

2 LISTED BUILDING CONSENT APPEAL DECISION, 36 BINGHAM TERRACE (AN365-2003)

Reference is made to the decision of the Council on 7th March, 2003 under powers delegated to the Director of Planning and Transportation in consultation with the Convener, to refuse Listed Building Consent for replacement windows because:

- (a) the proposed development was considered contrary to Policies BE5 and BE17 of the Dundee Local Plan 1998;
- (b) the proposed development was considered contrary to Policy 60 of the Finalised Dundee Local Plan Review 2003.

The windows, which have already been installed without the benefit of consent, did not match the originals in terms of design, colour and materials and as such would detract from the visual appearance and character of the listed building and the street scene. The proposals would neither restore nor enhance the architectural and historic character of the building and streetscape.

The decision was appealed by the applicant under the provisions of Section 18 and Schedule 3 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 18th June, 2003. A copy of the decision letter can be found in the Members' Lounge.

Members will recall that the partner planning application appeal has already been determined and planning permission refused on appeal. (Article IV of the Minutes of the Development Quality Committee of 20th May, 2003 refers).

The Reporter considered the determining issues to be whether the proposals would have an adverse affect on the listed building, its features or its setting and if so whether the reasons put forward in support of the appeal justify approval of the development.

In summary, the Reporter concluded that the proposal would have an adverse affect on the character and appearance of the listed building in particular and the integrity of the listed group of which it is a part.

Accordingly, the appeal was DISMISSED.