

**ANGUS COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**17 JULY 1997**

**SUBJECT: 3 SPARROWCROFT, FORFAR**

**REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT**

**Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine the appeal against the refusal of Angus Council to grant retrospective Listed Building Consent for replacement windows at 3 Sparrowcroft, Forfar.**

**1 RECOMMENDATION**

It is recommended that the Committee notes successful outcome of the above appeal.

**2 INTRODUCTION**

- 2.1 The Development Control Committee at the meeting on 24 October 1996 refused Listed Building Consent for the installation of replacement windows at 3 Sparrowcroft, Forfar (02/96/1025).
- 2.2 The applicant, Mr Joseph Carroll, appealed against the refusal and the Reporter's conclusions and decision are presented below.

**3 REPORTER'S DECISION**

- 3.1 Section 14(2) of the Act requires that in considering whether to grant Listed Building Consent for any works, the Secretary of State shall 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. Accordingly, on the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are whether the proposed alterations would have an adverse effect on the character of the Listed Building; and if so, whether the reasons put forward in support of the appeal justify approval of the proposal.
- 3.2 The unauthorised alterations to the Listed Building carried out in the recent past, which the Council has elected not to challenge have, to some degree, already compromised the architectural integrity of the building and the terrace. I have considered whether the replacement windows, if allowed, would unacceptably compromise their architectural and historic interest. I have noted that two other buildings in the terrace have been coated with a dry dash render. Notwithstanding the unfortunate alterations to your property, and to those others, I am of the opinion that the replacement windows by reason of the larger timber sections employed, the lack of vertical glazing bars, and the manner of their opening, are entirely out of character with the others in the terrace which retain their original form (despite the

loss of six pane sashes and the introduction of "horns" in some cases). If approved, they would set a precedent which might very quickly lead to irrecoverable damage to the historic and architectural interest of the terrace. I cannot agree with you that the replacement windows are "exact sash and case copies in dimensions and shape".

- 3.3 I have considered your argument regarding means of escape. At the site inspection it was impossible to verify your contention that your property is unique in the terrace, in being located so close to the disused factory to the rear. However the location plan submitted in support of your application appears to indicate a narrow passageway between the factory wall and your property, and all of those in the terrace to the east. With regard to ease of opening, I agree with the Council that properly maintained sash and case windows do open readily, and I would observe that a bottom sash, hinged to open inwards, would more readily facilitate escape for adults and children than a top hinged outward opening top sash such as exists at present.
- 3.4 Drawing these conclusions together, and having had regard to all of the matters in written submissions and observed at the site inspection, I conclude that the replacement windows, if allowed, would have an adverse effect on the character of the Listed Building and the group value of the terrace, and that the arguments advanced by you in support of your case do not outweigh my opinion in the matter.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications.

#### **5 CONSULTATION**

- 5.1 The Chief Executive, Director of Law & Administration and Director of Finance have been consulted in the preparation of this report.

#### **NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/MR

19 June 1997

Alex Anderson  
Director of Planning, Transport & Economic Development