

Town and Country Planning (Scotland) Act 1997 Appeal Decision Notice

Decision by C Bryans, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2317
- Site address: 15 Riverside Place, Thurso, KW14 8BZ
- Appeal by Ms Marlene Lipka against the decision by The Highland Council
- Application for planning permission 25/01063/FUL dated 23 January 2025 refused by notice dated 12 August 2025
- The development proposed: extension and change of use from house to paint and decoration supply business (in retrospect)
- Date of site visit by Reporter: 17 December 2025

Date of appeal decision: 06 February 2026

Decision

I dismiss the appeal and refuse planning permission.

Preliminary matter

This appeal relates to a change of use from a residential house to a paint and decoration shop with associated alterations and extension to the Category C listed building. All elements of the proposal are retrospective, having already been implemented.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of National Planning Framework 4 (NPF4), The Highland-wide Local Development Plan (HwLDP) and the Caithness and Sutherland Local Development Plan (CaSPlan).
2. The appeal property is a Category C listed building and, in line with section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the act), I must pay special regard to the desirability of preserving the listed building, its setting and the special features of historic or architectural interest which it possesses.
3. The list description describes the building as an early 19th century, symmetrical two storey three bay house, constructed of coursed rubble with painted tooled ashlar margins, a centre door, a first floor window on the south west gable, 12-pane glazing, end stacks and a composite tiled roof. The special features of the listed building largely relate to the principal elevation.
4. The change of use and alterations to the fabric of the existing listed building have been deemed acceptable by the council, having largely been implemented in line with existing consents 21/01637/LBC and 21/01384/FUL. I am satisfied that these elements of

the development are acceptable. The consented extension is of a single storey timber clad design with a pitched slate roof and timber framed traditional style windows. The consented extension roof ridge sits below the eaves height of the existing listed building. The council's reasons for refusal relate solely to the extension of the listed building, the built details of which are not in line with the extant permission with regards to the height, massing, materials, window fenestration and design.

5. Taking account of the above and having regard to the provisions of the development plan, the main issues in this appeal concern the design, scale and materials of the proposed extension, and its impacts on the listed building, its setting, the local character and neighbouring amenity.

Development plan

6. HwLDP policy 28 (sustainable design) and policy 29 (design quality and placemaking) seek suitably high quality sustainable development design. The relevant placemaking priorities of CaSPlan can be summarised as promoting and enhancing the built heritage of the town and encouraging regeneration of the town centre. NPF4 policy 7 (historic assets and places) part (c) states that alterations to listed buildings will only be supported where they will preserve its character, special architectural or historic interest or setting. HwLDP policy 57 (natural, built and cultural heritage) allows for the development of C listed buildings where it can be demonstrated that it will not have an unacceptable impact on the heritage resource.

Local character and neighbouring amenity

7. The area in which the appeal site is located is of mixed use with a variety of building ages and styles. The proposed extension is to the rear elevation of the existing building and within this context, I am satisfied that the position, scale and design of the extension is such that it would have limited impact on the established character of the wider area.

8. Having visited the site, the adjacent neighbouring properties appear to be residential. Concerning neighbouring amenity, I am satisfied that the height, mass and fenestration of the extension is such that neighbouring amenity would not be unacceptably impacted upon as a result of overshadowing or loss of privacy.

Design and scale

9. Although the principle of a rear extension to the listed building has been considered acceptable by the council (21/01637/LBC and 21/01384/FUL), the appeal proposal differs significantly from the approved design in terms of its height, massing, materials and window fenestration.

10. At two storeys, the extension has a ridge height of approximately 6.78 meters, significantly above the eaves height of the listed building, and an eaves height of approximately 4.06 meters. The width, length and height of the extension are such that little of the original rear elevation is visible when viewed from the rear boundary or beyond. The rear of the property, including what would have been the garden, is dominated by the new extension. The extension and rear elevation are both prominent and accessible to the public from the car park to the rear of the property and from Meadow Lane. I consider the extension to be visually imposing with a footprint and position that dominates the rear garden of the property and the rear elevation. As such, I find that the extension does not

appear sufficiently subordinate in scale or form to the original building and significantly alters the buildings character and setting when viewed from the rear.

11. Concerning the windows, the council's guidance note on historic windows and doors states that they will relate materially and aesthetically to their immediate context and that unless specifically justified windows will generally be vertically proportioned. During my site visit I observed that no original windows are visible on the rear elevation of the listed building. Having viewed the fenestration of the extension on site, I do not consider the size, form or orientation of the windows as incompatible with the existing building. I consider the extension's fenestration to be a contemporary approach which is not in competition with the existing's character.

12. I consider that the scale, height, massing and visual prominence of the extension is not sufficiently subordinate to the existing and does not preserve or enhance the character or setting of the listed building. As such, I find the proposed extension does not accord with NPF4 policy 7(c), HwLDP policies 28, 29 and 57.

Materials

13. The materials of the extension include slate roof tiles, white composite cladding (cedral cladding) and anthracite grey framed uPVC doors, windows, and rooflights. I am satisfied that the slate roof is an appropriate material which compliments the character and appearance of the listed building.

14. I consider that, in line with the council's guidance on new extensions to listed buildings, any extension or alteration to a listed building should utilise high quality materials that relate well to the existing building. Where an extension to a listed building substantially contrasts the existing in terms of its character and appearance, as is the case with this extension's contemporary materials and fenestration, then the quality of materials and design rationale are of importance in achieving a complimentary contrast. In this context, I do not consider the white composite cladding to be of sufficiently high quality or appropriate to the historic setting. On my site visit it was clear to me that the use of white composite cladding, and the extent of its use, ensures that the extension is bright and visually dominant and is not in this case complimentary in its relationship with the listed building. As such I consider that it does not relate well to the existing building and does not enhance its quality or character.

15. The council's guidance on historic windows and doors states that the preference is for timber or, where design justification is provided, high quality contemporary materials, such as steel and powder coated aluminium. This guidance note specifically states that uPVC will not be supported. In considering the specific circumstances of this appeal, I find that the use of uPVC is inappropriate as it is not complimentary to the existing building and does not relate well to its character or appearance. I do not consider the uPVC window frames, doors and rooflight frames to be of a sufficiently high-quality material or appropriate to the historic setting in this case.

16. I conclude that the use of white composite cladding to the walls and uPVC window, rooflights and door frames in the extension does not preserve the setting of the existing listed building, or its historic and architectural interest, and are not of a suitably high quality in design terms. Consequently, I find that the proposed materials do not accord with NPF4 policy 7(c), or HwLDP policies 28, 29 and 57.

Material considerations

17. The council received one representation objecting to the proposal on grounds relating to the non-compliance with the previously consented scheme, work to the boundary wall, amenity issues pertaining to a new stench pipe, and on matters of design and materials. Two letters of support were also received by the council highlighting that the proposal has rescued a derelict listed building from further decay. The appellant has submitted three additional letters of support which highlight support for the design and materials, the positive economic and employment impacts of the appellant's business and the circumstances under which the application has been made. I have considered the matters pertaining to design and materials above and do not find that the additional matters raised in the representations alter my conclusions.

18. The appellant and the council draw my attention to the case history of the site with historic and parallel decisions on applications for planning permission and listed building consent. The appellant also submits that the details of the extension as built are, in part, a response to request made in relation to building standards. Whilst I acknowledge the site history, I am required to determine this appeal on its own merit and I note that planning and building standards are separate statutory regimes. I do not find that these matters alter my conclusions.

19. Matters relating to the unauthorised works undertaken to the listed building, potential remedial works and/or potential enforcement action(s) are raised by the council and/or by the appellant. Whilst I note these matters, they are outwith the scope of this appeal.

20. There are no material considerations that would justify departing from the provisions of the development plan.

Conclusion

21. I conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would justify granting planning permission. I have considered all other matters raised, but there are none which would lead me to alter my conclusions.

C Bryans
Reporter