

**Committee Planning Application Report and Report of Handling in relation to The Planning (Listed Building Consent and Conservation Area Consent Procedure)(Scotland) Regulations 2015**

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**Reference No:** 23/01503/LIB  
**Applicant:** Mrs Joanna Peach  
**Proposal:** Formation of new vehicular access through the existing stone wall  
**Site Address:** Land Between Lagarie Lodge And Lagarie House Torwoodhill Road Rhu Argyll And Bute

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**DECISION ROUTE**

Committee Decision under Local Government Scotland Act 1973

**(A) THE APPLICATION**

- (i) Alterations requiring Listed Building Consent**
    - Formation of new vehicular access through existing stone wall
  
  - (ii) Other specified operations**
    - n/a
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**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that listed building consent be **granted** subject to the conditions and reasons appended to this report.

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**(C) CONSULTATIONS:**

Historic Environment Scotland	04.09.2023	No Objection
Built Heritage Conservation Officer	30.08.2023	No Objection subject to conditions

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**(D) RELEVANT HISTORY:**

**20/01383/LIB**



Formation of new vehicular access through the existing stone wall  
16.08.2023 (application withdrawn)

**23/01502/PP**

Erection of dwellinghouse and formation of new vehicular access *Pending*

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**(E) PUBLICITY:**

ADVERT TYPE: Listed Building/Conservation Advert

EXPIRY DATE: 28.09.2023

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

**Objections:**

Mrs Sandra McGuire, 4 Lagarie House, Torwoodhill Road, Rhu, Helensburgh, Argyll & Bute, G84 8LF, 11.10.2023

Krystina Crawford, 736 Crow Road, Anniesland, Glasgow, G13 1NF, 03.10.2023, 10.10.2023

Peter Cassidy, Auchenlea Lodge, Torwoodhill Road, Rhu, Helensburgh, Argyll & Bute, 02.10.2023

Peter Eastwood, 8 Charlotte Court, Charlotte Street, Helensburgh, G84 7DF, 30.09.2023

Jill Eastwood, 8 Charlotte Court, Charlotte Street, Helensburgh, G84 7DF, 30.09.2023

Ronald McKechnie, 1 Lagarie House, Torwoodhill Road, Rhu, Helensburgh, Argyll & Bute, 19.09.2023

James Windebank, 19 West Montrose Street, Helensburgh, G84 9PF, 11.10.2023

Jim Crawford Garden Cottage Lagarie Torwoodhill Road Rhu Helensburgh, 08.10.2023, 09.10.2023, 10.10.2023, 01,02,2024, 03.04.2024, 02.05,2024

Georgina Cassidy, Auchenlea Lodge,, Torwoodhill Road Rhu, Helensburgh, Argyll & Bute, 02.10.2023

Dr James Edwin Crawford, Kildalloig Dhorlin, Wheatleywell lane, Chester Le Street, DH2 3LD, 04.10.2023, 10.10.2023

Dr Kenneth Mangion, Tombrake Farm Steadings, Balfron, G63 0QR, 02.04.2024

*Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.*

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



Note that the proposed listed building consent application is associated directly with planning application reference; 23/01502/PP and should not be considered in isolation and should be decided after the planning permission application

*Comment; the council has considered both applications in conjunction*

Note that the applicant has identified the application site as vacant land, however, this is incorrect as the land is the front garden of Lagarie house and is its main lawn

*Comment; this is noted, however, the site is no longer part of the garden grounds of Lagarie House*

Note that the supporting statement for this application is incorrect as it states that the wall is not part of Lagarie Houses' curtilage

*Comment; the application site no longer forms part of Lagarie Houses' curtilage. It is deemed that the wall is considered to be listed by way of curtilage but this does not relate to the current property boundary's, for a structure to be considered listed by way of curtilage it must meet the four tests of curtilage listing, these are; were the structures built before 1 July 1948? Were the structures in the same ownership as the main subject of the listing at the time of listing? Do the structures clearly relate to the main subject of the listing in terms of their (original) function? Do the structures still relate to the main subject on the ground?*

Note that the existing hedge and boundary screening form part of Lagarie Houses' setting and wider conservation area

*Comment; please note that this application solely relates to the proposed alterations to a listed wall, the above points raised are assessed under planning application reference 23/01502/PP*

Note that the proposal is overdevelopment of Lagarie Houses' garden grounds

*Comment; this is noted, however, the site is no longer part of the garden grounds of Lagarie House. Furthermore, please note that this application solely relates to the proposed alterations to the listed wall, the above points raised are assessed under planning application reference 23/01502/PP*

Note that the drawings submitted for this application do not include the existing hedge or boundary screening

*Comment; please note that this application solely relates to the proposed alterations to a listed wall, the above points raised are assessed under planning application reference 23/01502/PP*

Note that no impact assessment has been submitted in relation to traffic noise, ecological issues, the wider conservation area or the setting of the listed building

*Comment; please note that this application solely relates to the proposed alterations to the listed wall, the above points raised in regards to traffic noise and ecological issues are assessed under planning application reference 23/01502/PP. With regards to the effects of the proposed alterations to the listed wall, please see assessment below*

Note that no detail has been provided in terms of roads / access issues and that there are concerns in relation to roads / access issues



*Comment; please note that this application solely relates to the proposed alterations to a listed wall, the above points raised are assessed under planning application reference 23/01502/PP*

Note that no gate has been proposed

*Comment; no gate has been shown on the proposals, should the applicants wish to install a gate this would be subject of a future application*

Note that the proposal will have a detrimental impact on the setting of the neighbouring listed building

*Comment; please note that this application solely relates to the proposed alterations to a listed wall. With regards to the effects of the proposed alterations to the listed wall, please see assessment below*

Note that the proposal will have a detrimental impact on the character of the conservation area

*Comment; as above*

Concerns about the proposed developments impact on trees and concern in regards to the lack of ecological or bat surveys

*Comment; please note that this application solely relates to the proposed alterations to a listed wall, the above points raised are assessed under planning application reference 23/01502/PP*

Note that the applicant has a right of access from the private road from the rear and would use this as additional access

*Comment; The applicants have shared right of access over this private road, however, the proposed development of the site requires certain roads conditions, and these cannot be achieved via the existing shared access as the applicants do not have full control over the land hence why a new private access is proposed from the A814. The recommended roads conditions are that the new access shall be installed prior to construction of the dwellinghouse. As the site is within a Conservation Area, then creation of an additional access from the private road would require further approval.*

Note that the existing listed boundary wall will have its integrity broken

*Comment; please see assessment below*

Note that all previous applications on the site have been refused and a previous appeal that was dismissed should mean that this application should be refused

*Comment; please note that this application solely relates to the proposed alterations to a listed wall, the above points raised are assessed under planning application reference 23/01502/PP*

Note that previous approvals surrounding the site contained planning conditions that noted that no access should be taken directly from the A814

*Comment; As above*



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## **(G) POLICIES:**

**List of all Development Plan Policies and other material considerations taken into account in assessment of the application.**

[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)

NPF4 Policy 7 – Historic Assets and Places

[Argyll and Bute Local Development Plan 2 \(Adopted 2024\)](#)

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Policy 16 – Listed Buildings

Policy 17 – Conservation Areas

Other guidance:

[Managing Change in the Historic Environment: Boundaries | HES](#)

Note: there is no Conservation Area Appraisal for Rhu Conservation Area.

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## **(H) SUMMARY ASSESSMENT:**

Listed building consent is sought for the alterations to form of a new vehicular access through an existing stone wall at; Land Between Lagarie Lodge and Lagarie House, Torwoodhill Road, Rhu.

The proposal lies within the Rhu Conservation Area and the residential property adjacent to the West, “Lagarie House” is a Category “B” listed building. Additionally, within the vicinity is the Category “A” listed “Ardencaple Hotel”. Listed Building Consent is sought for the alterations to the existing stone wall as it is deemed that the wall is Category “B” listed by way of curtilage in relation to “Lagarie House”.

The determining factor is the impact of the alteration of wall on the historic environment, in particular whether the works preserve the listed wall, the setting of the listed building or any features of special architectural or historic interest and whether the works would preserve or enhance the character and appearance of the area.

The formation of the proposed new vehicular access from the A814 will be through the existing random rubble stone wall which forms part of the southern boundary to the application site. The proposal is that the wall will be altered to provide the necessary 5.5m wide opening (4.5m road & 0.5m verge on each side). The wall will be splayed and returned into the new entrance for a distance of approx. 4.5m. The wall will be re-instated to match the height of the existing stone wall (approx. 800mm high from adjacent pavement level) with the same stone and design as currently constructed.

The Council’s Design and Conservation Officer was consulted on the proposals and has summarised;

*“there would be no significant issue in principal in terms of the character or appearance of the conservation area or the character or special interest of the listed building.”*

Historic Environment Scotland (HES) were also consulted on the proposals in relation to the nearby category A listed Ardencaple Hotel) and have noted that they do not have any comments to make in regards to this application.



A fully detailed assessment with reference to the above determining factors, and all other material considerations and material planning issues raised by third party representations (not addressed above) are set out in the Appendix A to this report.

Having regard to all material considerations it is considered that the proposal is acceptable.

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**RECOMMENDATION:**

It is recommended that Listed Building Consent be granted subject to the conditions and reasons on the following page.

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<b>Author of Report:</b>	Emma Jane	<b>Date:</b>	07.05.2024
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<b>Reviewing Officer:</b>	Kirsty Sweeney	<b>Date:</b>	07.05.2024
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**Fergus Murray**  
**Head of Development & Economic Growth**



## CONDITIONS AND REASONS RELATIVE TO APPLICATION 23/01503/LIB

1. Notwithstanding the effect of condition 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 1997.*

2. The development shall be implemented in accordance with the details specified on the application form dated 28/07/2023; supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 8	-	01.08.2023
Existing Site Plan	2 of 8	-	01.08.2023
Existing Site Cross Section and Photographs	3 of 8	-	01.08.2023
Proposed Site Plan	4 of 8	C	22.08.2023
Proposed Site Cross Sections	5 of 8	-	01.08.2023
Proposed Site Cross Section Access Wall Elevation and Layout Plan	6 of 8	-	01.08.2023
Proposed Sightline Plan	7 of 8	C	01.08.2023
Supporting Statement	8 of 8	-	01.08.2023

**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 1; Samples of the replacement stone to be used for the of the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

**Reason:** *To ensure that the materials to be used on the external surfaces of the listed wall complement and match the existing wall.*

4. Notwithstanding the effect of condition 1; any replacement stone shall match the detailing including joint thickness of the existing listed stone wall.

**Reason:** *To ensure that the materials to be used on the external surfaces of the listed wall complement and match the existing wall.*

5. Notwithstanding the effect of condition 1; should any gateposts be formed additional details of these shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

**Reason:** *To ensure that the materials to be used on the external surfaces of the listed wall complement and match the existing wall.*



**NOTE TO APPLICANT**

N/A





<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>23/01503/LIB</b>
<b>LISTED BUILDING CONSENT POLICY ASSESSMENT: 23/001503/LIB</b>	

## 1. Main Assessment

1. Listed building consent is sought for the formation of a new vehicular access through an existing stone wall at; Land Between Lagarie Lodge and Lagarie House, Torwoodhill Road, Rhu. The proposal lies within the Rhu Conservation Area and the residential property adjacent to the West, “Lagarie House” is a Category “B” listed building. Additionally, within the vicinity is the Category “A” listed “Ardencaple Hotel”. Listed Building Consent is sought for the alterations to the existing stone wall as it is deemed that the wall is Category “B” listed by way of curtilage in relation to “Lagarie House”.
  - 1.1. Section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states that there shall be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also, Section 64(1) of the aforementioned Act requires special attention to the desirability of preserving or enhancing the character or appearance of the Rhu Conservation Area, in which the wall is located. As such the determining factor is the impact of the alteration of wall on the historic environment, in particular whether the works preserve the listed wall, the setting of the listed building or any features of special architectural or historic interest and whether the works would preserve or enhance the character and appearance of the area.
  - 1.2. The formation of the proposed new vehicular access from the A814 will be through the existing random rubble stone wall which forms part of the southern boundary to the application site. The proposal is that the wall will be altered to provide the necessary 5.5m wide opening (4.5m road & 0.5m verge on each side). The wall will be splayed and returned into the new entrance for a distance of approx. 4.5m. The wall will be re-instated to match the height of the existing stone wall (approx. 800mm high from adjacent pavement level) with the same stone and design as currently constructed. It is noted that the existing stone wall appears to span along the majority of the frontage of the settlement area of Rhu and the A814, as such it is indicative of the settlement and the conservation area. At various points there are junctions, private vehicular accesses and pedestrian accesses taken through this wall.
  - 1.3. NPF4 Policy 7 (Historic assets and places) generally seeks to protect and enhance the historic environment, assets and places, and to enable positive change as a catalyst for the regeneration of places.
  - 1.4. NPF4 Policy 7(a) requires that development proposals with a potentially significant impact on historic assets or places be accompanied by an assessment based on an understanding of the cultural significance of the asset and/or place. Development will only be supported where the character and appearance of the conservation area is preserved or enhanced. It is noted that officers are satisfied that the proposals have met the policy requirements of NPF4 Policy 7(a) and have included an appropriate assessment within the submitted design and access statement relative to the accompanying planning application reference; 23/01502/PP.
  - 1.5. NPF4 Policy 7(c) requires that development proposals affecting the setting of a listed building preserve its character, and its special architectural or historic interest. LDP2 Policy 16 (Listed Buildings) add to this that that development must be of the highest quality, and respect the original structure in terms of setting, scale, design, materials and proposed use.

1.6. NPF4 Policy 7(d) requires that development proposals in a conservation area will only be supported when the character or appearance of the conservation area is preserved or enhanced. Relevant considerations include the architectural and historic character of the area; existing density, built form and layout; context and siting, quality of design and suitable materials. LDP2 Policy 17 (Conservation Areas) broadly reflects this.

1.7. The HES guidance 'Managing Change in the Historic Environment Boundaries' sets out the principles that apply and how they should inform planning policies. It states that walls form important elements in defining the character of historic buildings, conservation areas and designed landscapes. Age, design, materials and associated features are amongst the factors that contribute to the interest of historic boundaries. Walls often use local building materials or local traditions so new work should seek to maintain this wherever possible. Alternative locations for access may have less impact on a boundary and provide safer approaches for vehicles. The formation of a new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. Where the formation of a new opening is found to be consistent, the minimum of historic fabric should be lost and the opening should normally be detailed to match the existing openings.

1.8. The Council's Design and Conservation Officer was consulted on the proposals and has summarised;

*"The proposal involves alteration to form an opening in the wall which is listed as part of the curtilage of Lagarie House. This relates to a separate application to erect a dwellinghouse in the grounds of Lagarie House (23/01502/PP) for which I have provided comments on separately.*

*In terms of this application, there would be no significant issue in principal in terms of the character or appearance of the conservation area or the character or special interest of the listed building. However Planning Conditions should be included in terms of the following:*

- Existing stone is to be used in the same manner, to include matching of joint thicknesses*
- If any new stone is required to supplement the existing then samples of this should be provided*
- Should gateposts be proposed to be formed then details of these should be provided"*

1.9. Historic Environment Scotland (HES) were also consulted on the proposals in relation to the nearby category A listed Ardencaple Hotel (please note that Historic Environment Scotland do not advise on matters relating to category B or C listed properties and this is a matter for the councils design and conservation officer, which has been detailed above) and have noted that they do not have any comments to make in regards to this application.

1.10. As stated above, although the listed wall is a prominent feature along the frontage of Rhu, there are already numerous similar vehicular and pedestrian entrances that make an insertion through the wall. Therefore, it is not considered that an additional access would have a negative impact on the surrounding conservation area or would affect the setting of nearby listed properties. It will result in the minimum amount of wall being removed and the proposed returns will be detailed to match the existing wall. It is therefore recommended that the matters specified by the Design and Conservation Officer are secured via condition and this will ensure the detailing is to a high standard in keeping with the existing wall.

## **2. Conclusion**

2.1. In conclusion, officers are satisfied that the proposed development, by reason of siting, scale, form and architectural style is of a sufficiently high standard and will preserve the character and appearance of this part of the Rhu Conservation Area and will not have an adverse impact on character of surrounding listed properties in accordance with NPF 4 Policy 7, LDP2 Policy 16, LDP2 Policy 17 and relevant HES guidance on development impact on historic assets.



2.2. On the basis of the above it is confirmed that having regard to all material considerations it is considered that the proposal is acceptable, therefore, it is recommended that listed building consent be granted.

