

**Committee Listed Building Consent Report  
The Town and Country Planning (Listed Building Consent and Conservation Area  
Consent) (Scotland) Regulations 2015**

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**Reference No:** 19/00543/LIB  
**Planning Hierarchy:** Listed Building Consent  
**Applicant:** Mr and Mrs G Gardner  
**Proposal:** Internal alterations, installation of replacement windows and replacement lead works to roof  
**Site Address:** Invergare House, Glenarn Road, Rhu, Helensburgh, Argyll And Bute G84 8LL

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

**(i) Development Requiring Listed Building Consent**

- Replacement of 5 no. windows
- Internal alterations comprising blocking up of 1 no. doorway and formation of new doorway in existing wall; and formation of partition walls with door to create en-suites within 2 no. existing rooms
- Replacement of felt flat roof and flashings, ridges and copings with code 6 lead work

**(ii) Other specified operations**

- None
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**(B) RECOMMENDATION:**

Listed building consent be approved subject to conditions recommended herein.

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**(C) CONSULTATIONS:**

Historic Environment Scotland (HES) – 03.06.2019 – It is noted that the changes noted in this application have already been carried out. It would be helpful to request further information to demonstrate that the works were carefully considered, and carried out to the appropriate conservation standards. Comments should be treated as a material consideration in the decision making process. The proposals do not raise historic issues of national significance and therefore HES do not object, however the application should be determined in accordance with national and local policy on listed building/conservation area consent, along with related policy guidance.

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**(D) HISTORY:**

19/00846/LIB – Listed building consent for alterations to form new patio doors to basement area – Refused 01.07.2019.

20/01248/PP - Change of use from Class 9 dwellinghouse to short term let (retrospective) – Withdrawn 23.07.2021.

21/01404/PP - Change of Use from (class 9) residential to (sui generis) exclusive-use visitor accommodation (retrospective) – To be determined concurrently with this application for listed building consent.

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**(E) PUBLICITY:**

Site Notice - Listed Building – Expired 30.05.2019

Listed Building/Conservation Advert – Expired 30.05.2019

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

Representation: -

Architectural Heritage Society of Scotland (AHSS) - Audrey R Gardner - Tobacco Merchants House 42 Miller Street Glasgow G1 1DT

Michael Thornley - Glenarn House Glenarn Road Rhu Helensburgh G84 8LL

Sue Thornley - Glenarn House Glenarn Road Rhu Helensburgh G84 8LL

James Murphy - Invergare Coach House Glenarn Road Rhu Helensburgh G84 8LL

Mr Neil Rosie - Mill Bridge Mill Lane Glenoran Road Helensburgh G84 8JU

Dr Rob Stuart - Dunaivon Armadale Road Rhu Helensburgh G84 8LG

Objection: -

Michael Jane - Elwood House Upper Torwoodhill Road Rhu Helensburgh G84 8LE

Emma-Louise Jane – Address not provided

Derek R Hall - Fides Glenarn Road Rhu G84 8LL

Fraser King - Hazelwood Cottage Torwoodhill Road Rhu Helensburgh G84 8LF

Mr Tim Esson - Melsetter Torwoodhill Road Rhu Helensburgh G84 8LF

Mr Neil Richardson - Armadale Gareloch Road Rhu Helensburgh G84 8NE

Mr Albert Barclay - Carbeth House Torwoodhill Road Rhu Helensburgh G84 8LE

Mr Nick Barton - Dunrowan Armadale Road Rhu Helensburgh G84 8LG

A total of 14 representations comprising 6 no. representations neither in support nor objection, and 8 no. objections.

**(ii) Summary of issues raised:**

- The listing status implies that a high level of appropriate conservation principles and methods be applied.

*Comment: - Noted.*

- Paucity of information on drawings and lack of conservation statement with specific reference to lead specification/details; to impact of new room partitions on historic features including cornices and skirting; harling and downpipes details.

*Comment: - Noted. It is accepted that the level of details submitted as part of the application is less than comprehensive. However it is considered sufficient in commensurate terms with the minor nature and scale of the proposed works, and allows sufficient information to assess this application. Further details can be required by conditions as appropriate.*

- Some elements of the works do not replace existing contrary to a statement by the agent.

*Comment: - Window materials are like for like. Whilst the new code 6 lead may not be exactly like-for-like it is considered appropriate. It is acknowledged that the internal partitions are not like-for-like however it is considered that these works are appropriately sympathetic to the listed building.*

- No reference in submission to new externally mounted lighting and CCTV

*Comment: - It is acknowledged that some works have been carried out that materially affects the character of the listed building which do not form part of this current application for listed building consent. Rather than delay determination of this application and potentially introduce procedural complexities by seeking amendments, this application will be determined as submitted. A full assessment of all works carried out to date will be undertaken and all works not explicitly covered by any consent in relation to this application will be required to be subject of a further application for listed building consent.*

- The works subject of this application have been commenced prior to approval of any consent.

*Comment: - All works carried out prior to granting of listed building consent is at the risk of the owner/developer.*

It is noted that many of the representations include objections to the proposed change of use from a dwellinghouse to short-term holiday lets e.g impact on residential amenities, local character and highways issues. These objections have not been included in the summary for brevity as these concerns are not material to an assessment of the impact of physical works to the listed building. It is not appropriate to take issues arising from the proposed change of use into account in assessing this application for listed building consent. However, these objections to the change of use were registered in relation to the related application for planning permission.

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

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|--------------|---|----|
| <b>(i)</b>   | <b>Environmental Statement:</b>   | No |
| <b>(ii)</b>  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>  | No |
| <b>(iii)</b> | <b>A design or design/access statement:</b>   | No |
| <b>(iv)</b>  | <b>A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | No |

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**(H) PLANNING OBLIGATIONS**

Is a Section 75 agreement required: No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

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- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

**'Argyll and Bute Local Development Plan' Adopted March 2015**

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

**Historic Environment and Archaeology**

SG LDP ENV 16(a) – Impact on Listed Buildings

- (ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Scottish Planning Policy

- HEPS – Historic Environment Scotland
- Managing Change in the Historic Environment - Historic Environment Scotland
- Argyll and Bute Council – Technical Working Note – Argyll and Bute Windows – April 2018
- Consultee comments
- Third party representations raising material planning considerations

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

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**(M) Has a sustainability check list been submitted: No**

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**(N) Does the Council have an interest in the site: No**

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**(O) Requirement for a hearing: No**

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**(P) Assessment and summary of determining issues and material considerations**

The application property comprises a Category B Listed Building located within a residential area within the village of Rhu. Formerly used a dwellinghouse, the property is currently being used for short-term letting. This use has been periodically operated over approximately the preceding two and a half years. A planning application for the “exclusive use letting” (retrospective) is subject to a separate report within this agenda (ref: 21/01404/PP).

The property is a large, 3-storey stone-built building set in spacious landscaped grounds in a prominent hillside setting overlooking Gare Loch to the south.

Brief extracts from the listing description taken from the HES web-site are reproduced below for reference: -

*“James Smith, 1855 with addition of entrance tower, almost certainly by A N Paterson, 1923 further alteration 1933, Paterson. 2-storey and apartment basement, asymmetrical, rambling-plan, Scots Baronial and 17th century detailed house sited on falling ground. Grey harl with honey-coloured sandstone dressings and margins; base course; chamfered reveals; quoin strips; eaves band; crow-stepped gables; principal floor windows with cornices.*

*INTERIOR: vestibule with polished sandstone arches; marble floor and skirting with red tiled floor; barrel-vaulted corridor leading from entrance tower to cloak room with 1920s wood panelling. Columned classical arch dividing hall. Stone stair with twisted timber balusters, now cut off from upper floor by new ceiling of upper flat; white-painted panelling; dining room with wooden door and picture rail; coved ceiling,*

*inglenook to left of bay window, ashlar fireplace, wood panelling. White marble classical chimneypiece with figurative central panel.”*

The proposed works comprise the following (as set out on the application form) : -

- Installation of replacement windows;
- Replacement of lead work on roof; and,
- Internal alterations

It is proposed to replace a total of 5 no. existing windows comprising 1 no. 2<sup>nd</sup> floor sash in case window on the south (principal) elevation; and 4 no. sash in case windows (2 no. 1<sup>st</sup> floor and 2 no. 2<sup>nd</sup> floor) on the north elevation. This work has been implemented. The planning authority is satisfied that the windows as shown on the submitted detailed drawings are a genuine 'like-for like' in relation to the existing windows that have been retained elsewhere in the building. Good conservation practice (refer to HES publications and ABC Technical Note) would be for retention and refurbishment of original windows in the first instance where at all possible. The removal of the pre-existing windows prior to this assessment does not allow an inspection of their condition. This is regrettable, however conservation guidance on replacement of windows in a listed building indicates that a faithful like-for-like replacement is the next best sequential approach to retention. In the circumstances (where any historic value of the original windows has been lost prior to assessment of the windows) it is considered that the like-for-like replacement windows satisfactorily preserve and conserve the architectural and historic character of the listed building in accordance with relevant national and local policy on conserving the historic environment and associated technical guidance.

The application drawings note proposed remedial works to the existing roof with broken or missing slate to be replaced with Ballachulish slate to match existing. On this basis, this element of the works does not require listed building consent.

The notation continues that all existing flashings and ridges be replaced with code 6 lead. The works also include replacement of existing lead work on the crow stepped gables (south, west and north elevations) with code 6 lead. The felt roof to the roof terrace and on the ramparts around the perimeter of the roof terrace is to be replaced with code 6 lead. It is considered that code 6 lead is an appropriate specification relative to the pre-existing lead work.

Internal alterations are restricted to the first floor and comprise minor alterations to the layout in order to create 3 no. en-suites. 2 no. of these involve a new partition wall(s) with door within the volume of an existing room (i.e sub-division.) The third involves the blocking up of a doorway off of the hall to a large cupboard and the creation of a new doorway from the adjacent room into the former cupboard (proposed en-suite). These interventions are modest in scale and nature and it is considered that they do not materially compromise the spatial character of 2 no. rooms proposed for sub-division. No details have been given to allow assessment of the construction details of the partitions in relation to the historic fabric including skirtings, rails and cornicing. Details should be submitted and assessed by means of conditions in order to ensure that any impact on historic internal features.

In the interests of clarity it is important to state that this application for listed building consent has been assessed strictly on the basis of the proposed works as detailed on the application forms and submitted application drawings. The description of works on the application forms is *“Internal alterations, installation of windows + lead*

*works to roof.*” Notes on the application drawings are restricted to internal partitions on the first floor; replacement of leadwork with code 6 lead and replacement of 5 no. sash windows on a like for like basis. This listed building consent applies only to these specified works applied for and to no other works that may have been carried out. For example external re-rendering and security lights do not form part of this application and as such expressly do not benefit from any consent that may be issued. Any other works, not forming part of this application remain unauthorised and will require a separate application for listed building consent.

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**(Q) Is the proposal consistent with the Development Plan:** Yes

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**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

The proposed works as applied for are relatively modest in scale and nature and by nature of design, materials, and details will preserve the architectural and historic character of the listed building in accordance with national and local policy on development impact on the historic environment and associated guidance.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

Not applicable. The proposed works are considered to be consistent with all relevant provisions of the Local Development Plan.

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
No

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**Author of Report:** Norman Shewan                      **Date:** 07.09.2021

**Reviewing Officer:** Howard Young                      **Date:** 08.09.2021

**Fergus Murray**  
**Head of Development and Economic Growth**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 19/00543/LIB

1. The works permitted to which this consent relates must be begun within three years from the date of this permission.

Reason: to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1991.

2. The development shall be implemented in accordance with the details specified on the application form dated 14<sup>th</sup> March 2019, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	379/L01	-	21.05.2019
Basement and Ground Floor Plans – As Existing	379/E01	02	21.05.2019
First and 2 <sup>nd</sup> Floor Plans – As Existing (incorrect title on architects drawing.)	379/E02 (incorrect dwg. no. on architects drawing.)	02	21.05.2019
Elevations Sheet 1 of 2 – As Existing	379/E03	03	21.05.2019
Elevations Sheet 2 of 2 – As Existing	379/E04	01	21.05.2019
Elevations Sheet 1 of 2	379/LB01	03	21.05.2019
Elevations Sheet 2 of 2	379/LB02	01	21.05.2019
Roof Plan	379/LB03	01	21.05.2019
Window Plan Detail (Sheet 1 of 3)	BWSD-034	-	21.05.2019
Window Vertical Section Details (Sheet 2 of 3)	BWSD-033	-	21.05.2019
Window Astragal Detail (Sheet 3 of 3)	22B-021	-	21.05.2019

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

3. Notwithstanding the effect of Condition 2, no development shall commence with regard to the internal alterations until full construction details of the proposed internal wall partitions have been submitted to and approved in writing by the Planning Authority. The details should include:



- (i) a schedule of existing (or pre-existing) internal architectural fixtures and features (including photographs) at the locations where the proposed new partition walls abut the existing (or pre-existing) internal building fabric;
- (ii) fully notated plan and section details at a scale of not less than 1:20 showing the partition wall construction where the intervention abuts any identified existing/pre-existing internal features including cornices; skirtings or other applied architectural mouldings; and,
- (iii) a conservation construction method statement relating to the methods to be adopted in the formation of any new partition walls to retain the identified architectural features intact and to ensure that the new partition walls are capable of removal at a later date without any impact upon the existing internal fabric, fixtures and features.

Thereafter the development shall be completed in accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to ensure that the proposed new partition walls do not compromise internal features, fixtures or fittings of architectural or historic value and to ensure that, in accordance with good conservation practice, that the modern partition walls are capable of subsequent removal without having compromised such internal features. In the interests of protecting historic fabric of the listed building.

## NOTE TO APPLICANT

- The applicants should be fully aware that this application for listed building consent has been assessed strictly on the basis of the proposed works as detailed on the application forms and submitted application drawings. The description of works on the application forms is “Internal alterations, installation of windows + lead works to roof.” Notes on the application drawings are restricted to internal partitions on the first floor; replacement of leadwork with code 6 lead and replacement of 5 no. sash windows on a like for like basis. This listed building consent applies only to these specified works applied for and to no other works that may have been carried out. Any other works, not forming part of this application remain unauthorised. Without prejudice, any other works that require listed building consent will require a separate application for listed building consent.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/00543/LIB**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

The proposed works are small in scale and relate to repair, maintenance and alterations to an existing building located within the settlement of Rhu as identified in the Local development Plan – 2015.

As such, there is no conflict with the LDP Settlement and Spatial Strategy.

#### **B. Location, Nature and Design of Proposed Development**

The property is a large former dwellinghouse set within generous, landscaped grounds in an imposing hillside setting overlooking Gare Loch to the south. It is surrounded by residential development.

#### **C. Natural Environment**

Not applicable.

#### **D. Impact on the Historic and Architectural Character of a Listed Building**

The works are relatively modest and by nature they relate to repairs and maintenance to a large extent.

It is proposed to replace 1 no. window on the principal south facing elevation and 4 no. windows on the north elevation. Replacement windows as shown on the elevation drawings and specified in the submitted window detail drawings are an appropriately standard of like for like replacement. Best conservation practice advocates the retention and refurbishment of windows unless it can be demonstrated that this is not practicable. Unfortunately, the pre-existing windows have been removed prior to this assessment and no information has been submitted as part of this application to support their removal. Having said that, like for like replacement is considered to be the next best option in relation to conservation practice and on the basis that the replacement windows are a good like for like replacement, it is considered that this element of the works preserve that architectural and historic character of the listed building.

The sub-division of 2 no. rooms to create bedrooms with en-suites retains the spatial character and integrity of these spaces. Subject to conditions requiring submission and approval of details and working methods, it is considered that these interventions can be implemented without detrimental impact on historic fabric including original internal features including cornices, skirtings and other applied architectural mouldings.