



Appeal Decision Notice

Decision by Robert Seaton, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-270-2015
- Site address: Glencoe House Hotel, Glencoe, Ballachulish PH49 4HT
- Appeal by Perle Hotels against failure by Highland Council to give a decision
- Application for listed building consent 23/01594/LBC dated 29 March 2023 deemed to be refused on the date of appeal, 12 July 2023
- The works proposed: Internal alterations to ground-floor accommodation to form restaurant and spa facilities and erection of additional hotel accommodation wing
- Application drawings (listed in schedule)
- Date of site visit by Reporter: 13 September 2023

Date of appeal decision: 27 September 2023

Decision

I allow the appeal in part and grant listed building consent for proposed alterations to the original hotel building. I do not grant consent for the hotel extension, the proposed changes to the listed retaining wall and the works attaching to it, including the stairs to the garden and platform. The consent is subject to the 6 conditions listed at the end of the decision notice. Attention is also drawn to the advisory note at the end of this notice.

Preliminary

1. The law provides that works for the alteration or extension of a listed building in any manner which would affect its character as a building of special architectural or historic interest require listed-building consent. All structures fixed to a listed building and all structures within the listed building's curtilage that have formed part of the land since before 1 July 1948 are also listed. It follows that whether works require listed-building consent is a matter of law. Though there can in some cases be an element of judgement as to whether proposed works would affect its character such as to require consent, that is not an issue in this case.

2. I asked parties whether listed-building consent was actually required for the proposed new building referred to as an "extension" to the hotel. I understand from the answers that I have received and from the plans submitted that the new building would not actually be an extension to any listed structure, though it would stand beside the existing retaining wall and the existing steps down to the garden. It appears to me therefore that the "extension" does not require listed-building consent.

3. Had I had to consider whether to grant listed building consent for the "extension", I would not have done so for two reasons:

- There are a number of discrepancies in the plans, which the appellant has acknowledged. Discrepancies in the plans in a listed-building-consent appeal could theoretically be addressed by my accepting corrected plans. However, it seems to me that, given the number of discrepancies, to do so at this stage in an appeal would involve a significant degree of prejudice to other parties, particularly the council, since all submissions to date have been made on the basis of the submitted plans.
- In addition to the discrepancies in the plans, detailed information has not been provided on the materials of the extension. I accept that this does not in law prevent a decision on the appeal. Consent could be granted subject to a condition requiring the planning authority's approval of the final design, including materials. However, it seems to me that when a key issue in the appeal is the acceptability of the extension's appearance alongside the existing listed building, I would have lacked information central to that decision.

4. The retaining wall is sufficiently fixed to the listed building, in my opinion, for it to be in law a structure included in the listing. It follows that the proposed works to the wall and the works proposed to be attached to it, including the stairs to the garden, the platforms and reflecting pool all do require listed-building consent. As an aside, I would add that the wall may well also date from before 1 July 1948 – though I am not wholly certain of that, given that there was apparently a south wing on the building demolished in the 1960s. If the wall does date from before 1 July 1948, then it would be included in the listing of the main building also on this second basis.

5. As regards the proposed changes to the retaining wall and the proposed structures in the garden extending from it, there are also a number of errors in the plans. I will make my determination on the appeal on the basis of the information I have been supplied in further written submissions from the appellant, including the “for-information plans” provided with the further written submissions, as to what was actually intended.

Reasoning

6. The main issues in dispute in this appeal were the impacts of the new “extension” building on the listed building and its setting. Those issues fall away if (as I have found) the “extension” does not require listed-building consent. I am left with the question of whether the works to the listed building itself and the alterations to the retaining wall and creation of structures attaching to it are acceptable. The determining issues in this appeal are the effect of those works on the fabric and setting of the listed building. In determining the appeal, I am required by section 14(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the building and its setting and any features of special architectural or historic interest which it possesses.

7. I acknowledge and have some sympathy with the aims of the proposed development, to increase the accommodation available to the hotel and to provide a restaurant and spa facilities in the hotel. I acknowledge the economic benefits that are likely to arise from such a development as considerations in the present appeal.

8. As regards the works in the garden, I can understand that, if the ground floor of the existing building were to become a restaurant as proposed, it would become desirable to improve access to the lawn in front of the existing building. If a new “extension” building was built in the presently proposed location, it would be logical to take steps down westwards from the retaining wall into the garden.

9. The current plans of the proposed steps are inadequate for me to grant listed building consent. So far as I understand the “for information” plans, the proposed steps would descend from the retaining wall to two stepped mid-level platforms, with a reflecting pool forming part of the lower platform. There would be steps across the pool, then five steps down to decking to the south-west of the existing building. The “for information” plans show the upper level of the platform would be about 1.5 metres above ground level, the lower level about one metre above ground level. The upper-level platform would extend partly across the south-facing lower-ground-floor window of the existing building’s south façade. The lower-level platform would be opposite that window, approximately level with the bottom of the window. Although no railing is shown in the plans at the northern edge of the platform next to the house, the appellant acknowledges that a railing may be necessary. It seems to me likely that it would be, if the platform is to be used as a lounge terrace as indicated on the original submitted plans.

10. I find that such an arrangement would detract from the outlook from the southern ground-floor window. If, as seems likely, there were railings along the northern edge of the platform, this would compound the adverse effect on the window’s outlook. The proposed structures are too close to the house, as is demonstrated by the insertion in the “for information” drawings of potted trees to preserve the privacy of the south-facing window. The stepped platform might be argued to echo the stepped nature of the garden in front of the house. Overall, though, it seems to me that the modern steel platforms would be out of keeping in colour, material and design with the red and grey stone and Scottish-baronial design of the existing house’s south and west facades. They would also partially obscure the south façade when seen from the garden. I do not find this element of the proposals to be acceptable.

11. Within the existing building, a number of alterations are proposed to allow the conversion of existing bedrooms to a restaurant and spa facilities. I understand that the council does not have any fundamental objection to these alterations, though it did state that the proposed lowering of floors in several rooms was not detailed or justified. It was evident on my site inspection that false floors had been installed in the three north-western rooms of the lower ground floor. The proposal to remove the false floors and so lower the floor level in these rooms to the original level is unobjectionable. Other proposed alterations within and to the existing listed building itself are also acceptable, subject to the conditions attached to this decision.

12. In conclusion, I grant listed-building consent for the proposed works to the existing building shown on drawing number 313083 PL03 rev X, and refuse listed-building consent for other proposed works. In form, this decision is a grant of the appeal, although the condition 6 restricts the extent of the works consented.

Robert Seaton
Reporter

Conditions

1. The works to which this listed building consent relates must commence within three years of the date of this decision notice. If work has not commenced within this period, then this listed building consent shall lapse.

Reason: In accordance with Section 16(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended)

2. No development or work shall commence until details of all external materials finishes (including samples) have been submitted to, and approved in writing by, the planning authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to safeguard the character and qualities of the listed building, in accordance with policy 7 of NPF4 and policy 57 of the Highland-wide Local Development Plan.

3. All astragals, frames, mullions, sashes, transoms and other details featured in the new window (formed from a door) on the north elevation shall match (in terms of material, form, function and means of fixing) those of the original windows.

Reason: In order to safeguard the character and qualities of the listed building in accordance with policy 7 of NPF4 and policy 57 of the Highland wide Local Development Plan.

4. No development or work shall commence within the existing listed building until detailed plans, existing and proposed, at a scale of 1:20, for the removal and introduction of internal walls, have been submitted to, and approved in writing by, the planning authority. Thereafter, development and work shall progress in accordance with these approved plans.

Reason: In order to safeguard the character and qualities of the listed building in accordance with policy 7 of NPF4 and policy 57 of the Highland-wide Local Development Plan.

5. No development or work within the existing listed building shall commence until a photographic record has been made of the elements affected by the development/work, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

Reason: In order to assist the Council with maintaining an accurate and current record of the historic environment in accordance with policy 7 of NPF4 and policy 57 of the Highland-wide Local Development Plan.

6. Consent is only given by this decision for the works to the listed building shown on number 313083 PL03 rev X. No consent is given for works to the south of the existing listed building. In particular, consent is not given for alteration of the retaining wall south of the existing listed building, for any structure attaching to the retaining wall, or for any other new structure in the curtilage 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))