



Item 6

15th April 2025

Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: onlineplanning@glasgow.gov.uk

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 100672726-005

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:	lucid architecture limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andy	Building Name:	Unit 1
Last Name: *	Whyte	Building Number:	55
Telephone Number: *	01416285557	Address 1 (Street): *	Ruthven Lane
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G12 9BG
Email Address: *	andy@lucidarchitecture.co.uk		

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: *	David	Building Number:	10
Last Name: *	Sinclair	Address 1 (Street): *	Loanbank Quadrant
Company/Organisation	EBS Construction Limited	Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G51 3HZ
Fax Number:			
Email Address: *	david.sinclair@ebsconstruction.co.uk		

Site Address Details

Planning Authority:	Glasgow City Council
Full postal address of the site (including postcode where available):	
Address 1:	FLAT 3/1
Address 2:	23 RADNOR STREET
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	G3 7UA

Please identify/describe the location of the site or sites

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Northing	666105	Easting	256845
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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)

Minor alterations to reconfigure and improve the flat with minor layout changes, repairs and improvements to damaged original features and so on. Please see attached supporting statement for more info.

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.

Please see attached appeal case 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)

000-radn-planning appeal supporting statement 001-radn-planning refusal 002-radn-planning report of handling 003-radn-planning completed application forms 004-radn-drawing register for planning and lbc 005-radn- owner notices site info 006-radn-site info 007-radn-exisitng drawings 008-radn-proposed drawings 009-radn-owner notices 010-radn-list of owners notified 011-radn-photographic study 012-radn-original supporting statement 013-radn-email exchanges

Application Details

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

24/01387/FUL

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

23/05/2024

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

15/11/2024

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

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

Please select a further procedure *

By means of inspection of the land to which the review relates

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

We think it is very important that a proper site visit is carried out for this appeal to understand the project fully and the very good set of circumstance here regarding the rescuing and restoration of this flat with only very minor alterations needed to do that.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Private access so simple arrangements need to be made to set this up to see the flat and understand the full context of the project.

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 Andy Whyte

Declaration Date: 21/12/2024



Lucid Architecture Limited - 0044 141 628 5557 - Unit 1, 55 Ruthven Lane, Glasgow, G12 9BG, Scotland - SC725149
Lucid Architecture DOO - 00382 68 390 510 - Sima Matavulja 9, Herceg Novi, 85430, Montenegro - PIB 03006468

REBUTTAL REPORT AGAINST COUNCIL'S APPEAL CASE FOR REFUSAL OF LISTED BUILDINGS CONSENT (AND PLANNING CONSENT)

FLAT 3/1, 23 RADNOR STREET, GLASGOW, G3 7UA

COUNCIL REFERENCE: 24/01386/LBA

DPEA REFERENCE: LBA-260-2084

20th January 2025

1. Background and introduction:

This report provides a rebuttal to the Glasgow City Council Planning Officer's appeal case report recommending the sustaining of the refusal of Listed Building Consent (and Planning Consent) for internal and external alterations to Flat 3/1, 23 Radnor Street.

The applicants respectfully yet strongly disagree with their assessment and contend that the proposed works are in accordance with relevant planning policy, guidance plus general common sense and logic and are needed to secure and put back into good use as a residential property with the long-term restoration and conservation of this Category C listed flat.

We will use this report to conclusively answer all points made that might prevent this approval being successfully granted at appeal.

2. Preservation of Character and Setting:

The Officer's appeal report primarily objects to the proposed internal alterations, arguing they would negatively impact the special character and interest of the listed building. However, this assessment fails to adequately consider the following:

- **Minimal Impact on Principal Rooms:**
- The refusal reasons are unfounded. Firstly, the claim of 'splitting the front room' is inaccurate. This 'lesser' listed flat requires a functional room hierarchy to enable sensible and modest updates.
- Secondly, the objection to the enclosed bed recess is irrelevant, as it was previously altered and modern living standards preclude sleeping in a kitchen.
- This proposal does not involve subdividing principal rooms. Minor alterations to secondary rooms are essential to bring this derelict flat back into use and the smaller rooms cannot all be defined as principle even if they face the side street elevation.
- Furthermore, there is the benefit of previous unauthorised work (e.g., the platform in the corner room) being removed.
- This project rescues the flat and provides timber sash windows, replacing the very inappropriate and ugly modern pivot windows.
- Therefore the case officer's main assertion of 'no benefit' in the proposals is demonstrably false.

Cont./

- Crucially, these works are already completed and while enforcement action is possible, it would be strongly contested and the new stud partition walls are anyway easily reversible, allowing future owners to reinstate the original layout if desired at some future point.
- **Retention of Key Features:**
- The proposal retains and restores missing and damaged significant historic features, including cornicing, picture rails, and original doors and puts the windows back to being sash and case units. Please see pictures that were part of original application.
- This demonstrates a commitment to preserving the character of the flat and a clear conservation gain and benefit to offset the modest alterations.
- **Precedent:**
- While acknowledging that each case must be assessed on its merits, it is important to note that similar internal alterations have been approved in comparable or more highly protected listed tenement and townhouse properties within Glasgow.
- This suggests a degree of flexibility in interpreting the guidance on internal alterations, particularly where these enhance the functionality and liveability of the property to prevent further dereliction and decay as do these beneficial changes.
- Another item that must be considered here is the refusal of similar, albeit badly presented, changes in the flat below. These were assessed entirely on the mistaken thinking by the council case officer that the flat was B listed when it is actually C listed like this one. Please see refusal 20/03058/LBA at Flat 2-1 at 23 Radnor Street.
- A cornerstone of authority is consistency and this refusal decision is inconsistent.

3. External Alterations

The Officer's report objects to the proposed external alterations, specifically the vents and boiler flue on the front roof slope and the appellant contends that:

- **Balancing Conservation and Functionality:**
- Historic Environment Scotland guidance recognizes the need to balance the conservation of historic buildings with the requirements of modern living. (See: *Managing Change in the Historic Environment*) The proposed external alterations achieve this balance by prioritizing minimal visual impact while ensuring the property meets current building standards and preventing further rot and decay leading to damage of the building fabric through damp as has been the case with this building previously.
- **Minimising Visual Impact:**
- The proposed slate vents and boiler flue are necessary for modern building standards and energy efficiency.
- The boiler flue in the event has actually been installed on the rear roof slope so should be a lot less controversial due to that fact.
- The roof vents location and design have been carefully considered to minimise visual impact and they blend into the roof being entirely invisible from any angle.
- Crucially they are not at all visible on the front elevation due to the roof overhang and therefore they meet the policy of not being seen on the front elevation or from the street.

4. Glasgow City Development Plan:

The case officer's report cites Policy CDP9 and SG9 of the Glasgow City Development Plan. However, their interpretation of this policy appears overly restrictive.

- **Policy CDP1 and SG1:**
- The proposal aligns with the Placemaking Principle (CDP1 & SG1) by seeking a designed approach that protects and enhances the character of the listed building while enabling its continued use and viability through restoration to good use.
- In fact the case officer even quotes the policy desire of '*protecting...*' and '*promoting new development...*' in this context as this project does.
- It seems that the policy has been misinterpreted and applied erroneously here in that the safe new use and protection of the building has been seen as a bad thing rather than a good thing.
- **Flexibility within SG9:**
- While SG9 encourages the preservation of original room layouts, it also acknowledges that exceptions can be made, particularly where alterations enhance the functionality of the property and occur within spaces that have already been altered. The proposed alterations fall within this exception.

5. General Legal Considerations:

We also wish to highlight the following legal principles relevant to this appeal:

- **Proportionality:**
- Any restriction on the use or alteration of a listed building must be proportionate to the aim of preserving its special architectural or historic interest. (See: *Human Rights Act 1998*).
- **Reasonable Use:**
- Owners of listed buildings have a right to make reasonable use of their property, provided this does not cause unacceptable harm to its significance as is the case here in a rescued listed building of 'lesser' significance (category C).

6. Item by Item responses to the case officer's additional case material:

Response on timing:

- We do empathise with the challenges the council faces with staffing shortages and application backlogs. However, it is our opinion that many of these delays in their department are seriously exacerbated by inefficiencies in handling and also lack of communication as we've seen here.
- In the private sector, projects operate under tight deadlines. Delays can lead to significant financial consequences, including work stoppages and potential redundancies. Therefore, clear communication and timely processing of applications is crucial.
- The applicants acknowledge they began work before receiving approval and these works are now fully completed.
- This was done in good faith, based on their albeit incorrect understanding of the process, and with the intention of preventing further deterioration of this historic building.
- They had successfully rescued other derelict C listed flats and obtained permission quickly without the need for various visits and delays let alone an unexpected refusal. See 30 Garry Street and 38 Garry Street in Glasgow.

- They were motivated by a desire to preserve the structure and had already completed major repairs on the adjacent tenements. The project had also already passed its deadline for assessment by the council.
- We are concerned by the lack of communication from the council throughout this project. The extended time between site visits and the absence of proper email or any phone communication prevent collaborative working and cause delay and misunderstandings.
- The applicants have apologised to the council for their premature commencement of work and we believe refusing this project at appeal would be an excessively punitive response to their somewhat understandable actions.
- Therefore we respectfully request a sensible acceptance of proposals that were anyway fully approvable in our expert opinion rather than a redo of the works with consequent monetary and environmental costs and possible further legal challenges.

Response on planning policy (conservation gain):

- The case officer's assertion that this project offers '*no conservation gain*' and fails to meet policy requirements is very perplexing. We have outlined ad-infinitum how the project aligns with all relevant policies and provides significant planning and conservation benefits.
- This project has rescued a derelict flat, riddled with rot and damp plus previous illegal works, and transformed it into a restored and very much habitable dwelling.
- The officer's inability to recognize the value of this project suggests a disconnect from the broader context of the real situation on the ground in terms of Glasgow's housing needs and the challenges of preserving its listed buildings.
- We urge the appeals body to consider the position and acknowledge the substantial benefits of this project. Approving this appeal would show support for real world actions towards the preservation of Glasgow's architectural heritage and helping to meet housing needs while also reflecting the hard work done here to restore these two tenements and this flat.

Response on planning policy (minor alterations):

- The case officer contends that the proposed interior alterations are not minor. This is a Category C listed building, and the listing text makes no mention of the interior. Therefore, these spaces are not of primary historical significance and the proposed alterations are modest and respectful in nature.
- Given that all rooms are front-facing, a degree of flexibility should be permitted in the smaller rooms. It's important to emphasise that the new partitions are non-structural, constructed with timber stud. Although they are enhanced with matching skirting and cornices they could be removed if required at some later date.
- The special character of this listed building derives primarily from its massing and street elevation, not the interior layout of a flat that had already been modified and fallen into disrepair and dereliction.
- Our proposals respect the building's essential character while enabling its continued use and we hope that the appeals authority can see that and the benefit in it.

Response on planning policy (precedents):

- The case officer dismisses the relevance of the precedents cited but we maintain their significance. These examples demonstrate not only successful outcomes in similar cases but also highlight a collaborative working approach that has unfortunately been absent in this instance. This lack of collaboration has directly contributed to the current appeal situation being necessary.

- Furthermore, the precedents include specific examples of additions and alterations within main rooms of listed buildings with a higher degree of protection than the present case at category A.
- These cases demonstrate that our proposed alterations are not unprecedented and fall within acceptable limits for listed building modifications.
- Legal precedents form the foundation of planning law and policy interpretation. They provide essential context and guidance for decision-making and cannot be disregarded.

Further evidence of the serious decline of the listed buildings stock in Glasgow (if needed):

Guardian Newspaper Headline on 2nd January 2025:

“Left to rot’: Glasgow’s crumbling heritage comes into focus for 850th anniversary’

Royal Incorporation of Architects in Scotland (RIAS) Bulletin on 11th January 2025:

The RIAS has called on greater focus on statutory duties in the Historic Environment Scotland Corporate Plan 2025-2028, given the emerging crisis in conserving Scotland's historic buildings.

Conclusion:

This appeal concerns a Category C listed building where the proposed works have already been undertaken to rescue a derelict flat after due process became overdue. The alterations are minor, reversible and prioritise the long-term conservation of the building by enabling its continued use. The project aligns with relevant planning policies, including CDP1, SG1, and SG9, by balancing conservation with the demands of modern living.

The applicants have demonstrated a commitment to preserving the building's character while enhancing its functionality. Refusing this appeal would be disproportionate and contrary to the principles of reasonable use. It would also disregard established precedents for similar alterations in comparable listed properties.

We urge the appeals body to consider the substantial benefits of this project.

This including the restoration of a rotten and derelict flat and also the two large tenement blocks under the auspices of a Glasgow City Council grant. This was all as part of a wider project for the 15 co-owners and has protected these flats and made a significant contribution therein to Glasgow's housing needs.

Approving this appeal would support the preservation of Glasgow's architectural heritage and tenement housing stock at a time of crisis in both sectors.

It would also strongly demonstrate a pragmatic and very sensible approach to listed building consent and the real-world problems of keeping listed buildings away from dereliction and well maintained in good healthy use.

Therefore we respectfully request that this appeal be granted.

Andy Whyte

Director- Lucid Architecture Limited (Scotland).

Director- Lucid Architecture DOO (Montenegro).