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Ms L Stewart
Highland Council
Sent By E-mail

Our ref: LBA-270-2011
Planning Authority ref:20/04325/LBC

24 May 2021

Dear Ms Stewart

LISTED BUILDING CONSENT APPEAL: VENDALE LATHERONWHEEL WICK KW5 6DW

Please find attached a copy of the decision on this appeal.

The reporter's decision is final. However you may wish to know that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal **must** be made within six weeks of the date of the appeal decision. Please note though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <https://beta.gov.scot/publications/challenging-planning-decisions-guidance/>.

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I trust this information is clear. Please do not hesitate to contact me if you require any further information.

Yours sincerely

Christine Brown

CHRISTINE BROWN
Case Officer
Planning And Environmental Appeals Division





Decision by Keith Bray, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-270-2011
- Site address: Vendale, Latheronwheel, Wick, KW5 6DW
- Appeal by Lynsey Mowat against the decision by The Highland Council
- Application for listed building consent 20/04325/LBC dated 2 November 2020 refused by notice dated 19 February 2021
- The works proposed: amendment to 20/01334/LBC to include a balcony
- Application drawings: Location Plan (000001), Site Plan (000003), Plan 1211-PLA-02 C
- Site inspection: 20 May 2021

Date of appeal decision: 24 May 2021

Decision

I allow the appeal and grant listed building consent subject to three conditions set out at the end of this notice. Attention is also drawn to the advisory note at the end of this notice.

Reasoning

Preliminary matters

1. This appeal proposes the works consented on 9 June 2020 by permission 20/01334/LBC but also includes a balustrade and access onto a balcony to the rear of the property known as 'Vendale'. I say this because there is no provision in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to 'amend' an existing consent as stated in the application description. However, I am clear this appeal relates to a balustrade as well as previously consented works as set out on plan 1211-PLA-02 C.

Determining issues

2. The duty imposed by section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The determining issue in this appeal is whether the works, including the introduction of a balustrade, would preserve the listed building and its features of special architectural or historic interest.

3. The appeal property, Vendale, is part of a C listed, 2-storey, 8-bay building which has included a shop and dwellings in Latheronwheel, Caithness. The listing specifically refers to the form of the elevation facing north with its three entrances, smaller first floor

windows, mainly 12-pane glazing (not evident), symmetrical ridge stacks and Caithness slate roof. The listing notes the south facing (garden) elevation as irregular.

4. On my site inspection I observed the listed building close at hand but also from the A9, south west of the village, and from the footpath above and to the west the Burn of Latheronwheel. The irregular nature of the south facing (garden) elevation was evident in those views. That elevation is dominated by the western portion of the building which has a double width plan, unlike the single width plan of Vendale to the east. The western double width plan has hipped dormers, an extended roof and a hipped porch extension compared to the more modest two storey gabled extension to Vendale with its double pitch roof. That extension also houses the entrance to Vendale and does not appear to be original in its nature and has a modern roof covering.

5. Based on the listing description and observations from around the site, the irregular nature of additions to the rear of the building demonstrate that it is the front facing, north elevation, that is of specific importance to the architectural and historic character of the building. The proportions and detailing generates a charming character when viewed from the north. That is in contrast to the rear of the property where the irregular interventions do not appear to me to contribute to the historic character of the original building.

6. As this is a listed building appeal, development plan policies do not have the primacy of section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, they have in a planning permission appeal. While compliance with development plan policies is not of central importance to this appeal decision, the local development plan policies provide some local context for decisions affecting a listed building. In general terms, scottish planning policy, local development plan policy, the council's Historic Environment Strategy and the Historic Environment Scotland guidance (referred in this case) all seek to ensure that works to a listed building do not lead to a detrimental impact on the historic environment through effects on the building's special architectural or historic interest.

7. The council argues that the balustrade/roof terrace is a feature which cannot be accommodated without detriment to the architectural and historic interest of the building. In particular, the council is concerned about how remaining original traditional features, including windows on the building, will appear after the implementation of the balustrade.

8. It appears to me that the balustrade is a fairly minor addition to works previously approved on an already irregular and visually confusing rear elevation overall. The fact that a roof terrace would be created is also not of relevance to the listed building consent. The proposed works, in my view, do not detract from the general character of the listed building which I have described. The balustrade would not be viewed from the front of the building nor will it, with its offset location, be apparent when looking through the building gap, east of Vendale. Given the existing irregularities of the south facing elevation of building as a whole, the additional works simply add to the situation. The works, including a short length of opaque glass, would not lead to impacts on the key characteristics of the buildings which are viewed from the north. The works would not impact on the east gable, formation of the roof, the slate roofing or the chimney stacks; which are all important to the character of the Vendale property. With replacement windows and a painted render it is likely that the character of the building would be improved when viewed from the north.

9. I need to consider whether the proposals would compromise features of special architectural or historic interest and have due regard to features of interest. The council

has no concern over the previously consented work in that regard. I agree with that decision. However, based on my assessment above, I do not consider that adding the balustrade would alter the character of the building. In my view, the features of interest, seen from the north, would be retained. I do not consider the scale and nature of the works proposed to be incongruous with the irregular nature of the existing south elevation. In addition, where the gable end of Vendale is seen in oblique views the works would not be.

10. Two conditions are proposed by the council if consent were granted. I agree that these conditions are required and I conclude that an additional condition can ensure the detail of the balustrade is managed carefully and agreed ahead of commencement.

11. Matters concerning overlooking are not relevant to the consideration of a listed building consent application. The location of moveable planters is also not a matter for a listed building consent. Any concurrent planning application and the planning issues that it may consider is separate to the consideration of matters related to the listed building consent. Finally, the fact that the council had previously negotiated the removal of the balustrade from an early consent is not relevant. I have considered the introduction of the balustrade, along with the other works, on their own merits.

Conclusion

12. In conclusion, based on my assessment above, I consider that consent should be granted. The listed building and any features of special architectural or historic interest would remain preserved and, in general terms, the related policy objectives would be met. That said, planning conditions would be required to effectively control the materials used.

Keith Bray

Reporter

Conditions

1. All works, materials and finishes shall be as noted on the approved drawing Plan 1211-PLA-02 C. Any internal or external works and finishes, or works for making good as required, shall be to match original/adjacent materials and finishes.

Reason: In order to safeguard the character and qualities of the listed building.

2. Details of all facing materials/finishes and fixing points to the original building shall be submitted to and approved in writing by the planning authority prior to commencement of development. Thereafter, work shall progress in accordance with the approved details.

Reason: In order to safeguard the character and qualities of the listed building.

3. A detailed specification for the balustrade works shall be submitted to and approved in writing by the planning authority prior to commencement of development. Thereafter, work shall progress in accordance with the approved details.

Reason: In order to safeguard the character and qualities of the listed building.

Advisory note

The length of the consent: This listed building consent will last only for three years from the date of this decision notice, unless the works have been started within that period. (See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended)).