



Item 6

24th September 2024

Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: [onlineplanning@glasgow.gov.uk](mailto: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 100671686-001

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:

Ref. Number:

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

First Name: \*

Neil

Building Name:

Last Name: \*

Rutherford

Building Number:

167

Telephone Number: \*

Address 1  
(Street): \*

Henderland Road

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Bearsden

Fax Number:

Country: \*

Scotland

Postcode: \*

G61 1JA

Email Address: \*

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                     |                                                      |                                                     |
|----------------------|-------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| Title:               | <input type="text" value="Ms"/>     | You must enter a Building Name or Number, or both: * |                                                     |
| Other Title:         | <input type="text"/>                | Building Name:                                       | <input type="text"/>                                |
| First Name: *        | <input type="text" value="Suzie"/>  | Building Number:                                     | <input type="text" value="26"/>                     |
| Last Name: *         | <input type="text" value="Kitson"/> | Address 1 (Street): *                                | <input type="text" value="Victoria Crescent Road"/> |
| Company/Organisation | <input type="text"/>                | Address 2:                                           | <input type="text"/>                                |
| Telephone Number: *  | <input type="text"/>                | Town/City: *                                         | <input type="text" value="Glasgow"/>                |
| Extension Number:    | <input type="text"/>                | Country: *                                           | <input type="text" value="Scotland"/>               |
| Mobile Number:       | <input type="text"/>                | Postcode: *                                          | <input type="text" value="G12 9DD"/>                |
| Fax Number:          | <input type="text"/>                |                                                      |                                                     |
| Email Address: *     | <input type="text" value=""/>       |                                                      |                                                     |

## Site Address Details

|                                                                       |                                                        |
|-----------------------------------------------------------------------|--------------------------------------------------------|
| Planning Authority:                                                   | <input type="text" value="Glasgow City Council"/>      |
| Full postal address of the site (including postcode where available): |                                                        |
| Address 1:                                                            | <input type="text" value="FLAT 0/1"/>                  |
| Address 2:                                                            | <input type="text" value="26 VICTORIA CRESCENT ROAD"/> |
| Address 3:                                                            | <input type="text"/>                                   |
| Address 4:                                                            | <input type="text"/>                                   |
| Address 5:                                                            | <input type="text"/>                                   |
| Town/City/Settlement:                                                 | <input type="text" value="GLASGOW"/>                   |
| Post Code:                                                            | <input type="text" value="G12 9DD"/>                   |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="667161"/> | Easting | <input type="text" value="256397"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## 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)

Amalgamation of ground and basement flatted dwellings ,formation of patio doors, replacement windows and alterations to outbuilding.

## 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 Supporting Statement which has been submitted in support of the appeal.

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)

The following has been submitted in support of the appeal: Supporting Statement; Photo - Bowmont Terrace.

## Application Details

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

23/01840/FUL

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

09/08/2023

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

22/02/2024

## 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

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)

The rear elevation is not visible from any public viewpoint.

## 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 Neil Rutherford

Declaration Date: 18/05/2024



## **APPEAL TO LOCAL REVIEW BODY:**

**23/01840/FUL:**

**0/1 26 VICTORIA CRESCENT ROAD**

## **SUPPORTING STATEMENT OF APPEAL**

### **Introduction**

This Statement represents the written representations submission and is in support of the request that Glasgow City Council, under the provisions of Section 43A (8) of the Town and Country Planning (Scotland) Act 1997, Review the decision of the Appointed Person to refuse planning permission in respect of planning application 23/01840/FUL. This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form. An appeal has also been submitted to the DPEA on behalf of the Scottish Ministers concerning the listed building application 23/01841/LBA.

### **Proposal**

Full planning permission was sought for the amalgamation of ground and basement flatted dwellings, formation of patio doors, replacement windows (in retrospect) and alterations to outbuilding.

The application site occupies the basement and ground floor flats in a two-storey with basement and attic mid-terrace townhouse, which was subdivided into flats in the 1970s, prior to the building being listed. The building is a Category B Listed Building and part of an extended terraced block covering 6-34 Victoria Crescent Road.

The proposed external alterations include the replacement of ground floor sash and case windows on the front and rear elevations with double glazed timber sash and case windows; two windows to the front and two windows and a door to the rear have been replaced. With respect to the rear, one of the existing single basement windows is to be replaced by a wider opening, measuring approximately two metres, with glazed sliding patio doors and the rear door. In addition, the kitchen window and wall between is to be replaced by a single opening, measuring approximately 2.45 metres, with glazed patio doors. A downpipe would be redirected to accommodate one of the openings. The bin store shed which abuts the rear elevation and serves a communal refuse chute would be extended into the raised garden. Neither the downpipe nor the shed extension raised any concerns in the Report of Handling and consequently are not part of this appeal.

### **Grounds for Review**

It is submitted that the Appointed Person has failed to give enough weight to material considerations which would reasonably justify the approval of this planning application when considered against the relevant provisions of the development plan. Consequently, it is submitted that the proposal can be both fully and reasonably justified against the relevant provisions.

The application which forms the basis of this Request to Review was refused planning permission by Decision Notice dated 22 February 2024, with the stated reasons for the refusal of the application being as follows:

01. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

02. For the reasons noted below, the proposed development would detract from the architectural character and special interest of the Category B listed building and would negatively impact the appearance of the surrounding Glasgow West Conservation Area. It is contrary to Policy 7 Historic Assets and Places of National Planning Framework 4, Policies CDP 1 The Placemaking Principle,

CDP 9 Historic Environment and Supplementary Guidance SG 1 Placemaking and SG 9 Historic Environment of the adopted Glasgow City Development Plan.

03. The applicant has failed to submit a report on the conditions of the existing windows to justify the need for replacement, which is contrary to NPF4, Policy 7 - Historic assets and places and the Glasgow City Development Plan, CDP9 & SG9 Historic Environment.

04. The proposed replacement of rear basement windows and doors by wide openings fitted with patio doors would detract from the character and appearance of the Category 'B' listed building which is contrary to NPF4, Policy 7 - Historic assets and places and the Glasgow City Development Plan, CDP9 & SG9 Historic Environment.

05. The proposed erection of partitions to subdivide the communal entrance hall would compromise the proportions of the hall, obscure the staircase and thereby harm the character, integrity and special interest of the Category B listed building, which is contrary to NPF4, Policy 7 - Historic assets and places and the Glasgow City Development Plan, CDP9 & SG9 Historic Environment.

#### National Planning Framework 4

The Report of Handling includes the following Officer's Comment on the proposed development: *"The proposal has been considered to be in accordance with NPF4 as it will be in keeping with the special character and interest of the listed building and will preserve the character of the surrounding conservation area. Further details regarding the assessment of the proposed alterations can be found later in this report"*. Consequently, it is considered that the proposed raises no issues with NPF4. It is also noted that Historic Environment Scotland has not objected to the proposal.

#### Glasgow City Development Plan

##### Window Replacement:

The application has been refused on the grounds that there was no supporting report on the condition of the existing windows to justify the need for replacement, contrary to CDP policy CDP9 and associated Supplementary Guidance SG9 Historic Environment. Notwithstanding, the Report of Handling concludes that the replacement windows are supportable. Indeed, the newly installed double-glazed windows are timber, sash and case windows, which match the original windows in their design, profile, method of opening and materials. Therefore, the new windows are of an appropriate design when considered against the terms of CDP9/SG9, which protect the character of the listed building.

In installing the windows, the applicant was under the mistaken understanding that "like for like" replacement windows enjoy the same rights as "like for like" repairs to traditional windows and do not require Planning Permission or Listed Building Consent, which is not the case.

In view of the above, despite there being no supporting survey, it is considered that planning permission be granted for the replacement windows.

##### Patio Doors:

Whilst the door widths do not match the existing basement windows, as set out in SG9 Conversion of Windows to Doors, the proposed patio door to the lounge has been defined by the width of the above window and is the same width as that window. With respect to the proposed patio door to the kitchen, the window width has been defined not just by the kitchen window, but also by the existing door. The width of the patio door is actually smaller and no wider than the existing door-window grouping. As far as practicable the openings have endeavoured to address the architectural integrity of the building in order to facilitate the formation of patio doors.

Furthermore, concerning SG9, it is acknowledged that the window panels do not align with the existing cill and that the proposed doors could better replicate the design of the existing windows. In view of this, a planning condition would be acceptable in this instance requiring the submission of the full details of the proposed doors, which could recreate the visual effect of the mullions in the above

windows, and that the topmost point of the window panel of the doors align with the existing cill. This would match the following condition included in the listed building consent and full planning permission at 2 Bowmont Terrace (17/00352/DC and 17/00372/DC): “*Full details of the proposed replacement rear door shall be submitted to and approved in writing by the planning authority prior to the commencement of work on this element of the development*”. The implemented works are shown in the photograph of the rear elevation at Bowmont Terrace, which is included as supporting documentation.

Whilst the materials are not specified in the application, the lower panels will be traditional solid timber panels, which will be painted to match the existing windows. Therefore, it is considered that the proposed alterations would relate more harmoniously to the windows on the floors above and do not adversely affect the listed building when assessed against SG9, especially in view of **planning decisions in the vicinity of the application site**.

Indeed, as well as the permissions at Bowmont Terrace, planning permission and listed building consent have also been granted for similar size openings for patio doors in the vicinity of the site at 18 Victoria Crescent Road under the terms of permissions 08/00874/DC and 08/00875/DC, which is part of the same listed building grouping. These approvals have established the principle of full height glazing and wider window openings, which have been considered acceptable. Therefore, it is considered that the **appearance of the proposal and its relationship to its surroundings and planning decisions on similar proposals in the area** are important material considerations with respect to the impact on architectural integrity.

It is also considered that the **impact** of the proposed doors on the listed building is negligible and that this is an important material consideration. The rear elevation of the listed building group is less elaborate, less formal, more private and more utilitarian with several unsightly flues and extensions than the public elevation. In addition, the rear elevation and garden are separated from Victoria Crescent Lane by a substantial wall which prevents visibility from any public space. The nearest buildings to the north are at a considerable distance with substantial vegetation limiting views, the rear basement level is not part of a formal composition that would be readily appreciated from outside the garden. It should also be noted that the appellant also has plans to further improve the appearance of the rear elevation by removing the flue at a later date.

The **planning history of the site** is also an important material consideration concerning impact and visibility and is particularly relevant to this case. A contemporary single storey rear extension for this property, which is arguably at odds with the setting and integrity of the listed building, has received both planning permission and listed building consent (20/00871/FUL and 20/01089/LBA). The Reports of Handling associated with the extension justify the development against the same set of planning policies used to assess this case, especially SG9, on the grounds that the extension is located to the rear of the property and protected from public view. These permissions have shown what development can be carried out on the site with respect to the impact on architectural integrity. It is therefore concluded that the architectural integrity will not be harmed because the site is screened from public view.

In view of the above, a **precedent** has already been set of similar alterations, to the listed block and other listed properties within the same conservation area. These decisions have not adversely impacted on the setting of the listed buildings or conservation area. Consequently, the planning policies will not be undermined because the site is not visible from public view and it is considered that like cases be determined in a similar manner.

#### Internal Hallway:

The internal alterations to the communal entrance hallway do not form part of the planning application and this matter is being considered under the separate appeal submitted to the DPEA on behalf of the Scottish Ministers.

## Summary

The replacement windows comply with CDP9 and SG9; the issue concerning the internal alterations to the hallway are not part of the planning application and will be addressed by the DPEA on behalf of the Scottish Ministers as part of the separate Listed Building Consent Appeal.

Whilst the proposed patio doors are not strictly consistent with Supplementary Guidance SG9, there are material considerations which outweigh the proposals variance with the development plan. These are outlined earlier in this Statement and include: the planning history of the site, relationship to its surroundings including the planning history of that area, impact and precedent. In addition, a planning condition can be included to make the proposed doors more harmonious to the setting of the listed building and comply with the broad intentions of SG9.

It is also submitted that in terms of the relevant provisions of the development plan, the proposed development can be reasonably justified against the policies which have been referenced within the reasons for the refusal of the application. The proposed changes will also allow for the continued residential use of this handsome building and would not detract from the architectural character and special interest of the Category B listed building nor negatively impact upon the appearance of the surrounding Glasgow West Conservation Area. Indeed, Historic Environment Scotland has not objected to the proposal.

Considering all those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission to planning application reference 23/01840/FUL.

Neil Rutherford MBA, DiP, BSc (Hons), MRTPI