

## SPSO decision report

**Case:** 201302395, Perth and Kinross Council  
**Sector:** local government  
**Subject:** handling of application (complaints by applicants)  
**Outcome:** not upheld, no recommendations

### Summary

Mr C applied for listed building consent to replace the original sash and case windows and skylights with double-glazed units of the same design. The owners of a neighbouring property also applied for consent for similar changes. Mr C complained that, whilst his neighbours were quickly granted permission to upgrade their windows, his application was rejected. He did not feel that the council considered his application fairly, or on a consistent basis with his neighbours' application.

Our investigation found that the two applications could not be directly compared. The neighbouring property's windows had been replaced in the past with units that were not in keeping with the original design of the building. Guidance issued by Historic Scotland promotes the preservation of original designs and materials and the council, appropriately, approved the neighbour's plans to reintroduce windows that were of a similar design to what would originally have been used. In Mr C's case, the council were not convinced that his windows could not be refurbished and kept in their original form. We were satisfied that on more than one occasion they invited Mr C to provide evidence that replacement was required, but he was unable to do so.

Mr C had pointed out that he appealed the council's decision to the Directorate for Planning and Environmental Appeals (DPEA), and it was ultimately overturned. The DPEA decided that the Historic Scotland guidance did not have to be applied rigorously in Mr C's case, as his application provided an opportunity to bring uniformity back to an arrangement of windows of mixed design. We viewed this, however, as an example of the planning system working effectively, rather than of the council acting inappropriately. Although there was an initial misunderstanding about the age of some of the windows, we did not find that this affected the council's decision, and we found no evidence that it was based on flawed or incorrect information. Rather, it was based on and supported by Historic Scotland's guidance.