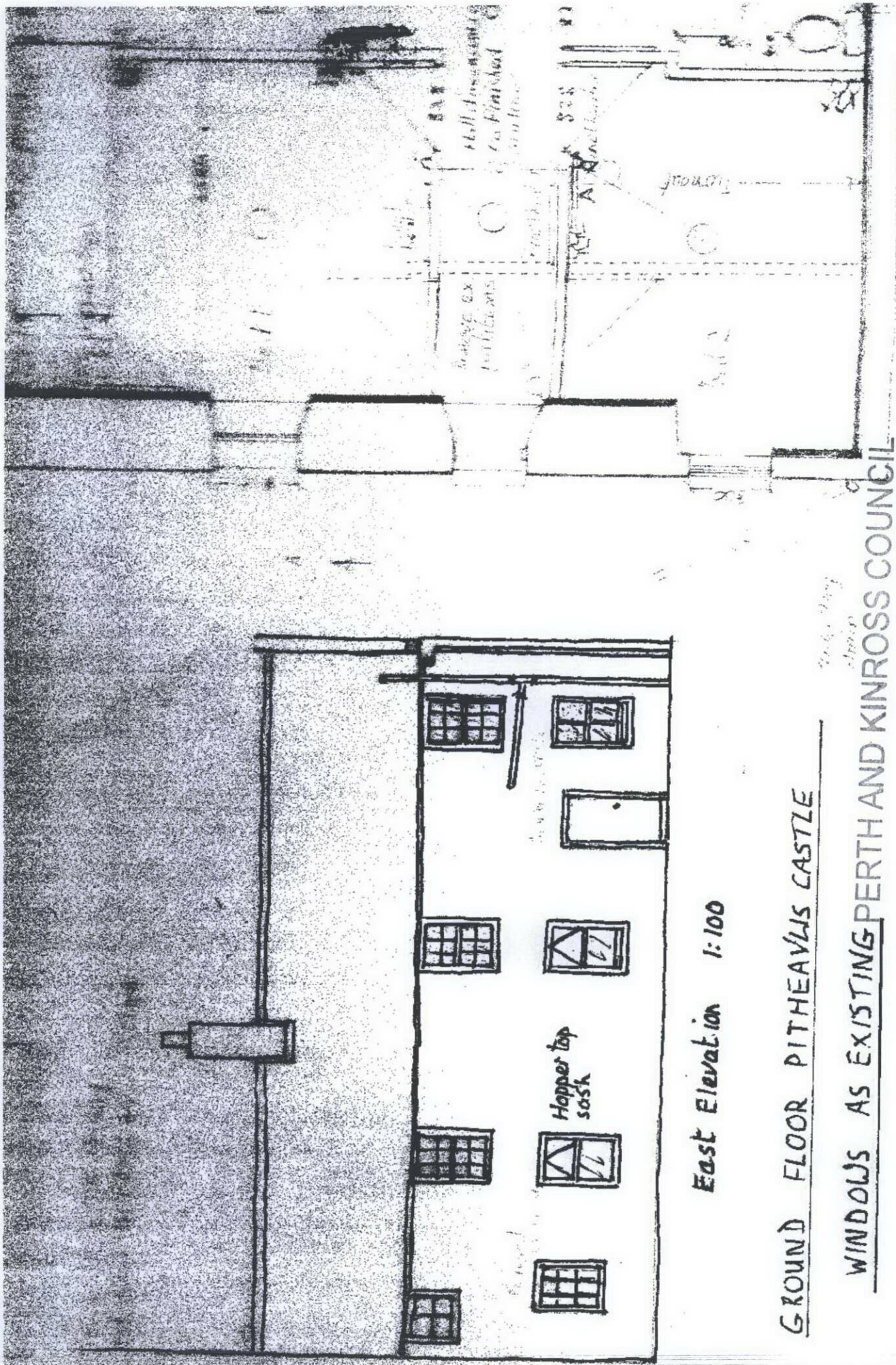
Part or all of this OS Sitemap is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.

DRAWING REF: 11/01136/2



Supplied by: **Danscot Print Ltd**
Serial number: 00205500
Centre coordinates: 310515.13 722811.5

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

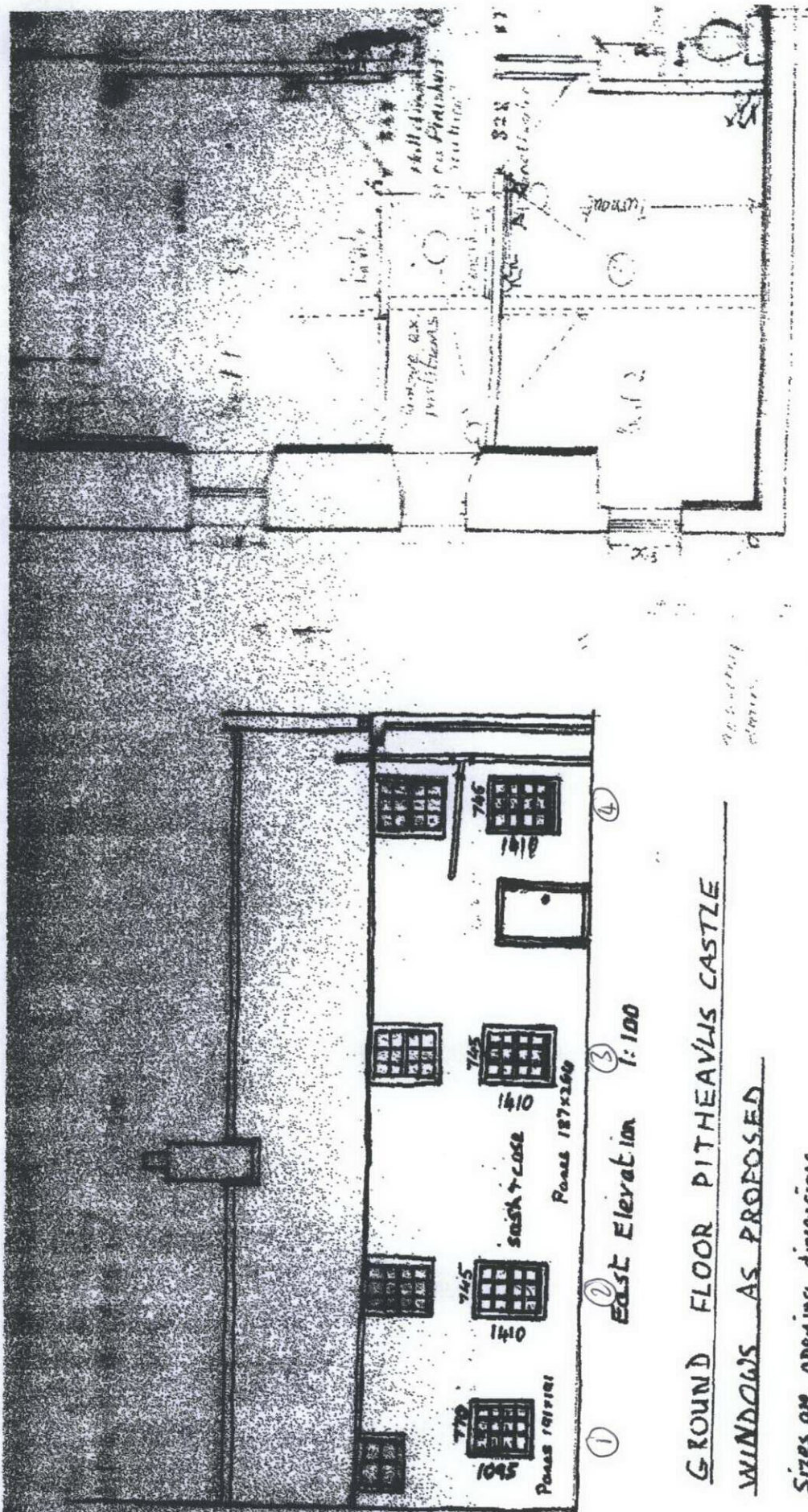


East Elevation 1:100

GROUND FLOOR PITHEAVLIS CASTLE

WINDOWS AS EXISTING PERTH AND KINROSS COUNCIL

DRAWING REF: 110113413



GROUND FLOOR PITHEAVLIS CASTLE

WINDOWS AS PROPOSED

Sizes are opening dimensions

Glass is daylight size

12 panes, astragals 2mm.

all measurement - 1/4 10mm

PERTH AND KINROSS COUNCIL

DRAWING REF: 11/01134/4

Photos before and after renovation



Fig 1: Windows pre- replacement



Fig 2: Windows post replacement

PERTH AND KINROSS COUNCIL



Fig 3 : windows 1 & 2 pre replacement



Fig 4 : windows 1 & 2 post replacement



Fig 5 : window 4 pre replacement



Fig 6 : window 4 post replacement



Fig 7: window 3 post replacement

(no individual photo before replacement)

PERTH AND KINROSS COUNCIL
DRAWING REF: 11/013416

Ground floor windows were replaced in March 2011 with wooden windows supplied by the same local craftsmen (RKM Joinery, Inveralmond) that renewed the 1st floor windows in 2004 (N. McIntyre 11/00812/LBC & 11/00811/FLL, in retrospect, May 2011). This additional effort was undertaken, since previous windows were not original, had deteriorated beyond repair and were unsightly. Efforts were made to ensure that the replacement windows complemented the existing 1st floor fenestration and enhanced the appearance and character of building, using the same number of panes per window, and astragal width to match the windows above. Figures 1 and 2 below show the windows before and after.



Fig 1: Windows pre-March 2011



Fig 2 Windows post March 2011

PERTH AND KINROSS COUNCIL

Below are pictures of the windows. The numbers correspond to the numbers on the block plan and those on fig 2 above. Astragals for all windows are 2 cm. Individual measurements for each window are provided with the pictures below.

Photos of windows before replacement



Fig 3 Windows 1 & 2 before replacement



Fig 4 Window 4 before replacement

A picture of window 3 before replacement is not available and reference should be made to figure 1 above. To the best of our knowledge, historic glass was not present in the windows that were replaced, with window 4 have semi-opaque glass since it was a toilet. One of the objectives in replacement was to remove the unsightly ventilators, which were present in window 4.

PERTH AND KINROSS COUNCIL

DRAWING REF: 11/0134/8

Photos of windows after replacement



Fig 5: Windows 1 (12 pane 770 x 1095)
& 2 (12 pane 745 x 1410)



Fig 6: Window 3 (12 pane 745 x 1410)

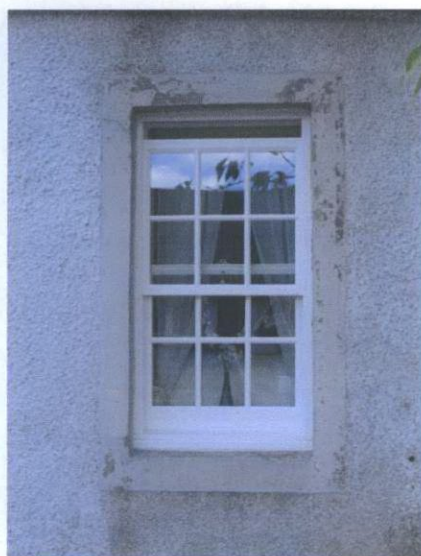


Fig 7: Window 4 (12 pane 745 x 1410)

PERTH AND KINROSS COUNCIL

TCP/11/16(179)

Planning Application 11/01134/FLL – Installation of replacement windows (in retrospect) at 1 Pitheavlis Castle, Pitheavlis Castle Gardens, Perth, PH2 0GU

REPRESENTATIONS

- Objection from Katie Lauriston, dated 16 August 2011

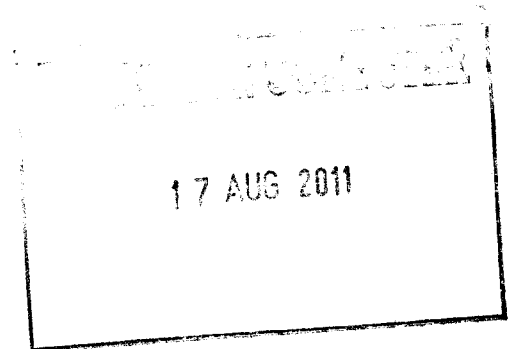
JHr

Pitheavlis Castle (2)
Pitheavlis Castle Gardens
Perth
PH2 0GU

RECEIVED
17 AUG 2011

16 August 2011

Planning Services
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD



Dear Sirs

OBJECTION

Installation of Replacement Windows (4), in retrospect, No. 1 Pitheavlis Castle, Pitheavlis Castle Gardens, Perth PH2 0GU

Name of Applicant for Retrospective Planning Permission :-

Mrs Deborah Hutchison
16 Cornhill Road
Perth

Planning Application, No's :-

11/01134/FLL
11/01135/LBC

Pitheavlis Castle was 'A' listed by the Secretary of State for Scotland, recorded G.R.S. (Perth) 19 July 1965, of Buildings of Special Architectural or Historic Interest, City of Perth.

This Application has relevance to :-

Town & Country Planning (Scotland) Act 1997, as amended by Planning Etc (Scotland) Act 2006.

Town & Country Planning (General Permitted Development) (Scotland) Order 1992. Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997.

Despite all of the above, 4 double-glazed window units were installed, on 17/02/2011, at No. 1 Pitheavlis Castle, without Planning Permission.

Pitheavlis Castle (2)
Pitheavlis Castle Gardens
Perth
PH2 0GU

- 2 -

The paperwork held at Pullar House, Kinnoull Street, Perth was thoroughly examined on 02/08/2011 and nowhere in that paperwork do the words "double-glazed" appear nor do they appear in the Invoice of RKM Joinery, No. 4193 of 17/02/2011. Further, on the Perth & Kinross Council (PKC) Application form it clearly states, in heavy type, **"Please note that it can be a criminal offence to undertake works that require Listed Building consent in advance of obtaining consent"**.

In a PKC letter, to Mrs D Hutchison, of 28/07/2011, spouse of Mr Iain Hutchison, and signed by Mr Nick Brian, again in heavy type and capitals, it states, **"WORK MUST NOT START UNTIL YOU HAVE RECEIVED PLANNING PERMISSION FROM THE COUNCIL"**.

The formal Objection, therefore :-

- 1) No mention was made of the fact that the windows are double-glazed
- 2) According to the warnings on both PKC documents, the illegality of the installation of double-glazed windows WITHOUT PRIOR PLANNING PERMISSION have been ignored and/or contravened

Quote from Mrs D Hutchison's Planning Application :-

"efforts were made to ensure that the replacement windows complemented the existing first-floor (flat 4) fenestration and enhance the appearance and character of the building."

The replacement windows do NOT match the windows in flat No. 4, above, which are single-glazed, as are the windows in flats 2 and 3 Pitheavlis Castle.

These new windows in No. 1 are to the front of the castle and are therefore highly visible and not in keeping with the other windows.

Flat 1 of Pitheavlis Castle is, of course, occupied by a tenant of Mr & Mrs I Hutchison. As a resident owner of the Castle, my interest in maintaining the integrity of the Castle is perhaps stronger.

Then, Approval of these two Applications, 11/01134/FLL and 11/01135/LBC, may set a precedent for all other Listed Buildings in the Perth & Kinross area, to apply in retrospect, in exactly the same way.

Pitheavlis Castle (2)
Pitheavlis Castle Gardens
Perth
PH2 0GU

- 3 -

In my opinion, in this instance, PKC Planning Regulations have been ignored and the information supplied has been questionable.

Taking a wider view, many casual visitors come to the Castle, as does a Castles Association, with all of its Members.

Therefore, these Planning Applications are not to be regarded as purely for the subjective interest of the owners of Flat No. 1 of Pitheavlis Castle; they have a much wider implication in that this is a Historic Building which forms part of the history of Perth; perhaps, in future, the City of Perth.

Yours faithfully

Katie Lauriston, LLB

