



# Perth and Kinross Local Review Body

Mr K Smith  
Development Management & Building  
Standards Service Manager  
Communities  
Perth and Kinross Council  
Pullar House  
Perth

Clerk – **Lisa Simpson**

Council Building, 2 High Street, PERTH, PH1 5PH  
Telephone 01738 475000

Contact 01738 475168

Email [Planninglr@pkc.gov.uk](mailto:Planninglr@pkc.gov.uk)

Our Ref LRB-2024-28

Your Ref

Date 18 September 2024

Dear Mr Smith

## **Town & Country Planning (Scotland) Act 1997**

### **The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

**Application Ref: 24/00093/FLL – Installation of replacement windows and door and installation of gas meter (in part retrospect), 31 James Street, Perth, PH2 8LZ – Mr M Black**

The Local Review Body considered the above Notice of Review at its meeting held on 12 August 2024. The decision of the LRB was as follows:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
- (ii) once available, Development Management to review and comment on the decision of the DPEA for LBA-340-2034.
- (iii) The applicant to review and comment on the decision from the DPEA and the response from Development Management as per (ii) above.
- (iv) Following receipt of all information and responses, the application, together with a copy of the DPEA decision on LBA-340-2034 be brought back to a future meeting of the Local Review Body.

I would be obliged, therefore, if you could provide me with the information requested by the Local Review Body as detailed in (ii) above by **2 October 2024**.

Following receipt of the written submission, a copy will be forwarded to the agent/applicant for comment prior to the application being brought back to a future meeting of the Local Review Body.

Yours sincerely

**Lisa Simpson**

Clerk to the Local Review Body



Planning (Listed Building and Conservation Areas)  
(Scotland) Act 1997  
Appeal Decision Notice

---

Decision by Sarah Foster, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-340-2034
- Site address: 31 James Street, Perth PH2 8LZ
- Appeal by Mr Malcolm Black against the decision by Perth and Kinross Council
- Application for listed building consent 24/00094/LBC dated 27 January 2024 refused by notice dated 7 March 2024
- The works proposed: Installation of replacement windows and door, internal alterations and installation of gas meter
- Application drawings: PL-01 Rev A Proposed Plans and PL-02 Rev C Proposed Elevations
- Date of site visit by Reporter: 8 July 2024

Date of appeal decision: 12 August 2024

---

## Decision

I dismiss the part of the appeal that relates to the installation of replacement windows, and the creation of a new door in the south elevation and I refuse listed building consent for those works. I allow the appeal and grant listed building consent for the installation of a replacement rear door in the north elevation, internal alterations at first floor level, installation of rooflights, and the relocation of the gas meter.

## Procedural matters

Although the description of development refers only to the 'installation of replacement windows and door, internal alterations and installation of gas meter', the submitted drawings clearly include additional alterations, namely a new door opening in the south elevation, and two additional rooflights to the east facing roof slope. As these proposals have been considered by the council to constitute part of the application, and there seems to be no doubt that these are intended to form part of this package of works, I have similarly considered them in reaching my decision.

## Reasoning

1. The determining issues in this appeal are: whether the proposal would have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as required by section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and whether the proposal would pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required by section 64(1) of the Act.

2. I have been referred to policy 7 (Historic Assets and Places) of National Planning

Framework 4 (NPF4); and policies 2 and 27 of Perth and Kinross Local Development Plan 2 (2019) ('the LDP') along with the Perth and Kinross Placemaking Guide 2020; and Historic Environment Scotland's guidance 'Managing Change in the Historic Environment: Windows' ('the HES guidance'). Whilst development plan policies do not have statutory status in a listed building appeal, these, together with the submitted guidance, assisted me in my interpretation of the statutory tests and have been taken into account in reaching my decision.

3. The appeal relates to a category C listed cottage within the Perth Central Conservation Area. I saw on my site visit that this part of the conservation area (Area 5 of the Conservation Area Character Appraisal) is largely residential and is characterised by a range of different building types, with different massing, fenestration patterns according to the age of the properties, and relationships to the street. The cottage, sitting comfortably behind a stone boundary wall and attractive front garden, makes a valuable contribution both to the character and appearance of the conservation area and to the setting of other listed buildings.

4. I also saw at my site visit that the works proposed in this appeal are largely retrospective with all elements aside from the replacement door in the north elevation, the new door in the south elevation, and the replacement gas meter having already been undertaken. Prior to the works being undertaken, no assessment of the building's historic or cultural significance, or the impact of the proposals on that significance were submitted, contrary to NPF4 policy 7a.

### *Windows*

5. The appellant has replaced a total of eleven windows in the house. Pre-development photographs of the house submitted by the council confirm that, regardless of the somewhat inconsistent information provided on the submitted plans, seven of the windows in the property were traditional, timber, single glazed, subdivided sash and case. The remaining windows appear to have been a mixture of smaller, traditional sash and case units along with some double-glazed modern replacements.

6. The HES guidance emphasises that the windows of an historic building form an important element in defining its special character and interest and should be understood before considering alteration. Features such as original glass, slim glazing bars, finish, and fixtures all contribute to historic character. However, the appellant did not submit any details or condition survey of the windows prior to their removal and replacement, and so there is no evidence before me to conclusively demonstrate that any of the windows were not original to the property, or that the windows were incapable of being repaired.

7. The replacement windows are all double glazed and timber framed, but are a mixture of sliding sashes, casements, a fixed unit, and a tilting unit. The installed windows are not all consistent with what is shown on the proposed plans. The new windows feature thick frames and glazing bars, trickle vents, and are otherwise poorly detailed and finished. Seven of the windows display horns despite there being no evidence of horns being a feature of the building's original window design.

8. All four replacement windows to the front (east elevation) are particularly incongruous as they are no longer subdivided. This has completely changed the character of the property when viewed from public vantage points within the conservation area. The conservation area character appraisal indicates that subdivided windows are a key feature of Area 5, and the document even includes a photograph of the cottage prior to the original

windows being removed as illustrative of the character of this part of the conservation area. I agree with the council that removing the subdivision of the windows has given the house a greater horizontal emphasis when viewed from the street, distorting the original design and proportions that contributed to the historic and architectural interest of the cottage.

9. Overall, none of the installed windows have preserved the building's features of special architectural or historic interest and, furthermore, the windows in the east facing elevation have also harmed the character and appearance of the conservation area.

#### *Door in south elevation*

10. The proposed doorway in the south elevation, in principle, follows the HES guidance which allows for window openings on subsidiary elevations to be enlarged downwards providing that the original width is maintained. The guidance advises that any internal joinery such as shutters or panelling should be retained and extended down along the length of the enlarged opening. Despite the principle of this enlarged opening being acceptable, the detailed proposals for double doors with thick frames and a horizontal, glazed panel above would appear awkwardly proportioned and would harm the appearance of this elevation. No details have been submitted in relation to what would happen to the existing joinery on the interior of this opening. As such, the new door opening as currently designed and detailed would be an inappropriate addition that would harm the character of the listed building, accordingly I do not grant consent for this alteration.

#### *Door in north elevation*

11. An ill-fitting uPVC rear door is currently installed on the north elevation of the house and is both unauthorised and inappropriate. The submitted drawings appear to indicate that this will be replaced by a timber door with a glazed top panel properly positioned in the existing opening. The detailing of this proposed door is poor compared to the previous fully boarded rear door with fan light above, but as this elevation is completely hidden from public view it is less sensitive to change and the replacement will have no impact on the character or appearance of the conservation area. As such, I allow this element subject to the existing uPVC door being replaced by an appropriately sized timber door as shown on the proposed plans.

#### *East facing roof slope*

12. The east facing roof slope previously featured a centrally positioned roof light which served the single, first floor bathroom. Two further rooflights have been added to serve the new en-suite bathrooms, along with four new vent tiles. The vent tiles are not shown on the proposed elevational plans and so are not before me as part of this appeal. The vents do, however, have minimal visual impact.

13. The new rooflights are symmetrically arranged in relation to the pre-existing, central rooflight and to the main architectural features of the east facing elevation. Roof lights can be seen on other properties on James Street and are not of consistent design or proportions. Overall, given their symmetrical arrangement, low profile, and dark frames, the rooflights are not incongruous features and do not detract from the historic or architectural interest of the building or from the character and appearance of the conservation area. They are therefore considered acceptable.

### *Internal alterations*

14. Internally, the application seeks consent for the creation of two, new en-suite bathrooms by reducing the size of the previous, main bathroom and by introducing new partition walls into the east facing bedrooms. This work has been undertaken and has involved the loss of some historic fabric as the bathroom walls have been removed. However, the new partitions have logically been positioned in line with the cheeks of the dormer windows. Although the addition of these bathrooms has disrupted the original floorplan of the building at first floor level, this is a minor change overall and I do not believe it has had a significant, adverse effect on the historic or architectural interest of the building as a whole.

15. A further, minor internal alteration has been undertaken in the fourth bedroom with an ensuite bathroom having been reduced in size and a small vestibule area incorporated into the bedroom floorspace. This has had a very minor impact on the first-floor planform of the building and some historic fabric has been lost. However, I do not consider it to have had a significant adverse impact on the historic or architectural interest of the building as a whole.

16. The internal alterations are therefore considered to be acceptable.

### *Gas meter*

17. The existing gas meter, positioned internally under window W08, would be relocated externally, east of its existing position. It is assumed that the meter would need to be enclosed in some form of housing but no proposed details have been submitted. However, I am satisfied that the appearance of such a housing can be controlled by condition and that the relocation of the meter is acceptable in principle. I therefore allow this part of the appeal.

### *Conclusion*

18. Overall, I consider that the replacement windows and the proposed door opening in the south elevation fail to meet the statutory tests of preserving the building and its features of special architectural and historical interest. They would also be contrary to the council's LDP policy 27, and to policy 7c of NPF4, which only supports alterations to a listed building which will preserve its character, special architectural or historical interest and setting. Furthermore, they also adversely affect the character and appearance of the Perth Central Conservation Area. They should therefore be excluded from the consent.

19. The replacement door in the north elevation, the rooflights, internal alterations, and gas meter would have no significant, adverse impact on the special architectural or historic interest of the building and are therefore allowed subject to the conditions below.

20. I have had regard to all matters raised, but these do not present any issues which would lead me to reach a different conclusion.

*Sarah Foster*

Reporter

**Conditions**

1. All replacement windows, and proposed door opening D02 in the south elevation, are excluded from this consent.

Reason: to preserve the special architectural interest or historical interest of the listed building.

2. Unless otherwise agreed in writing with the planning authority the development shall be carried out in accordance with the relevant parts of the plans and specifications detailed on drawings PL-01 Rev A and PI-02 Rev C.

Reason: to preserve the special architectural or historical interest of the listed building.

3. Prior to the relocation of the gas meter, full details of any proposed meter housing shall be submitted to and agreed in writing by the local planning authority. The meter housing shall thereafter be installed as agreed and retained as such in perpetuity.

Reason: to preserve the special architectural or historical interest of the listed building.