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

Thank you for completing this application form:

ONLINE REFERENCE 100618290-009

The online reference 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

## Agent Details

Please enter Agent details

Company/Organisation:	Building Design Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gianni	Building Name:	Kirkton Enterprise Centre
Last Name: *	Giacomini	Building Number:	
Telephone Number: *	01241435236	Address 1 (Street): *	Sir William Smith Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Arbroath
Fax Number:		Country: *	Scotland
		Postcode: *	DD11 3RD
Email Address: *	gianni@building-design-services.com		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Malcolm	Building Number:	31
Last Name: *	Black	Address 1 (Street): *	James Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Perth
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PH2 8LZ
Fax Number:			
Email Address: *	malcolmb@ yahoo.co.uk		

## Site Address Details

Planning Authority:	Perth and Kinross Council
Full postal address of the site (including postcode where available):	
Address 1:	31 JAMES STREET
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	PERTH
Post Code:	PH2 8LZ

Please identify/describe the location of the site or sites

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Northing	723201	Easting	311589
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## Description of Proposal

Please provide a description of your 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)

Installation of replacement windows and door and installation of gas meter (in part retrospect) at 31 James Street Perth PH2 8LZ

## 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 or any agreed extension) – 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 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.

Appealling unfair decision for minor alterations as per the attached statement

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 be considered in your review: \* (Max 500 characters)

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)

Planning Application Appeal Statement 31JS - EX01 existing plans 31JS - EX02B existing elevations 31JS - EX03 location plan 31JS - PL01A proposed plans 31JS - PL02C proposed elevations 2230 -31JS - DS - 02 design statement 2230 -31JS - SW- 01 schedule of works sash&case Technical-drawings with scalebar

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/00093/FLL

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

27/01/2024

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

07/03/2024

## 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

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: Mr Gianni Giacomini

Declaration Date: 03/06/2024



Our reference: 2230/GG/31JS/AS/01

04<sup>th</sup> April 2024

Local Review Body  
Perth & Kinross Council  
2 High Street  
Perth  
PH1 5PH

**Alterations to 31 James Street, Perth, PH2 8LZ for Mr Malcolm Black**  
**Planning Ref: 24/00093/FLL**

### **APPEAL STATEMENT**

We are writing in support of the above application for review for the internal alterations, window replacement and formation of new door at the above property. A separate listed building appeal has been lodged with the Scottish Ministers.

An application for Installation of replacement windows and door, internal alterations and installation of gas meter (in part retrospective) at 31 James Street Perth PH2 8LZ Ref 24/00093/FLL was lodged on the 27<sup>th</sup> of January 2024 and refused on the 7<sup>th</sup> of March 2024. The reason for refusal was stated as follows:

1. The proposed development, by virtue of its extensive removal of historic fabric and introduction of inappropriate detailing, has a harmful impact upon the historic character and special interest of the category C-listed building.

Approval would therefore be contrary to Policy 7 (a) and (c) of National Planning Framework 4, Historic Environment Scotland's "Managing Change in the Historic Environment: Windows" 2018, Policies 2 and 27A of Perth and Kinross Local Development Plan 2, 2019 and Perth and Kinross Placemaking Guide, 2020, which seek to ensure that development contributes positively to the quality of the built environment, through the assessment and understanding of the cultural significance of the historic asset, in order to safeguard listed buildings from inappropriate development.

Therefore, in line with the Council's statutory duty to have special regard to the desirability of preserving listed buildings, permission must be refused as the proposal has a disregard for the special interest of the listed building.

2. The proposal, by virtue of its inappropriate specification of fully glazed French doors and windows of inappropriate joinery, design, profile, glazing division, horn detailing, lack of structural astragals and top-hung opening mechanism, detract from the traditional character and appearance of the conservation area.

Refusal would therefore be in line with Policy 14(c) of National Planning Framework 4, which states that development proposals that are poorly designed and detrimental to the amenity of the surrounding area will not be supported.

Furthermore, approval would be contrary to the Perth & Kinross Placemaking Guide 2020, Policies 1A, 1B(c), 17(c) and 27A and 28A of Perth & Kinross Local Development Plan 2 2019 and Policies 7(a),(c)+(e), 14(a)+(b) and 16(g) of National Planning Framework 4, which seek to ensure that developments contribute positively to the quality of the surrounding built environment in order to respect the character and appearance of the conservation area and the special interest of the listed building.

## **Grounds of Appeal**

It is submitted that the proposed alterations and the installation of the gas meter, are minor and will not have a detrimental impact on quality of the built environment. The alterations respect the character and appearance of the listed building and the surrounding conservation area while allowing appropriate modernisation ensuring the property is fit for 21<sup>st</sup> century living bringing this previously vacant building back into an active use and ensuring its long-term maintenance.

The alterations support the sustainable reuse of the previously vacant and dilapidated building with the replacement windows significantly improving the energy efficiency of the building which along with adding high quality insulation and new heating system reduce the carbon footprint of the property.

There may be some limited conflict with policies of National Planning Framework 4, Historic Environment Scotland's "Managing Change in the Historic Environment: Windows and of Perth and Kinross Local Development Plan 2, 2019 and Perth and Kinross Placemaking Guide, 2020 however this must be balanced against the significant benefit of bring a vacant and dilapidated house back into active use. The alterations ensure the house is fit for modern living with the replacement windows significantly improving the energy efficiency and the security of the house. The removal of the astragals allows more light into the dark cottage improving the living environment for residents while making the most of solar gain opportunities on this south facing aspect. Further, the changes must be appreciated in the street scene which currently includes a wide range of window types with no consistency in design etc. Therefore, the replacement windows do not have a detrimental impact on the immediate surrounding area.

## **Background**

The property is located at the south end of James Street adjacent to the railway bridge. The property is a mid-19<sup>th</sup> century cottage style dwelling and is Category C listed. It has had minor alterations over the years including bathrooms and kitchens installed, but the main character and internal features of the property have substantially been retained, this includes the timber panelling and cornicing detailing, curved timber stair and decorative iron balustrading and timber handrail, along with the doors architraves and skirtings.

The surrounding of James Street and surrounding streets, designated as the Perth Central Conservation Area, includes a range of different building types, designs, ages, finishes, there is no

consistency in the design of the street. Many of the properties are listed buildings with many having been altered over the last 30 years. Many of the neighbouring properties have had planning applications approved for extensions, alterations, forming new doorways & dormer extensions etc. some examples are provided in the attached Appendix 1. Many of the alterations and extensions benefit from planning and listed building consent both before and after the application subject of the current appeal. Therefore, given the surrounding examples of alterations and extensions, at the time of purchasing the property the appellant was advised by selling agents and local residents that the minor alterations would be granted planning permission given what had been approved nearby.

The appellant purchased the property in July 2022. At that time the property had been vacant for some time and was in a state of disrepair. The windows were old, rotten, leaking, single glazed sash and case windows and provided no security to the dwelling. Many of the windows no longer could open, some were damaged, some had been replaced with upvc. The heating system needed replaced, the kitchen was dilapidated, the electrics were unsafe, there was a significant damp throughout the property. At that time the house was uninhabitable.

The applicant was fully aware of the listed status of the building and the fact that the cottage is located within a conservation area. A review of necessary works was completed and, the opinion of the appellant, an experienced local builder and the window manufacturer, the existing windows were beyond any economic repair. Further, even if repair was possible, the repair would not provide the insulation required at a time of significantly increasing fuel costs. As a result, the decision was made to replace the windows. Given the many alterations in the immediate area the replacement of the rotten timber windows with new timber sash and case windows was felt to be acceptable. Examples of other works to listed buildings within the conservation area are provided within Appendix 1 to this statement, some have the benefit of planning permission and listed building consent, some do not. However, overall, the alterations have not impacted the overall character of the area. If they had, presumably planning consent would not have been granted or, where the appropriate consent was not secured, the enforcement action would have been instigated.

The appellants had hoped to secure the necessary consents and undertake the work prior to moving in, however the prohibitive costs of renting a suitable property plus the increased cost of renovation as a consequence of the covid pandemic and the war in Ukraine, compounded by double council tax while the house was vacant, meant that they had to make the decision to move into the property while undertaking the works. It was always the intention to secure the necessary consents prior to starting work, however given the need to live in the property work had to start to make the house habitable.

The planning department became aware that work had started put an enforcement notice on the property. The appellant then stopped the work. Despite seeking to engage with the Planning Service, relationships became strained, and no agreement or compromise could be achieved. This was particularly frustrating when there are many examples of similar or more significant alterations and extensions in the immediate area, please refer to Appendix 1. It is submitted that had these consented changes impacted the area it would be expected that the necessary enforcement action would have been instigated and to our knowledge no enforcement proceedings are pending within the area.

## **Proposed works**

The current proposal seeks consent for the following elements:

### Replacement windows-

W03, W04, W09, W10 Replace existing timber sash and case with like for like timber sliding sash and case

W13 Replace UPVC casement window with timber casement window

W05, W07 Replace existing ? with timber fixed pane window

W011, W12, W01, W02 Replace existing 6 over 6 timber windows with double glazed sliding sash and case

The windows are manufactured from hard wood with slim line window frames to match existing, a traditional Cords & weight pulley mechanism and slimline overlapping meeting frames as per the original windows.

As stated at the time the property was purchased the existing windows were in a very poor state of repair and, in the opinion of the appellant, and experience builder and his window manufacturer, beyond any viable repair. There is no evidence provided by the Planning Service to the contrary. All replacement windows are vertical sliding timber sash and case conservation style windows.

The windows significantly improve the energy efficiency of the house. Further the removal of the astragals increase light into the house and improve solar gain opportunities which due to the deep ingos, is currently quite dark, all of which helps to reduce the carbon footprint of the building. The new windows also vastly improve the security of the home.

It is submitted that the previous windows were not original but rather replacement windows. There is no evidence to confirm that the windows are original and given the cottage was constructed circa 1850, it is reasonable to assume that the windows would have been replaced previously. Astragled windows became popular again in the late 1900's and it is submitted that the previous windows would have dated around this time.

#### Glazing variations

The earliest sash and case windows had very small panes to suit the limited size of glass available.

Better quality crown glass, with its distinctive curved ripples, was used to glaze the larger paned windows that emerged in the 1700s. True crown glass is no longer made, so it's important to keep any that your property might have.

Cylinder sheet and patent plate glass were later used instead of crown glass. From the mid-1800s, fewer subdivisions and larger, heavier panes of glass became common. Eventually sashes had single large panes of plate glass.

In the late 1800s and early 1900s, small paned sash windows became briefly popular again, as a reaction to the trend towards ever-larger panes. Upper sashes from this period sometimes feature stained glass.

Replacement side door- replaced with timber door to match existing. Temporary door has been fitted at present until planning has been approved. The existing door was rotten, letting in water and provided no security due to corroded ironmongery. It was possibly over 150 years old and was beyond repair.

Replace existing window with door - the existing window in the rear elevation which connects to a small external yard altered providing a door. The height and width of the existing window will be retained. This alteration is on the rear/subservient elevation and is unseen from public view and

therefore will not affect the character or appearance of the listed building or conservation area. The proposed door will allow the occupants to make use of their only available private garden space. A minor alteration which cannot be seen by the public and similar alterations have been approved to many neighbouring properties.

Kitchen alterations- the property has an existing kitchen area which was not original was outdated and impractical for modern living. Alterations include the installation of a modern kitchen.

General redecoration throughout- the property has been redecorated to a high standard. All architectural features have been retained and restored to a very high standard including the cornice detailing, ceiling rose, skirting, doors, architraves, stair and balustrading. See photographs in Appendix 2.

Re-pointing – The house has been repointed at some point with cement pointing which is badly damaging the stonework. The Client has carefully removed all the cement point from the front elevation and repointed with lime mortar, the traditional material. The rest of the elevations shall also undergo the same repair works

Gas meter- a gas metre will be installed on the rear elevation at ground level. The meter is unseen from public view.

Considering the element of the proposal as set out in the Report of Handling:

- Conservation Considerations

As is apparent from the photos or from a site visit that the site is located in a mixed area with a range of house and building types in close proximity. There is currently no uniformity in building design or window treatment. As stated, at the time the property was purchased the house was in a very poor condition and required significant improvement works to make the property habitable. The applicant and his agent reviewed the surrounding area to inform their design decisions. As a result, with this background the applicant and architect looked to install the most appropriate window style to the area, in this case conservation style timber sash and case windows.

- Internal works

The list description does indeed mention that the cottage had little changed, however this should not hinder the ability of a building to adapt to provide modern living requirements. There are many examples of listed buildings throughout Scotland which have been adapted, this in turn ensures that these buildings have an active use and are maintained for future generations.

The original cottage was utilitarian with limited architectural features. The architectural features of interest, such as the stair and balustrade, skirting, cornice and rose detailing and doors and architraves have all been retained and restored to a very high standard.

It is submitted that the general redecoration of the interior and the removal of the very dated kitchen facilities, including a range, which is certainly not an original feature, and the installation of en suite bedrooms have not impacted on the character or architectural features of the property.

- Conversion of kitchen window to door

In relation to converting windows to doors, the HES advice confirms that subsidiary elevations are more suitable for work of this type. Wherever possible the existing width of the window should be maintained, and the opening expanded downwards to ground level.

The proposed replacement window to provide a door to the yard area is on the rear and therefore subsidiary elevation. The door will retain the original height and width of the existing window and will be extended to ground level.

In terms of the main door to the contrary to statements in the Report of Handling, the works to the front door are only for the repair of the door pilaster which will ensure this element is maintained in the long term.

- Windows

Advice provided by Historic Environment Scotland on replacement windows confirms that repairs and alterations to a historic building should protect its character and special interest, going on

“In assessing the character, it is essential to determine whether the windows are original to the building or, if later, whether they are of historic significance in their own right: e.g., part of a major or important scheme of overall works or decoration to the building. Evidence from adjacent or similar buildings, especially planned set-pieces or terraces, will be important. Such an assessment will inform any subsequent strategy for repair or replacement.”

In the current circumstances it is submitted that the windows in situ at the time of purchase were not the original windows. The Report of Handling refers to timber windows lasting around 100 years. This cottage was constructed in the mid 19<sup>th</sup> century and therefore it would be reasonable to assume that in the past 175 years the windows have previously been replaced. This aligns with our research which indicates that at the time the house was constructed it would likely have been timber sash and case windows, with no astragals. The windows were likely replaced in the late 1900's at which time astragals had become popular once again. Therefore, it is our submission that the windows were not original and in fact the replacement windows are likely reflective of the original windows. No evidence to dispute this has been provided by Perth and Kinross Planning Service.

Further, and as can be seen on the attached photos, and at a site visit, the immediate area includes a wide range of window styles from timber sash and case, 6 over 6 astragalled windows, tilt and turn, however the prevailing style is timber sash and case, with no astragals such as that proposed. Therefore, the proposed replacement timber sash and case windows reflect houses in the street. Further, the removal of the astragals significantly improves light and the solar gain opportunities into the property.

HES further advises that where existing windows are beyond repair, or of little historic interest, it should be acceptable to replace them. Going on to confirm that generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials. In replacing sash windows, materials other than timber, e.g. uPVC, will rarely be acceptable.

In this case, and as stated at the time of purchase the house was in a dilapidate state with significant works required internally and externally to make the property habitable. In the professional opinion of the applicant, an experienced builder and the architect with over 30 years experience, the windows were beyond any economic repair. Further, even if repair was possible, the repair would not provide the insulation required at a time of significantly increasing fuel costs as a result the decision was made to replace the windows.

The replacement windows are high quality timber sliding sash and case windows which mirror many of the properties in the immediate area. The replacement windows significantly improve the insulation of the property allowing the sustainable reuse of a previously vacant building viable. The removal of the astragal element allows more light into the property improving the living environment and solar gain opportunities.

The Report of Handling express concern at the unauthorised removal and disposal of the original windows has prevented the Council's ability to carry out a detailed assessment of their condition. To be clear, at the time immediate works were required to ensure the house was wind and watertight and could be made habitable. No evidence has been provided to the applicant by the Planning Service to support the view that the windows were in a reasonable condition and capable of retention. It is submitted that in the opinion of the applicant, a professional and experience local builder and his window manufacturer, that the windows were beyond economic repair.

The replacement windows provide high quality timber sash and case windows with suitable detailing for a conservation area, with slimline profiles to match the existing.

The windows reflect the windows to be found in the immediate area therefore so not have detrimental impact on the character and appearance of the conservation area and special interest of the listed building.

- Remaining exterior works

It is accepted that the roof lights are not the conservation style windows however the two additional Veluxs reflect the existing Velux. The existing Velux has been there for at least 20 years and matches the Veluxs fitted to the front of neighbouring buildings 25, 28 & 29 James Street. The Client assumed these windows would be suitable or surely enforcement notices would have been placed on the previous owner and the neighbouring properties.

The main external features of the property as stated in the listing - *"Single-storey and attic, 3-bay cottage with central pilastered doorpiece. Squared and coursed rubble with contrasting painted margins, rubble to rear. Base course, eaves course. Raised cills. Aprons to windows at ground. Central 4-panel timber entrance door with 2-light fanlight above. Pair of piended dormers"* and *"The pilastered doorpiece adds grandeur to the otherwise simple street elevation."* The Client asked the planners about repair works to the front elevation and was told they would just be considered as repairs, so no details had to be provided. My client has carefully repaired this pilaster and removed all the vegetation, which was tearing the stonework apart, repaired the damaged cast iron downpipes and repaired all the stonework to the frontage. They have removed all the cement pointing and replaced with lime mortar to future proof the building for another 100 years. It is clear that my Clients are showing great care for the conservation of this building. All of these items needed attention and my Clients have carefully renovated all of these areas to the front elevation, the raised cills, the aprons, the contrasting margins, these are the key features of the property. My clients also have plans to re-fit



the railings to the front wall that were removed during the war presumably. See photographs to Appendix 2.

## **National and Local Planning Policies and Advice**

### **Historic Environment Policy Scotland**

Provides a policy statement which directs decision-making that affects the historic environment. Changes to specific assets and their context are required to be managed in a way that protects the historic environment.

HEP 5 Confirms that decisions affecting the Historic Environment should contribute to the sustainable development of communities and place.

In the current circumstance, the house was in a poor condition and had been vacant for some time and had become uninhabitable. Had no work been undertaken it is likely that this deterioration would have continued with the ultimate loss of the building. The proposed alterations are essential works to make the property habitable, providing an active use for the ensuring its long-term use and continued maintenance.

Historic Environment Scotland provides further advice in Managing Change in the Historic Environment- Use and Adaptation of Listed Buildings. A key message is that for a building to stay in use in the long-term change is necessary. It further recognises that a building's long term future is at risk when it becomes hard to alter and adapt it. Proposals that keep buildings in use or bring them back to use should be supported as long as they do least possible harm.

Considering the guidance, the reuse of a building is recognised as an opportunity to retain the best qualities of the building, whilst also providing high quality, new and upgraded facilities.

The current proposal will result in essential modernisation and upgrading however retains and protects the features of architectural significance.

### **National Planning Framework 4**

Adopted February 2023, following the advice of the Chief planner as National Planning Framework postdates the Perth Local Development Plan 2019, NPF4 takes precedence.

#### **Policy Tackling the climate and nature crises**

Policy Outcomes:

- Zero carbon, nature positive places.

When considering all development proposals significant weight will be given to the global climate and nature crises.

#### **Policy 2 Climate mitigation and adaptation**

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impact

2 c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Response to Policy 1 and 2 It is clear the priority for the Scottish Government is to reduce the use of greenhouse gases, to achieve this the energy efficient of existing buildings, including listed buildings need to be improved. A recent appeal decision Ref LBA-110-2024 confirmed that there needs to be a degree of realism which may involve accepting that there will be effects on the character of heritage assets as a consequence.

In the current circumstances, the proposed works will result in significant improvements to the overall energy efficient of the property with the installation of new conservation style windows. The removal of the astragals allows more light and therefore solar gain opportunities in the south facing elevation. The removal of the astragals within a street which includes a wide range of window types will have limited if any impact on the overall appearance of the listed building or the surrounding conservation area.

Therefore, the proposed works support Policies 1 and 2.

#### Policy 7 Historic Assets and Places

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained

Response: Response: The application site is Category C listed building and is therefore listed as a “representative example of a period, style or building type.” The proposed works to the building, which apart from the replacement windows, are unseen from public view, are similar to many other alterations within the immediate area which has a wide range of window types will have very limited, if any, adverse impact on the character and historic setting of the building and surrounding conservation area.

The limited impact must also be seen balanced against the significant benefit of bring a vacant and dilapidated house back into active use. The alterations ensure the house is fit for modern living with the replacement windows significantly improving the energy efficiency of the house. The removal of the astragals allows more light into the dark cottage improving the living environment for residents while making the most of solar gain opportunities on this south facing aspect. Further, the changes must be appreciated in the street scene which currently includes a wide range of window types with no consistency in design etc. Therefore, the replacement windows do not have a detrimental impact on the immediate surrounding area.

Therefore, it is submitted that while there may be some limited conflict with Policy 7 sufficient justification has been provided to allow the minor changes which assist in providing an active and sustainable use for this building.

#### Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places these being

- Healthy
- Pleasant
- Connected
- Distinctive
- Sustainable
- Adaptable:

Response; The current proposal makes alterations to an existing building providing an active use for the house, ensuring its long-term maintenance which will have an overall positive impact on the quality of the area. The reuse is considered sustainable, making best use of an existing building, while the alterations, including the replacement windows improve the overall energy efficiency. The house is in the centre of Perth with excellent connections to existing services and facilities including public transport. The house is on an existing well-lit and safe walking route. The rear door alteration will allow the residents to access the only private rear garden area, benefiting their overall health and wellbeing. Finally, the alterations have resulted in adaptable homes fit for modern living. Therefore, the proposal fully complies with Policy 14.

#### Policy 16 Quality Homes

(g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Response: The proposed alterations will have a significantly positive impact on the quality of the home, providing an energy efficient house fit for modern living. The alterations will not impact on any neighbouring property in terms of overshadowing or overlooking.

Therefore, the proposal complies with Policy 16.

## **Perth Local Development Plan 2 2019**

### Policy 1 Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation, and adaptation.

Response: the current proposals enable a previously vacant and dilapidated building back into an active use, encouraging the reuse of buildings sustainable, making best use of existing assets. If the necessary work to upgrade and modernise listed buildings is not permitted it is likely they could fall into disrepair which will have a significantly and detrimental impact on the built environment. The works have been sensitively designed to reflect the surrounding area while incorporating high quality windows which will greatly improve the energy efficiency of the house therefore minimising energy use. The proposed works to the building, which apart from the replacement windows, are unseen from public view, are similar to many other alterations within the immediate area which has a wide range of window types will have very limited, if any, adverse impact on the character and historic setting of the building and surrounding conservation area.

Therefore, it is submitted that the works comply with Policy 1.

### Policy 27 Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special architectural or historic interest.

Encouragement will be given to proposals to improve the energy efficiency of listed buildings within Perth and Kinross, providing such improvements do not have a significant detrimental impact on the special architectural or historic interest of the building

Response: The proposed alterations are considered sympathetic to the listed building and do not impact on the architectural interest of the house as a representative example of a house of this type. As discussed, it is submitted that the replaced windows were not in fact the original windows with the replacement windows more in line with the expected window type of a property of this age and style.

The works will ensure a long-term active use for this small cottage improving the energy efficiency of the property making it fit for 21<sup>st</sup> century living.

Therefore, it is submitted that the proposal is in line with Policy 27.

#### Policy 28 Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development out with an area that will impact upon its special qualities should be appropriate and sympathetic to its appearance, character and setting.

Response: It is submitted that the alterations to the main front elevation in no way have a detrimental impact on the surrounding conservation area. There are many similar alterations in the immediate area, had these been considered to have an impact on the conservation area the necessary enforcement action would have been instigated. To our knowledge no action has been taken and therefore, similar to these existing alterations, some of which have been undertaken by Perth and Kinross Council, the proposed works also do not impact on the character or appearance of the conservation area.

Therefore, the proposal complies with Policy 28.

#### **Conclusion**

The current appeal submissions seeks planning permission for various alterations to an existing property. The property had fallen into disrepair and was uninhabitable. In order to secure the reuse of the building essential improvement and upgrading was required to create a sustainable home fit for modern living, it must be recognised that at times a realistic and balanced approach must be achieved allowing historic assets to be upgraded to provide accommodation for modern living, incorporating sustainable features which may have an effect on the character of historic assets.

The proposed works fully respect the character and appearance of the listed building and the surrounding conservation area. All architectural features of interest have been retained and, if required, have been sensitively repaired. The windows at the time of purchase may not have been the original windows, however in any case were beyond any economic repair. As a result, the decision was made by the appellant, an experienced builder and his advisor to replace the windows. The replacement windows, which is the only alteration visible for the adjacent street, are vertical sliding sash and case conservation style windows. The astragals were removed to improve daylight to the property and in turn improve solar gain opportunities.

There may be some limited conflict with the development plan however this must be balanced against the significant benefit of bringing a vacant and dilapidated house back into active use. The alterations ensure the house is fit for modern living with the replacement windows significantly improving the energy efficiency of the house. The removal of the astragals allows more light into the dark cottage improving the living environment for residents while making the most of solar gain opportunities on this south facing aspect. Further, the changes must be appreciated in the street scene which currently includes a wide range of window types with no consistency in design etc. Therefore, the replacement windows do not have a detrimental impact on the immediate surrounding area.

Further, the Report of Handling makes no reference to Policy 1 of NPF4 which confirms significant weight should, be given to the global climate crisis. The proposed replacement windows and other alterations clearly support this policy. While the changes may have a limited impact, the overall contribution to improving the energy performance of the building, reducing carbon footprint and thus securing the buildings future weighs in favour of the alterations.

For these reasons we request that the appeal is upheld, and planning permission granted.

Recent planning applications from neighbouring properties. While it is understood all application are considered on their own merits, these examples demonstrate the evolving nature of the area and the variety of changes considered acceptable by Perth and Kinross planning Service.

Figure 10: Proposed floor plan for the first floor of the building. The plan shows a layout with rooms including Kitchen, Utility, WC, Shower, Dining, and Hall. A staircase is located on the left side. The plan is oriented with North (N) at the top. A dashed line indicates the location of the existing structure, and a solid line indicates the proposed structure. The plan is labeled 'Figure 10' and 'Proposed floor plan for the first floor of the building'.

### Proposed Floor Plan



Diagram illustrating the mechanical extract locations and window types for a house:

- Mechanical extract from bathroom taken through wall
- Mechanical extract from shower
- Reduced width window installed, natural stone used to form reveal
- Mechanical extract from WC taken through wall
- Mechanical extract from kitchen - taken through
- Existing window refurbished

### Proposed South Elevation

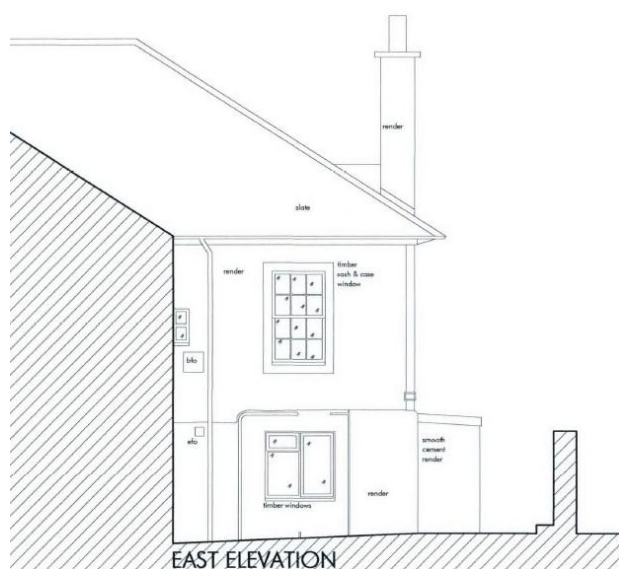


Proposed West Elevation

A very similar application with 2 sets of patio doors added and windows moved, windows blocked up. This is to private courtyard to the rear almost identical to the subject of the current appeal. There are internal partitions removed and layouts changed, which seem a lot more onerous than removing a kitchen cupboard. This was justified in the report by Keith Stirton by saying - *“In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.”*



**35 King Street – Category C Listed Building – Application Ref: 09/01282/LBC**



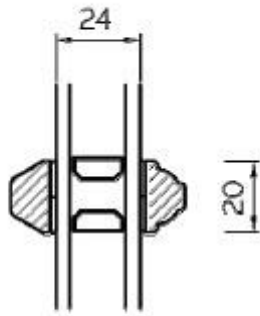
Existing Rear Elevation



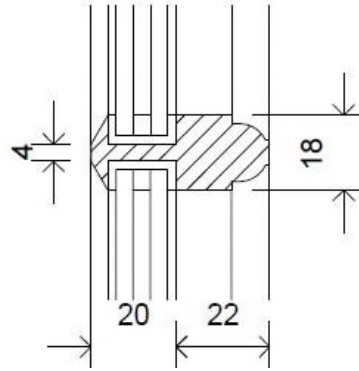
Proposed Rear Elevation



An application approved for removing a 6 over 6 sash & case window, slapping an opening for new French doors which open out onto a modern balcony. This completely changes the external character of the building but would block a lot of natural light to the flat below. Again, approved with no issues. Also, would like to note that the doors have been fitted with plant-on astragals.



Plant-on astragal



Structural Astragal

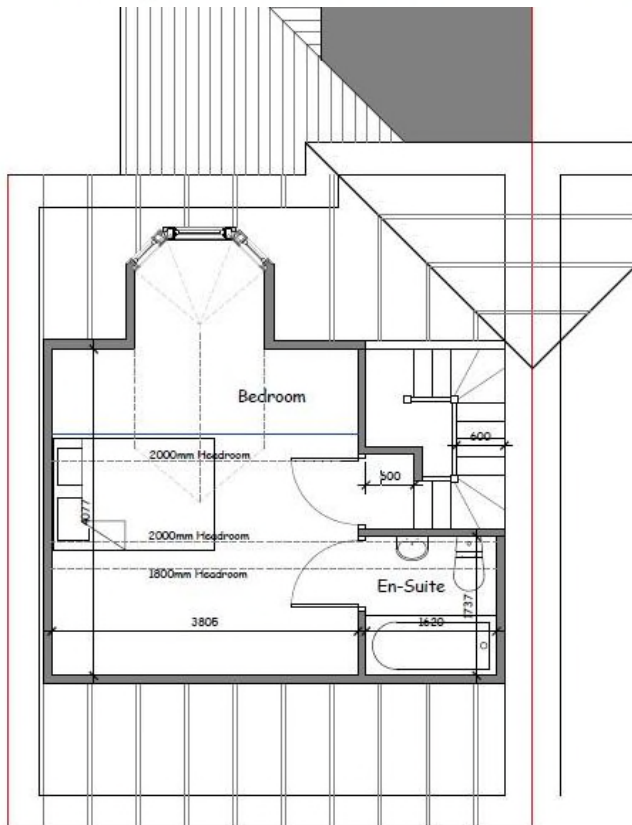
**41 Victoria Street – Category C Listed Building – Application Ref: 18/00242/LBC**



Existing North Elevation @ 1-100



Proposed North Elevation @ 1-100



Proposed Second Floor Plan

An application approved for turning a 2-storey semi-detached dwelling into a 3-storey dwelling and adding a dormer window in the roof. This make a significantly more onerous change than the alterations currently proposed. The statement in the listing specifically states in the Statement of Special Interest - *“This symmetrical terrace, on a prominent corner site, is a significant addition to the streetscape of this residential area of Perth. The twin gablets and the retained symmetry of the group marks it out as being one of distinction. The door pieces and small round-arched slit windows add a decorative touch to the terrace. Local knowledge suggests that these houses were built to accommodate farmers when they brought their animals into the nearby market.”*

Please note that the windows in the house are 6 over 6 panes but they have approved the new window with no astragals. We feel adding a dormer to the roof and changing it to a 3-storey dwelling is much more onerous than changing the windows and a door to the rear which is not visible to the street. Again, this was approved with no issues.

**41 King Street – Category C Listed Building – Application Ref: 19/00099/LBC**



New Fitted W3 & D2 – White UPVC Framed Glazed Sliding Sash Window & White UPVC Framed Patio Door with Astragals.

Similar to the appeal site replaced rotten old windows with new sash & case windows and formed a new set of patio doors. This one is different in the fact they replaced them with uPVC windows and doors. This looks like the works were carried out without formal approval and had been reported to the planning department by a neighbour. The application was refused by planning and went to the local review body where it was overturned and approved. The interesting the applicant has sent photographs of the neighbouring houses all with non-compliant windows, but the planning department has not instigated enforcement action, consistency is important to ensure fairness.



Photo showing All Windows to Detached Neighbouring Dwelling are UPVC Double Glazed Windows to 39 King Street – Directly opposite Proposed Works.





Photo showing All Windows to Semi-Detached Neighbouring Dwelling are UPVC Double Glazed Windows to 25 James Street – Shown here to the left of 41 King Street. As viewed from Courtyard.

Approved by the local review body recognising that the applicant was in fact improving the character of the building and the works were to a high standard. The windows are traditional in appearance with plant-on astragals. The LRB stated *“The PKLRB, by unanimous decision, decided that whilst accepting that the proposal was contrary to the Development Plan, due to the tightly enclosed nature of the elevation facing into a private courtyard, the improvement works undertaken and noting similar developments within Conservation Area, the proposal would be acceptable in this instance.”*

Our application seems less onerous than this as we are proposing to use timber windows, an approved and accepted design.

#### **20 King Street – Category C Listed Building – Application Ref: 05/01267/LBC**

We have no drawings of this one, but it is a retrospective application in Cat C listed building to form a door from a window. Identical to doorway we are asking for from the kitchen, again approved with no issues.

#### **16 King Street – Category C Listed Building – Application Ref: 18/00600/NDOM7**

No drawings of this one but a building warrant approved for “Relocation of Existing Kitchen and Internal Timber Stud Non-Loadbearing Partition to Form a Disabled Toilet with Associated Electrical and Plumbing Works” Similar application to appeal site which has been approved.

**29 James Street – Previously a Category C Listed Building – Application Ref: 13/00616/FULL**

Neighbouring property to the appeal site. Was previously listed building, but it looks like the listing has been removed over the last 10 years. Whether this is because of the approved alterations we don't know. We have asked the planning dept for clarification but have not received a response yet. We have waited approx. 8 months, and they still haven't confirmed. The approved extension to the rear contravenes many of the planning guidance with regards to size, shape, window openings, roof style, and finishes. Please note this extension has sliding uPVC patio doors.



**TENEMENT BLOCK – VICTORIA STREET**  
(As featured on Page 45 of PKC's Perth Central Conservation Area Appraisal)

Sits side by side our Property in PKC Planning Dept's very own Conservation Area guidance, see extract below:-

9.5 Further residential properties in the area include the cottages and two-storey terrace of James Street. King Street was laid out at a similar time, providing villa sites from approximately 1830. Further tenements are situated on Victoria Street; unlisted but giving a vital contribution to townscape character. The private gardens of this area form part of its distinctiveness. Its peaceful, secluded setting belies its proximity to the city centre.



**Cottage & garden in James Street**



**Victoria Street tenement block**

Close up of sash & case replacements with 3 pane Upvc casement style windows at Victoria Street



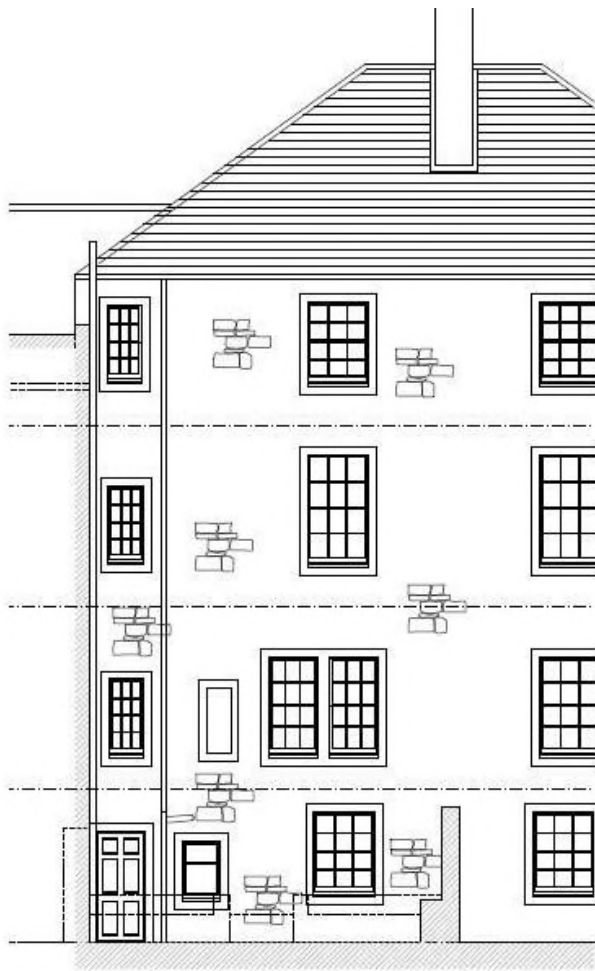




Replacement of 40 windows in a prominent flatted building in the Perth Central Conservation Area by Perth and Kinross Housing and Community Care. Clearly, none of these windows comply with policy



**21 Marshall Place – Category B Listed Building – Planning Reference 23/01437/LBC**



Extn North Elevation



Proposed North Extension Elevation

Recently approved to extend footprint of Category B listed building to form modern flat roof extension, completely changing the character and aesthetics of the building. Modern Aluminium flat roof window, single ply membrane roof, everything absolutely contrary to the traditional conservation area guidelines. Approved with no issues.

## EXAMPLES OF NEIGHBOURING WINDOWS

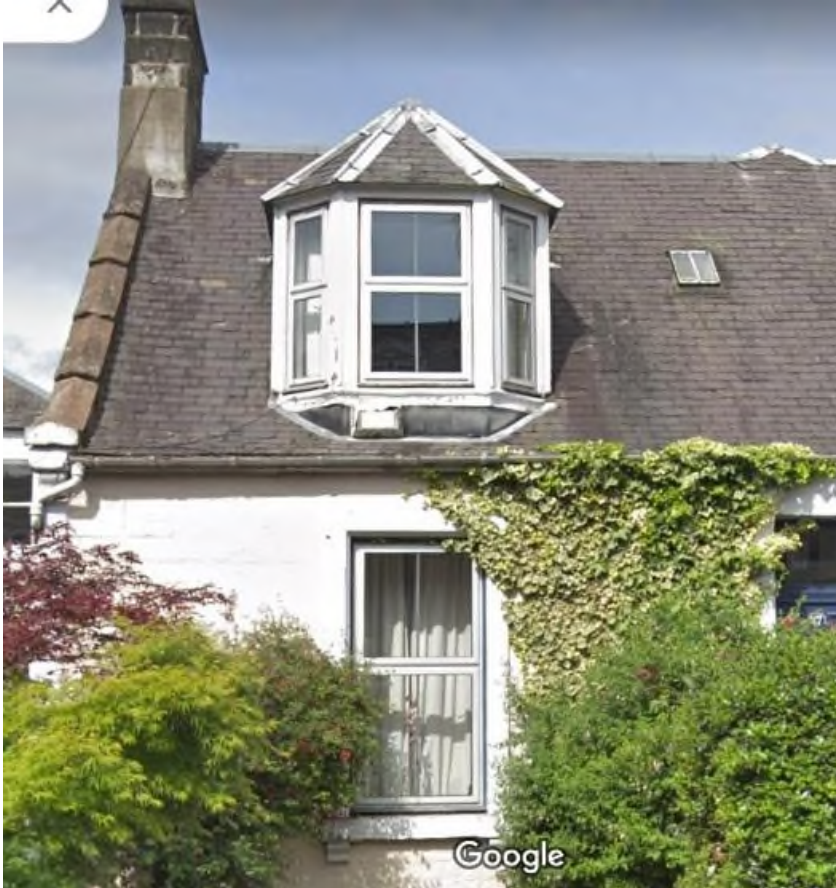


Single pane sash & case vertical sliding timber windows with horns





Single pane sash & case vertical sliding timber windows with central astragal



Aluminium mock S & C windows, casement opening



Timber sash & Case vertical slider – with plant-on astragals



Timber sash & Case vertical slider – with plant-on astragals to ground floor and structural astragals to first floor



Timber sash & Case vertical slider – with no astragals no horns to ground floor and horns to first floor



Timber sash & Case vertical slider – with no astragals





Timber sash & Case vertical slider – with no astragals and some 6 over 6 astragals



uPVC sash & Case vertical slider – 6 over 6 with plant-on astragals



Timber sash & Case vertical slider – 6 over 6 with plant-on astragals

## **APPENDIX 2**



ORIGINAL FRONTAGE WITH DAMAGED STONework WITH CEMENT POINTING, BROKEN GUTTERS AND DOWNPIPES, DAMAGED PILASTERS, ORIGINAL VELUX ROOFLIGHT. WINDOWS REPLACED WITH SINGLE PANE SASH & CASE. CLEARLY SHOWING THE STATE OF DISREPAIR THE PRPERTY WAS IN WHEN MY CLIENT PURCHASED IT.



STONework REPAIRED – CLEANED, BRUSHED DOWN, CEMENT POINTING CAREFULLY REMOVED AND REPOINTED WITH LIME MORTAR





ORIGINAL LOUNGE WITH STRUCTURAL CRACK THROUGH WALL AND CORNICING

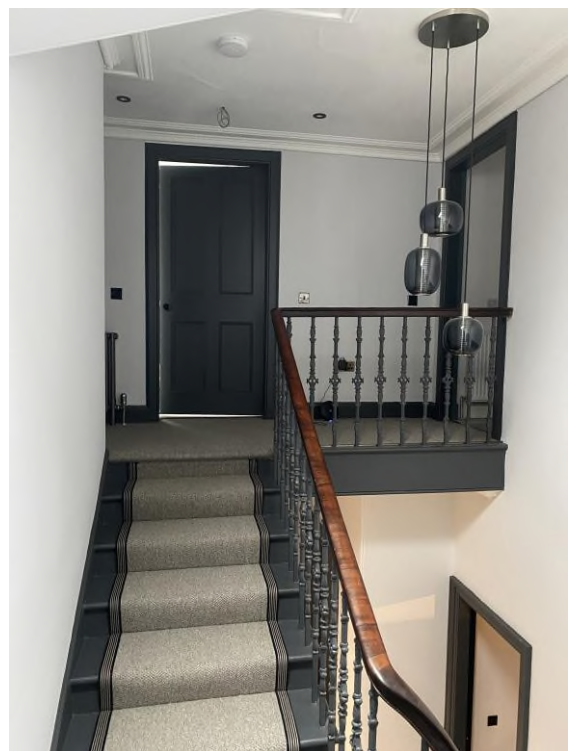


LOUNGE AFTER STRUCTURAL REPAIRS AND CORNICE RESTORED AND ROOM REPAINTED





ORIGINAL STAIR AND HALLWAY



HALLWAY AND STAIRWAY REPAINTED WITH NEW FLOOR FINISHES



HALLWAY AND STAIRS RETAINED AND REFURBISHED WITH ALL ORIGINAL HANRAILS, BALUSTRADES, ARCHITRAVES AND DOORS RETAINED AND RESTORED



SECTION OF SKIRTING BLOCK REMOVED TO PROVE TO PLANNING DEPT WHAT ARE ORIGINAL SKIRTINGS.





WINDOW W08 WITH PVC WINDOW W13 ABOVE.

You can clearly see that window in a state of disrepair, the window above is a PVC window replacement. The pointing has been redone probably in the 70s with cement pointing and is damaging the stone. This is where my Client would like to remove this window to form a door out into the rear garden and completely repoint the whole wall with lime mortar point similar to the front of the building. The house is evidently in need of repair and we believe PKC should be happy someone is willing to carefully renovate these buildings, not throw obstacles in their way.



FRONT FAÇADE - almost fully restored now. pilasters and window aprons and cills restored. cement pointing removed, almost complete with lime mortar pointing. Painting almost complete. 2no. new veluxs in place to match existing. slate vents in place but are barely visible. cast iron guttering repaired and replaced where necessary. Dormers restored and roof repaired.



WINDOW CASINGS & SHUTTERS – there was mention of window surrounds being removed and damaged but as you can see from above photos all have been beautifully restored and repainted. No casings have been damaged or removed as first reported by Planning Dept



Mr Malcolm Black  
c/o Building Design Services  
Gianni Giacomini  
Kirkton Enterprise Centre  
Sir William Smith Road  
Arbroath  
DD11 3RD

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **7th March 2024**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **24/00093/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 27th January 2024 for Planning Permission for **Installation of replacement windows and door and installation of gas meter (in part retrospect) at 31 James Street Perth PH2 8LZ**

**David Littlejohn**  
**Strategic Lead (Economy, Development and Planning)**

### **Reasons for Refusal**

- 1 The proposed development, by virtue of its extensive removal of historic fabric and introduction of inappropriate detailing, has a harmful impact upon the historic character and special interest of the category C-listed building.

Approval would therefore be contrary to Policy 7 (a) and (c) of National Planning Framework 4, Historic Environment Scotland's "Managing Change in the Historic Environment: Windows" 2018, Policies 2 and 27A of Perth and Kinross Local Development Plan 2, 2019 and Perth and Kinross Placemaking Guide, 2020, which seek to ensure that development contributes positively to the quality of the built environment, through the assessment and understanding of the cultural significance of the historic asset, in order to safeguard listed buildings from inappropriate development.

Therefore, in line with the Council's statutory duty to have special regard to the desirability of preserving listed buildings, permission must be refused as the proposal has a disregard for the special interest of the listed building.

- 2 The proposal, by virtue of its inappropriate specification of fully glazed French doors and windows of inappropriate joinery, design, profile, glazing division, horn detailing, lack of structural astragals and top-hung opening mechanism, detract from the traditional character and appearance of the conservation area.

Refusal would therefore be in line with Policy 14(c) of National Planning Framework 4, which states that development proposals that are poorly designed and detrimental to the amenity of the surrounding area will not be supported.

Furthermore, approval would be contrary to the Perth & Kinross Placemaking Guide 2020, Policies 1A, 1B(c), 17(c) and 27A and 28A of Perth & Kinross Local Development Plan 2019 and Policies 7(a),(c)+(e), 14(a)+(b) and 16(g) of National Planning Framework 4, which seek to ensure that developments contribute positively to the quality of the surrounding built environment in order to respect the character and appearance of the conservation area and the special interest of the listed building.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

### **Informatives**

This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the annotations of the replacement windows.

**The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page.**

Plan Reference

01

02

04

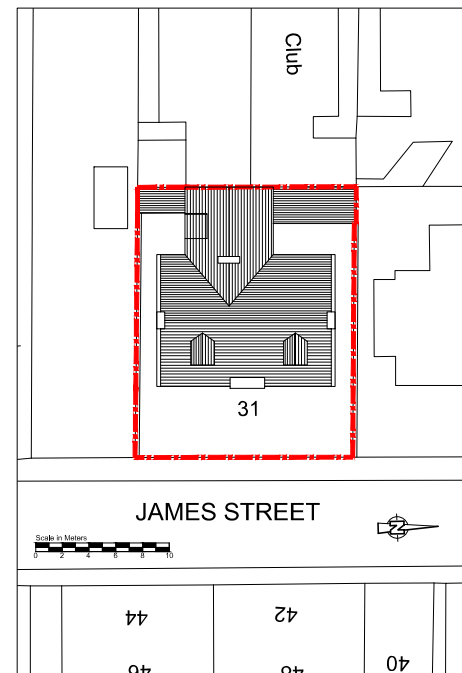
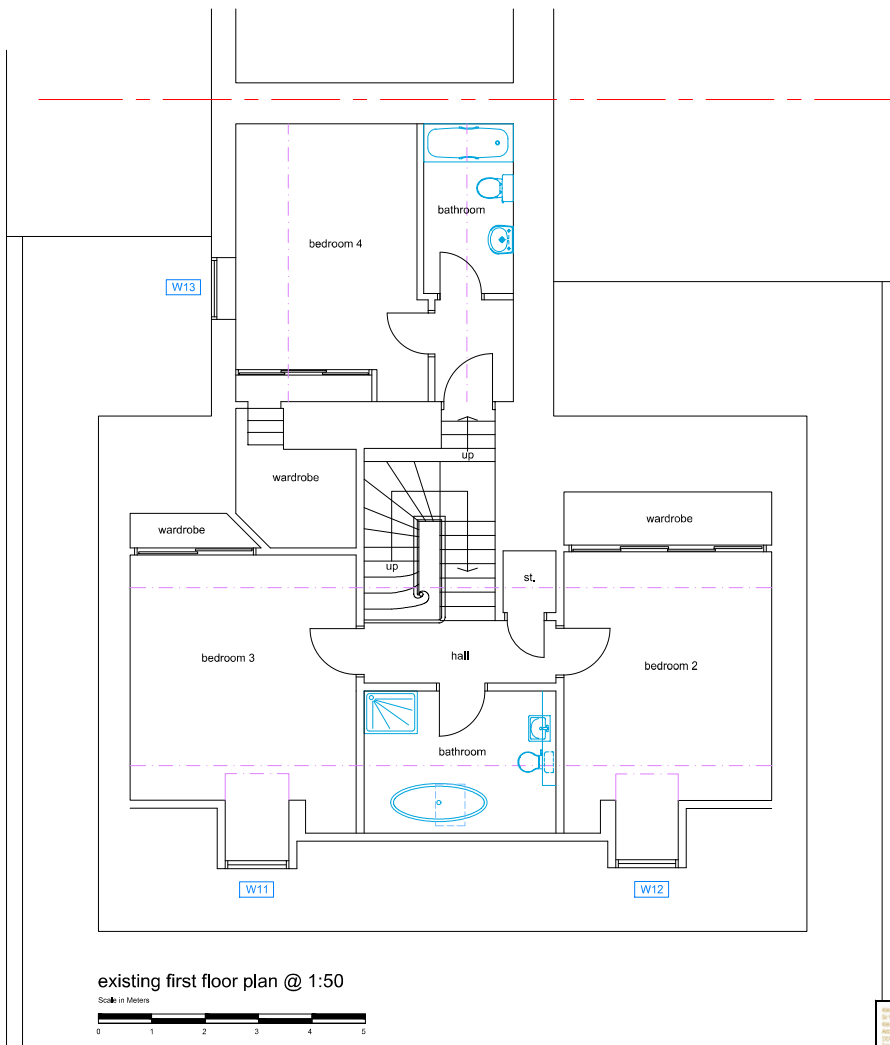
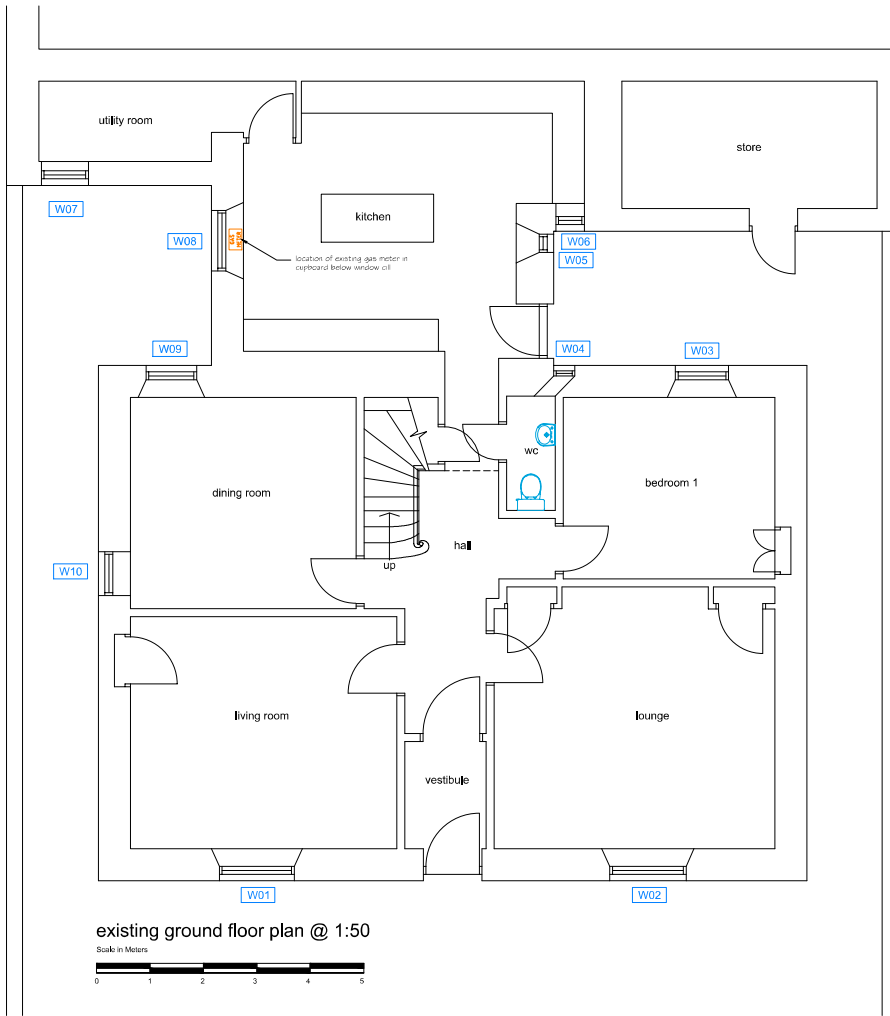
05

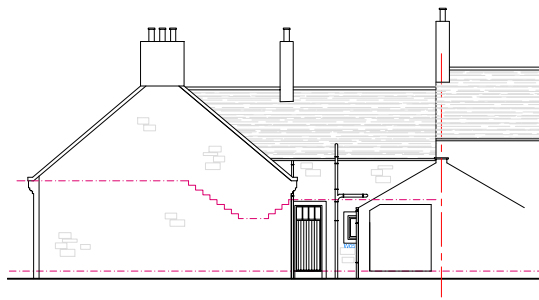
06

07

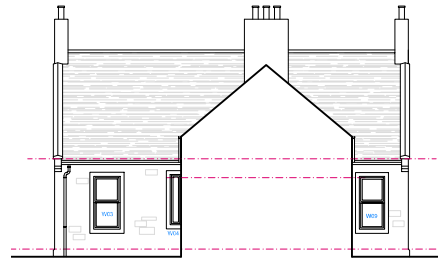
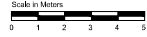
08



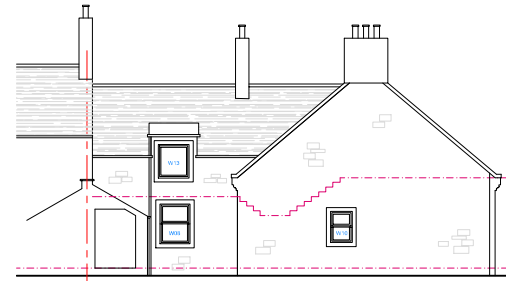




existing north elevation @ 1:100



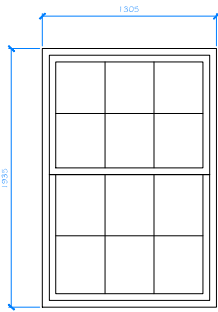
existing west elevation @ 1:100



existing south elevation @ 1:100

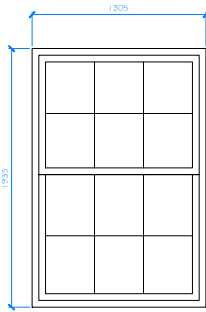


existing east elevation @ 1:100



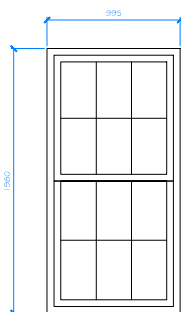
W01

existing timber S&C  
single glazed window  
(possibly 1920's)



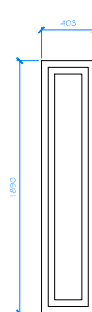
W02

existing timber S&C  
single glazed window  
(possibly 1920's)



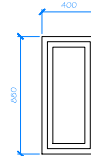
W03

existing timber S&C  
single glazed window  
(possibly 1920's)



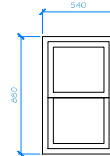
W04

existing upvc double  
glazed window  
(not original)



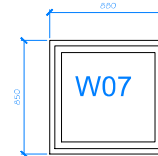
W05

existing timber fixed  
pane window  
(not original)



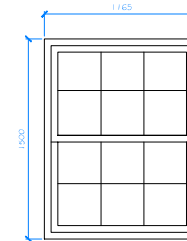
W06

existing timber S&C  
single glazed window  
(possibly original)



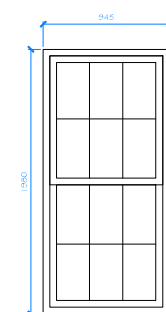
W07

existing upvc double  
glazed window  
(not original)



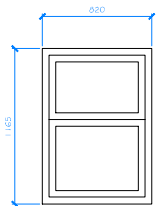
W08

existing timber S&C  
single glazed window  
(possibly 1920's)



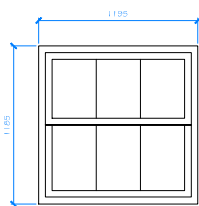
W09

existing timber S&C  
single glazed window  
(possibly 1920's)



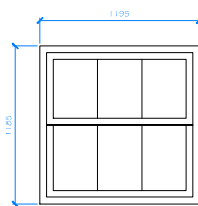
W10

existing upvc double  
glazed window  
(not original)



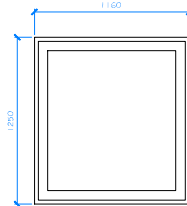
W11

existing timber S&C  
single glazed window  
(possibly 1920's)



W12

existing timber S&C  
single glazed window  
(possibly 1920's)



W13


existing upvc double  
glazed window  
(not original)

window elevations @ 1:20

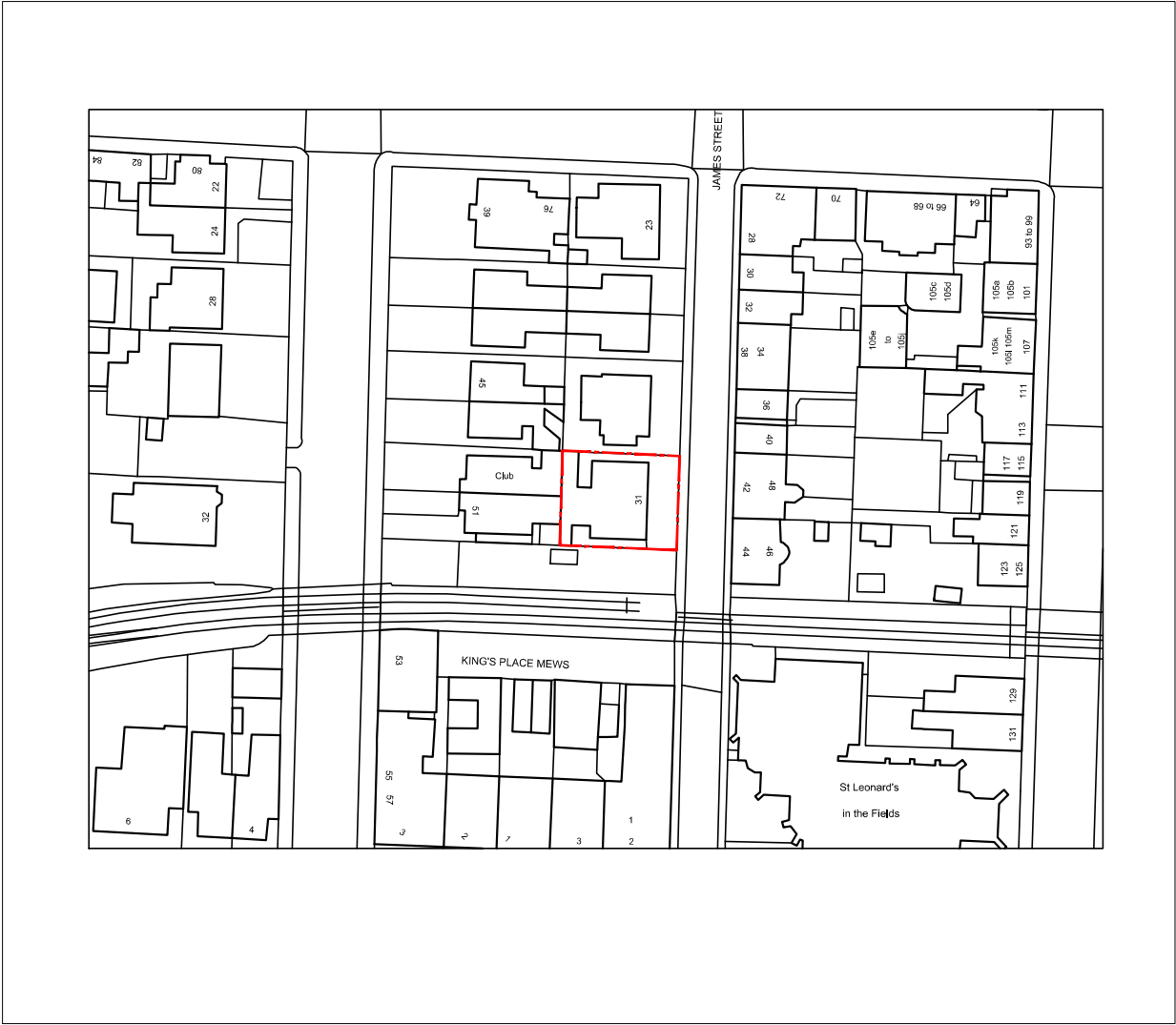
1	01/01/24	Window descriptions amended.
2	01/01/24	Scale bars added.

building design services	Project: Alterations to 31 James Street, Perth PH2 8LZ	Client: Mr M Black	Drawing: Existing Elevations
Scale: 1:20 & 1:100	Date: March 2023	Drawn by: EX-42	Rev: B



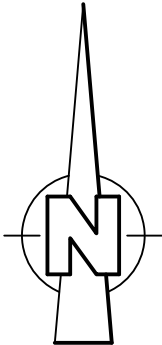
Kirkton Enterprise Centre Sir William Smith Road Kirkton Industrial Estate Arbroath DD11 3RD Tel: 01241 435236 <a href="http://www.building-design-services.com">www.building-design-services.com</a> 	project <b>Alterations to          31 James Street          Perth          PH2 8LZ</b>	client <b>Mr M Black</b>	drawing <b>Location Plan</b>	
	scale <b>1:1250</b>	date <b>February 2023</b>	drg no. <b>EX-03</b>	rev. <b>-</b>

Rev	Date	Description
-	-/-/-	-

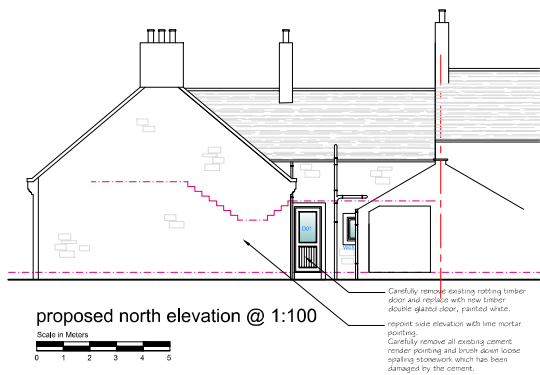


location plan @ 1:1250

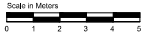
Scale in Meters



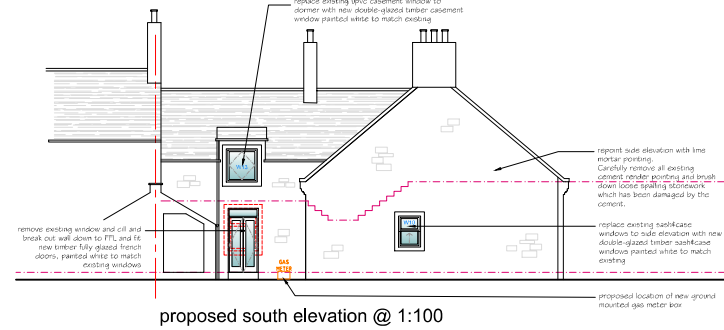




proposed north elevation @ 1:100



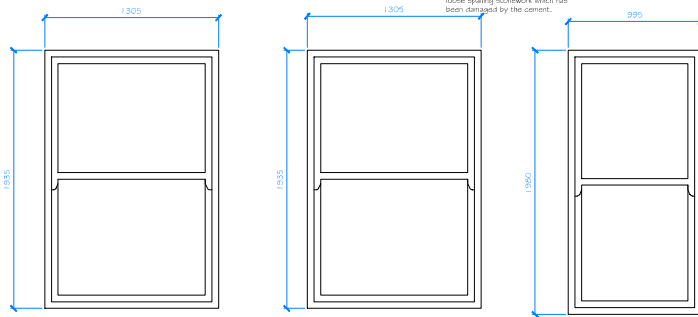
proposed west elevation @ 1:100



proposed south elevation @ 1:100



proposed east elevation @ 1:100



W01

new timber S&C double glazed window  
(CURRENTLY INSTALLED)

W02

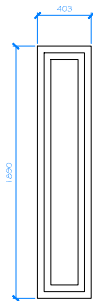
new timber S&C double glazed window  
(CURRENTLY INSTALLED)

W03

new timber S&C double glazed window

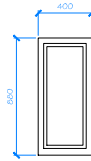


window elevations @ 1:20



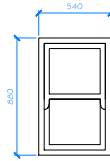
W04

new timber double glazed window  
(CURRENTLY INSTALLED)



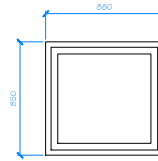
W05

new timber fixed pane double glazed window  
(CURRENTLY INSTALLED)



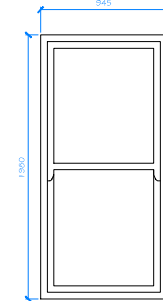
W06

new timber S&C double glazed window



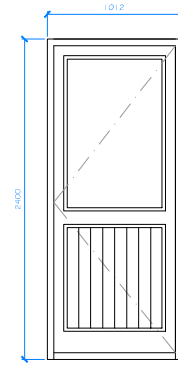
W07

new timber double glazed window



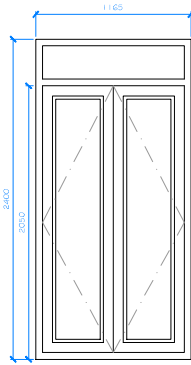
W09

new timber S&C double glazed window  
(CURRENTLY INSTALLED)



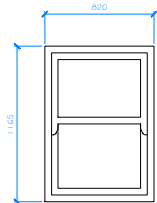
D01

new timber double glazed patio door



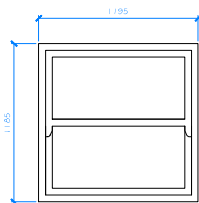
D02

new timber double glazed patio doors with dead pane above



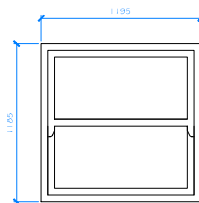
W10

new timber double glazed window  
(CURRENTLY INSTALLED)



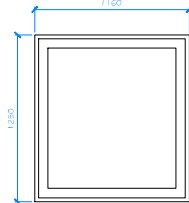
W11

new timber S&C double glazed window  
(CURRENTLY INSTALLED)



W12

new timber S&C double glazed window  
(CURRENTLY INSTALLED)



W13

new timber double glazed window  
(CURRENTLY INSTALLED)

C	13/02/23	Window elevations and door elevations.
B	05/01/23	Drawings and elevations.
A	05/01/23	Draw changes to elevations and door elevations.

Rev	Date	Description	Drawn	Proposed Elevations
1	March 2023	Window elevations and door elevations.	M/M Black	PL-02



Project:  
Alterations to  
31 James Street  
Perth  
WA 6000  
Date:  
1/20 & 1:100

Client: M/M Black	Drawn: Proposed Elevations
Date: March 2023	Rev: PL-02



Our reference: 2230/GG/31JS/DS/02

06<sup>th</sup> January 2023

Planning & Development  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Dear Sir/Madam

**Planning & LBC Application - Alterations to 31 James Street, Perth. PH2 8LZ  
DESIGN STATEMENT**

We are writing in support of the attached Planning & Listed Building Consent for the window replacement and formation of new door at the above property. This is a re-application based on the refusal of planning application 23/01030/FLL. This is in part a retrospective application as some of the windows were replaced prior to the planning application due to their state of disrepair.

The property is located at the south end of James Street adjacent to the railway bridge. The property is a mid-19<sup>th</sup> century cottage style dwelling and is Category C listed. It has had minor alterations over the years, windows replaced, internal modifications, but the main character and internal features of the property have been retained. The existing internal timber panelling and cornicing shall all be retained along with the curved timber stair and decorative iron balustrading and timber handrail. All external features to the front entrance and roof and tabling to be retained.

All of the original windows had already been replaced prior to our client purchasing the property. The house dates back to 1840 and the original windows look to have been replaced approx. 100 years ago. These windows will have been replaced with the 6 over 6 windows probably at the start of the 20<sup>th</sup> century. The small pane windows became more popular again in the early 1900s. It is quite clear the existing windows were 100 years old, not 200 years old. See be extract from Historic Scotland on sash & case windows to confirm the existing windows would not have been original.

### Glazing variations

The earliest sash and case windows had very small panes to suit the limited size of glass available.

Better quality crown glass, with its distinctive curved ripples, was used to glaze the larger paned windows that emerged in the 1700s. True crown glass is no longer made, so it's important to keep any that your property might have.

Cylinder sheet and patent plate glass were later used instead of crown glass. From the mid-1800s, fewer subdivisions and larger, heavier panes of glass became common. Eventually sashes had single large panes of plate glass.

In the late 1800s and early 1900s, small paned sash windows became briefly popular again, as a reaction to the trend towards ever-larger panes. Upper sashes from this period sometimes feature stained glass.

The remaining existing windows were in a state of disrepair and were recommended for replacement by a window specialist. The Client would like to replace all the existing sash & case windows with new timber double glazed conservation style sash & case vertical slider windows. The existing windows were single pane glazing some 6

pane and some 12 pane but to bring this house into 21<sup>st</sup> century living the windows require to be fully double glazed and draft sealed, and a single pane window is the preferred option and will match the original style of the windows when first built. The windows shall still look traditional without the need for the splitting of the panes with astragals. This has been approved to many of the neighbouring buildings.

There is a desperate need for general modernisation of the plumbing and heating system to bring the house to current standards, and one of the issues is the gas meter needs replaced. We propose to remove the existing gas meter below window no. W09, and fit a ground mounted box adjacent to the window externally. This meter shall not be visible from the street. The Client would also like form a doorway in place of Window W08 by removing the cill and cutting out the stone below to access the south facing patio, as there is very little in the way or rear amenity space with the property. This shall give the client a small patio area to enjoy some south facing sunshine as the only other amenity space is North facing and gets no sunlight. Similar applications have been approved to many of the neighbouring properties.

The client would also like to form 2 no. ensuites adjacent to the first-floor bathroom, as this is a large property to share one bathroom. There are no traditional features in this area, no cornicing or timber panelling, just some spalling lath and plaster internal walls. The existing doorway to the bathroom from the hall will remain untouched and no alterations shall be visible from the main feature hallway. There shall be 2no. new velux rooflights to the front of the property which has already been confirmed this would be acceptable from previous correspondence with the Planning Dept.

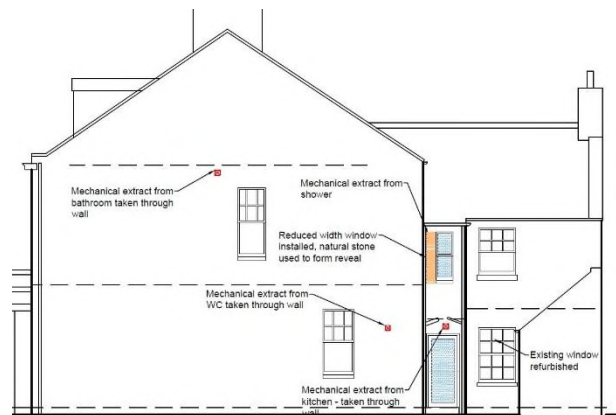
In summary, we believe the building is in need of some general upgrading and we believe our client is taking a lot of time and care and spending a lot money to ensure it is done to a very high standard, retaining all of the original character of the dwelling, and very sympathetic to the conservation area and traditional features of the property. The modifications has been welcomed by the surrounding neighbours who are keen to see the property regenerated, and also been supported by the local councillors and MP.

The original application was refused for reasons that seemed very inconsistent with the applications that have been approved for the surrounding neighbours, so we are re-applying and have added some of the neighbouring applications which were approved below, to support our application and show transparency to anyone who wishes to view the application and understand the reasoning of why we believe this application should be approved. Neighbours may also be concerned that they may also be subject to an enforcement notice from the Planning Dept for similar breaches of window replacements that have been carried out with or without consent should this application be refused, as this may set a precedent for the area. Many neighbours shall have no understanding of planning legislation and may also be threatened with criminal prosecution through no fault of their own, like our clients have been. The residents of these properties are spending so much of their hard-earned money to keep this conservation area in fantastic condition and do not deserve to be threatened with criminal prosecution for purchasing a listed building and doing their utmost to keep the area traditional while trying to provide 21<sup>st</sup> century living to their families.

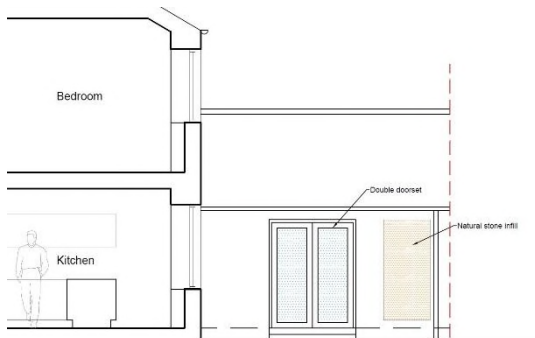
Yours faithfully

Gianni Giacomini  
**Building Design Services**

### Proposed Floor Plan



### Proposed South Elevation



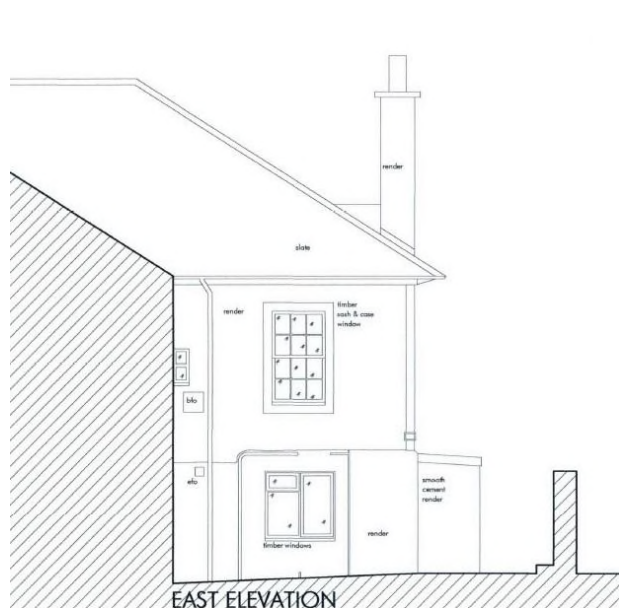
### Proposed West Elevation

A very similar application with 2 sets of patio doors added and windows moved, windows blocked up. This is to a private courtyard to the rear almost identical to our application. There are internal partitions removed and layouts changed. This was justified in the report by Keith Stirton by saying - *"In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions."*

We understand why this application is approved as it has little or no impact on the neighbouring properties, exactly like our application.



**35 King Street – Category C Listed Building – Application Ref: 09/01282/LBC**



**Existing Rear Elevation**



**Proposed Rear Elevation**



An application approved for removing a 6 over 6 sash & case window, slapping an opening for new French doors which open out onto a modern balcony. This application compared to ours, you could argue completely changes the external character of the building and could block a lot of natural light to the flat below. Again approved with no issues. Also would like to note that the doors appear to have been fitted with plant-on astragals, which were part of the refusal in our original application.

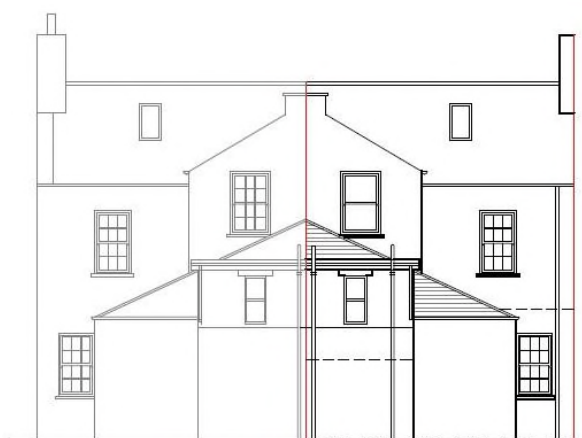
The justification in the report stated -

*As previously noted, the proposed alterations are small in scale and located discreetly at the rear of the building. The impact of the development on the character and appearance of the Perth Central Conservation Area would therefore be minimal.*

*This proposal conforms to the relevant planning policies since it is considered to be a sympathetic alteration and addition to the existing building and is considered to have no adverse impact on neighbouring residential properties.*

We understand why this application was approved, we just cannot understand how this could be deemed acceptable yet our ground floor patio door that is not viewed by the public was not.

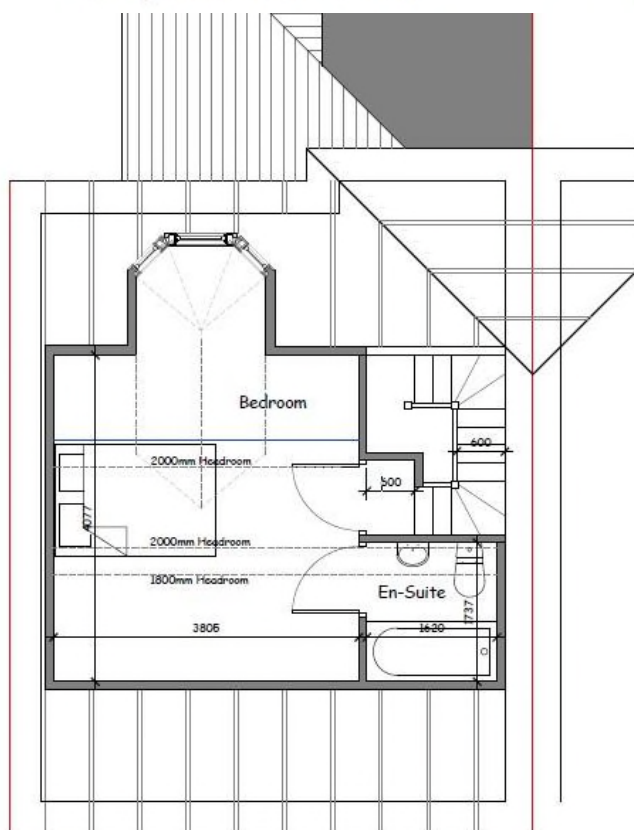
**41 Victoria Street – Category C Listed Building – Application Ref: 18/00242/LBC**



Existing North Elevation @ 1-100



Proposed North Elevation @ 1-100



**Proposed Second Floor Plan**

An application approved for turning a 2 storey semi-detached dwelling into a 3 storey dwelling and adding a dormer window in the roof. Seems to us like this is changing the character of the dwelling much more than our property. The statement in the listing specifically states in the Statement of Special Interest - *"This symmetrical terrace, on a prominent corner site, is a significant addition to the streetscape of this residential area of Perth. The twin gablets and the retained symmetry of the group marks it out as being one of distinction. The door pieces and small round-arched slit windows add a decorative touch to the terrace. Local knowledge suggests that these houses were built to accommodate farmers when they brought their animals in to the nearby market."*

Please note that the windows in the house are 6 over 6 panes but they have approved the new window with no astragals. We feel adding a dormer to the roof and changing it to a 3 storey dwelling is much more onerous than changing the windows and a door to the rear which is not visible to the street. Again this was approved with no issues. We would have no objection to such an application but cannot understand how this acceptable but our initial application refused.

**41 King Street – Category C Listed Building – Application Ref: 19/00099/LBC**



New Fitted W3 & D2 – White UPVC Framed Glazed Sliding Sash Window & White UPVC Framed Patio Door with Astragals.

This looked like an application very similar to our clients' where someone has replaced rotten old windows with new sash & case windows and formed a new set of patio doors. This one is different in the fact they replaced them with uPVC windows and doors. This looks like the works were carried out without formal approval and had been reported to the planning department by a neighbour. The application was refused by planning and went to the local review body where it was overturned and approved. The interesting fact about this one is, that within the application the applicant has sent photographs of the neighbouring houses all with non-compliant windows, but the planning department does not put an enforcement notice on the neighbouring houses. See below photographs.



Photo showing All Windows to Detached Neighbouring Dwelling are UPVC Double Glazed Windows to 39 King Street – Directly opposite Proposed Works.





Photo showing All Windows to Semi-Detached Neighbouring Dwelling are UPVC Double Glazed Windows to 25 James Street – Shown here to the left of 41 King Street. As viewed from Courtyard.

It looks like the local review body has seen sense and that the applicant was in fact improving the character of the building and the works were to a high standard. The windows look great, they are traditional in appearance and they also have plant-on astragals, but it isn't noticeable. The LRB stated "*The PKLRB, by unanimous decision, decided that whilst accepting that the proposal was contrary to the Development Plan, due to the tightly enclosed nature of the elevation facing into a private courtyard, the improvement works undertaken and noting similar developments within Conservation Area, the proposal would be acceptable in this instance.*"

Our application seems much less onerous than this as we are proposing to use timber windows, an approved and accepted design.

## **20 King Street – Category C Listed Building – Application Ref: 05/01267/LBC**

We have no drawings of this one, but it is a retrospective application in Cat C listed building to form a door from a window. Again approved with no issues.

## **16 King Street – Category C Listed Building – Application Ref: 18/00600/NDOM7**

No drawings of this one but a building warrant approved for “Relocation of Existing Kitchen and Internal Timber Stud Non-Loadbearing Partition to Form a Disabled Toilet with Associated Electrical and Plumbing Works”  
Again sounds like a very similar application to ours which has been approved.

## **29 James Street – Previously a Category C Listed Building – Application Ref: 13/00616/FULL**

This is the next-door neighbour of our applicant. It previously was a listed building but it looks like the listing has been removed over the last 10 years. Whether this is because of the alterations approved by the planning department or not, we don't know, and it seems the Planning Dept don't know either as we asked for confirmation of why the listing was removed and whether our client's was also removed at the same time we received this response in September last year but still haven't received confirmation of the reasoning –

*We have been through our records and it appears that No 29, as well as no's 27, 25 and 23 James Street, were delisted in approximately 2009/2010. We have been unable to locate the official documentation of the delisting but we are in contact with Historic Environment Scotland (HES) to seek confirmation on the formal dates and reasons.*

This extension to the rear they approved without any issues seems much more onerous than our application. We would have no objections to this application and understand why it would be approved, but it makes their objections to our application even more questionable. Please note this extension has been approved with sliding patio doors, yet they are asking us to rip out timber sash & case windows as they have no structural astragals in them.



## NEIGHBOURING WINDOWS IN SURROUNDING CONSERVATION AREA



Single pane sash & case vertical sliding timber windows



Single pane sash & case vertical sliding timber windows with centre astragal





**Aluminium mock S & C windows, casement opening**



**Timber sash & Case vertical slider – with plant-on astragals**





Timber sash & Case vertical slider – with plant-on astragals to ground floor and structural astragals to first floor



Timber sash & Case vertical slider – with no astragals no horns to ground floor and horns to first floor



Timber sash & Case vertical slider – with no astragals



**Timber sash & Case vertical slider – with no astragals and some 6 over 6 astragals**



**uPVC sash & Case vertical slider – 6 over 6 with plant-on astragals**

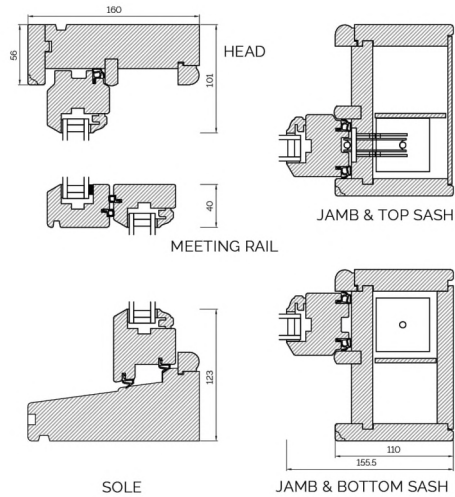


**Timber sash & Case vertical slider – 6 over 6 with plant-on astragals**

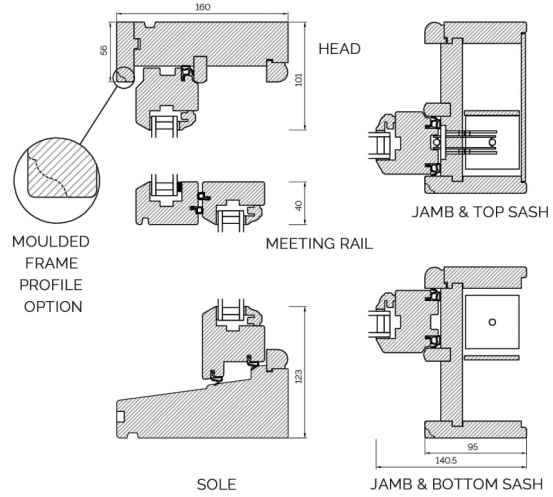


# The 1811 Sliding Sash Collection, Cords & Weights

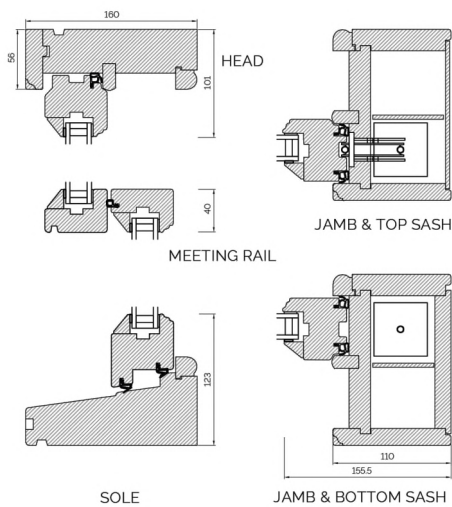
## 95MM BOX INTERNAL GLAZED



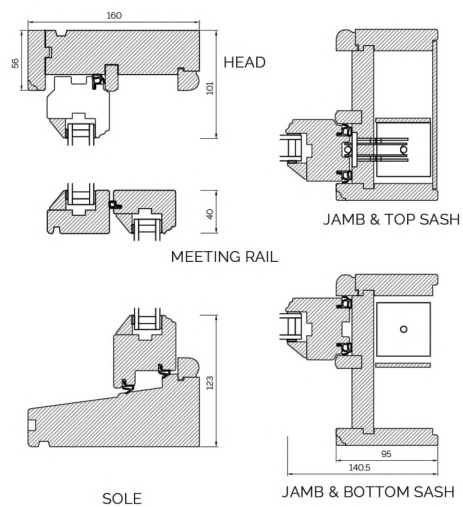
## 80MM BOX INTERNAL GLAZED



## 95MM BOX EXTERNAL GLAZED



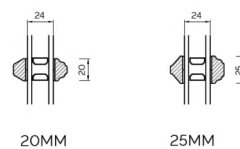
## 80MM BOX EXTERNAL GLAZED



## OVOLO BONDED BARS



## LAMBS TONGUE BONDED BARS





# SCHEDULE OF WORKS

**Planning & LBC Application - Alterations to 31 James Street, Perth. PH2 8LZ**

**APPLICANT - Mr Malcom Black**

**PLANNING REF - 23/01027/LBC and 23/01030/FLL**

## 1. Window Replacements

- 1.1 Carefully remove all existing windows, taking care not to damage or alter any of the existing window ingoes or timber reveals.
- 1.2 Cut back the internal window sill and plasterboard to the depth of the new sash box.
- 1.3 Fit new sash box within the window opening. Level and plumb the sash box centrally in the window opening. Secure the sill and sash box, using timber wedges and screws/fixing where applicable.
- 1.4 Seal the exterior perimeter of the sash box to the masonry.
- 1.5 Install the top sash weights for opening mechanism
- 1.6 Install bottom sash
- 1.7 Adjust weights balance to the required tolerances to ensure correct sliding operation of sash, ensuring window opens and closes correctly
- 1.8 Install draught proofing strips
- 1.9 Install window furniture with locks etc

## 2. Formation of new doorway to kitchen

- 2.1.1 Carefully remove all existing windows, taking care not to damage or alter any of the existing window ingoes or timber reveals.
- 2.1.2 Remove internal plasterboard and framing below window
- 2.1.3 Externally cut through existing sandstone with Stihl saw ensuring neat vertical line lining through plumb with window jamb
- 2.1.4 Fit new doorframe with cavity closers within new opening. Level and plumb the door frame centrally in the new opening. Secure the sill and sash box, using timber wedges and screws/fixing where applicable
- 2.1.5 Hang new timber glazed door within frame, fixing hinges and ensuring door has smooth opening and fits flush
- 2.1.6 Install draught seals and door ironmongery, ensuring lock works perfectly.
- 2.1.7 Seal the exterior perimeter of the door frame with mastic sealant to the masonry. Colour of Mastic to match door.
- 2.1.8 Make good plasterboard ingoes internally and all joints taped and filled to receive emulsion paint finish.

## 3. Fitting of new gas meter to external ground mounted box

- 3.1.1 SGN to cut off gas supply to house.
- 3.1.2 SGN to remove existing gas meter and seal all services.
- 3.1.3 New track to be dug around side of house within gravel strip and SGN to lay new gas supply pipe within track up to new meter
- 3.1.4 SGN to fit new gas meter and do all relevant testing before reconnecting supply.

## 4. Formation of 2no. new ensuite shower rooms

- 4.1.1 Remove existing non-loadbearing internal partitions between bathroom and bedrooms 2 & 3 ensuring no damage to existing walls and floors



- 4.1.2 No cornicing or timber panelling or door architraves moved or damaged within these works
- 4.1.3 Form new internal stud partitions to ensuites and bathroom. All plasterboard joints to be filled and taped.
- 4.1.4 Plumber to rough out new bathroom and ensuites and connect new drainage to existing. Carefully removing any existing floorboards to be re-laid in existing position.
- 4.1.5 Plumber to fit sanitaryware.
- 4.1.6 Joiner to fit new wetwall panels and shower screen to shower areas.
- 4.1.7 Decorate to finish.