

**RESPONSE TO FURTHER INFORMATION
SUBMITTED BY MR PETER CAMPBELL**

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

23/0008/LRB

**REFUSAL OF PLANNING PERMISSION FOR THE
REPLACEMENT OF EXISTING SLIDING SASH AND
CASE SINGLE GLAZED WINDOWS WITH DOUBLE
SWING DOUBLE GLAZED TIMBER FRAME
WINDOWS TO FRONT ELEVATION AND UPVC
DOUBLE GLAZED WINDOWS TO THE REAR**

PLANNING APPLICATION REFERENCE 22/01848/PP

26 CRICHTON ROAD, ROTHESAY, ISLE OF BUTE

In response to the request in the AB7 form dated 14th May for further specific information, the applicant, Mr Peter Campbell, has stated (letter dated 22nd May) that he is the only member of the household who can currently open the sliding sash and case windows due to his wife's osteoarthritis and his daughter's relatively small stature. A letter from Mrs. Campbell's GP was also submitted, which describes her medical condition and which expresses the belief that windows of an easier opening method would be of benefit to Mrs. Campbell.

Comment: Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that "*where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan.*"

In his letter, Mr Campbell has stated that "*the Equality Act classes (osteoarthritis) as a disability*". There are particular circumstances where taking into account disabled persons might be a material Planning consideration. For example, National Planning Framework 4 (one of the parts of the '*Development Plan*') sets out the desirability of promoting the provision of new homes to meet the needs of older people and disabled people and explains that placemaking and choices about the location of development will also help to meet these needs.

In addition, there is a statutory requirement for an '*Access Statement*' to accompany certain types of application for Planning Permission and Listed Building Consent although the purpose of these statements is to explain how issues relating to access both to and through a site for those with disabilities have been addressed and they should also describe the proposed approach for balancing access needs with the protection of the building's special character.

It is not considered that the abovementioned are applicable in the case of the proposed window replacement that is the subject of this review as it is a householder development where the access to the Listed Building is not being altered.

If the details set out by Mr Campbell might be regarded as "*personal circumstances*", then these are also not generally held to be a material planning consideration in the determination of an application for Planning Permission.

Whilst acknowledging the matters that Mr Campbell has described in his submission, it is recommended that, for the reasons given above, Members should give minimum weight to these factors in determining their review of the refusal of application 22/01848/PP.