



EAST AYRSHIRE COUNCIL

# **Local Development Plan 2**

## Listed Buildings and Conservation Areas

Supplementary Guidance

2024

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## **1. Context**

### **1.1. Local Development Plan 2 and Purpose of Supplementary Guidance**

- 1.1.1. The aim of this supplementary guidance is to provide advice in order to help protect and enhance the character of Listed Buildings and buildings within Conservation Areas throughout East Ayrshire. Good design protects and enhances the quality of the built environment and applicants are strongly encouraged to take this guidance into account when preparing and formulating their development proposals.
- 1.1.2. This guidance forms part of and supplements the policies of the East Ayrshire Local Development Plan 2 (LDP2) and will be used by the Council in its assessment of all relevant planning applications. All works to Listed Buildings and to buildings within Conservation Areas should comply with the relevant policies of LDP2, which is available on the East Ayrshire Council website.
- 1.1.3. There are two policies which specifically relate to Listed Buildings and Conservation Areas in the [Local Development Plan](#). The text of these is extracted in full below:

## **Policy HE1: Listed Buildings**

### Preservation, re-use and adaptation

The Council will support the retention and preservation of all Listed Buildings, as well as the re-use and adaptation of Listed Buildings to meet modern requirements where this can be achieved in a manner sensitive to the character of the building.

### New development and alterations

Development proposals that affect a Listed Building, its curtilage or its setting, including through restoration, alteration and adaptation, will only be supported by the Council where it can be demonstrated that this is sensitive to the character, appearance and architectural or historic interest of the building and its setting. Proposals should be consistent with the Council's Listed Buildings and Buildings within Conservation Areas Supplementary Guidance.

### Demolition

Proposals for the total or partial demolition of a Listed Building will only be supported where it can be demonstrated beyond reasonable doubt that every effort has been made to retain the building. Demolition will only be acceptable where it can be evidenced that:

- (i) the building is no longer of special interest; or
- (ii) the building is incapable of repair; or
- (iii) the demolition of the building is essential to delivering significant benefits to inclusive economic growth or the wider community; or
- (iv) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential purchasers for a reasonable period.



## **Policy HE2: Conservation Areas**

### New development and alterations

Development within a Conservation Area or affecting its setting should:

- (i) preserve and enhance its character and appearance, by being sympathetic to the area in terms of use, layout, size, scale, design, siting, material and colour; and
- (ii) be consistent with any relevant Conservation Area appraisal or management plan, as well as the Listed Buildings and Buildings within Conservation Areas Supplementary Guidance.

Development proposals should ensure that existing natural and built features which contribute to the character of the Conservation Area and/or its setting are retained i.e. structures, boundary walls, railings, trees and hedges.

### Demolition

There will be a presumption in favour of the retention of buildings that positively contribute to the character and appearance of a Conservation Area, and any proposal for demolition should demonstrate that positive attempts have been made to achieve retention, restoration and sympathetic conversion to a compatible use. Any demolition will only be supported where there is a planning application for a replacement building that preserves or enhances the character and appearance of the Conservation Area or, in exceptional circumstances, a landscaping scheme is proposed as a replacement.



Figure 1: Laigh Kirk, Bank Street, Kilmarnock - a Category 'A' Listed Building

- 1.1.4 It should be noted that although the policies, regulations and design guidance for Listed Buildings and Conservation Areas respectively are broadly similar (and have therefore been combined into a single piece of Supplementary Guidance) they are not identical. There are some cases where the guidance will differ, or even conflict, with regards to these two types of heritage asset. The guidance provided in this document attempts to clearly state whether it applies to Listed Buildings, Conservation Areas, or both – however, it is recognised that there may be individual planning cases or scenarios where it may be difficult to determine which advice to follow. It is always advised to speak to the Council's planning team for clarification.

## 1.2. Listed buildings

- 1.2.1 Listed buildings, whether of local or national importance, contribute significantly to the character and appearance of an area and are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended.

There are three categories of Listed Buildings:

Category	Description
Category A	Buildings of special architectural or historical interest which are <b>outstanding</b> examples of a particular period, style or building type.
Category B	Buildings of special architectural or historic interest which are <b>major</b> examples of a particular period, style or building type.
Category C	Buildings of special architectural or historic interest which are <b>representative</b> examples of a period, style or building type.

Table 1: Listed Building Categories, Historic Environment Scotland

- 1.2.2 East Ayrshire has around 740 Listed Buildings, including 44 category A Listed Buildings, 334 category B Listed Buildings and 363 category C Listed Buildings.
- 1.2.3 Planning authorities have a statutory duty to have special regard to any proposals that affect the character of a Listed Building, its setting or any features of architectural or historic interest that it may possess.
- 1.2.4 Listed building consent is required for any internal or external works that would affect the character of a Listed Building and it also covers works to objects or structures fixed to the building. Additionally, it may cover alterations to walls, fences and other boundary features affecting the character of the Listed Building and to ancillary buildings or structures within the property boundary (curtilage) associated with the original function of the Listed Building (such as coach houses, stables, boundary, walls and gates) if

they were built before 1 July 1948. The Local Authority determines the need for consent.

### 1.3. Conservation Areas

1.3.1 The settlements of East Ayrshire possess many architectural and historic elements worthy of conservation and enhancement. Where these elements, which have their own individual character and style, are grouped together in clearly defined areas, Conservation Areas have been designated to ensure that any new development protects or enhances their character. The designation covers not just an area's buildings, but also the historic layout of its roads and paths, characteristic building and paving materials, greens and trees, and public and private spaces. This helps to protect the quality of such areas from insensitive or inappropriate development by exercising more stringent planning controls than in other parts of the built environment.

1.3.2 The Council, under Section 262 of the Town & Country Planning (Scotland) Act 1997 has designated 26 Conservation Areas in the following settlements within East Ayrshire. These are:

- Catrine
- Cumnock
- Dalmellington
- Dalrymple
- Darvel (x 2)
- Dunlop
- Fenwick
- Laigh Fenwick
- Galston
- Kilmarnock (x 5)
- Kilmaurs
- Lugar
- Mauchline
- Newmilns (x 2)
- Ochiltree
- Sorn (x 2)
- Stair, rural area
- Stewarton



- Waterside (Doon Valley)
- 1.3.3 [Conservation Area Appraisals](#) are available for Kilmarnock (John Finnie Street/Bank Street and Piersland Park), Cumnock, Galston, Dalmellington, Waterside, Mauchline and Catrine on the Council's website and provide further, more detailed guidance on the characteristics of these areas. The aim of a Conservation Area appraisal is to define the important aspects of an area in terms of character, identity and appearance and to identify the area's special features and changing needs.

## **2. General guidance for Listed Buildings and Conservation Areas**

### **2.1. Planning permission and Listed Building Consent**

- 2.1.1 As stated in 1.2.4 (above), Listed Building Consent is required for any changes that would affect the character of a Listed Building. It is a criminal offence to materially-alter, extend or demolish a Listed Building without this consent. It is always recommended to check with the Council's planning about what changes would be considered to require consent – the only exceptions are usually for like-to-like replacement of materials on the building to carry out repairs. Some internal alterations will also require Listed Building Consent if they could affect the building's original features (see chapter 5).
- 2.1.2 Planning Permission will be required in Conservation Areas for new development, as well as for most external building alterations (and this may include some changes which would otherwise have been considered to be permitted development, see 2.2). Internal alterations do not need Planning Permission in Conservation Areas provided that they do not alter the external appearance of the building and that it is not a Listed Building.
- 2.1.3 The Council will not normally accept applications for Planning Permission in Principle for development within Conservation Areas or for development which affects either a Listed Building or the setting of a Listed Building. The only exception to this will be where the level of detail submitted in respect of the historic environment aspects of the proposal is commensurate with an application for Listed Building consent.
- 2.1.4 All planning applications are considered on a case-by-case basis against all of the relevant policies in Local Development Plan 2.

### **2.2. Permitted development rights**

- 2.2.1 Permitted development rights remove the need to apply for planning permission for specified types of development (e.g. small alterations extensions to residential properties). Some of the permitted development rights which would otherwise apply to properties are restricted with regards to Listed Buildings and/or Buildings in Conservation Areas.

- 2.2.2 The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024 has made changes to the types of development which fall under permitted development rights. Guidance on these changes can be found on the Scottish Government Website, here: [Planning circular 1/2024: householder permitted development rights](#). The new permitted development rights introduced by the amendment include the installation of new windows and microgeneration equipment, which may no longer require planning permission in Conservation Areas (see 4.4.6 and 6.2.3 respectively).
- 2.2.3 For Listed Buildings, any alterations which affect the character of the building will require Listed Building Consent, and this includes changes which would usually fall under permitted development rights.
- 2.2.4 For buildings in Conservation Areas, it is important to check whether the Conservation Area in question is subject to any Article 4 Directions, which remove some or all of the permitted development rights in the area and therefore require planning permission. Details of the Article 4 Directions in place in East Ayrshire can be viewed on the Council website here: [Article 4 Directions in Conservation Areas](#).

## 2.3. Maintenance

- 2.3.1 Building maintenance is the responsibility of the owner. East Ayrshire Council has a statutory duty to ensure that Listed Buildings and buildings in Conservation Areas are maintained to a reasonable level. If a building falls into a state of disrepair, the Council may take action to effect necessary repairs and recoup all costs from the owners with any admin charges added. The adoption of a planned approach to routine maintenance which incorporates regular inspection of exterior surfaces and structures is recommended. This includes roof coverings, roof structure, downpipes, rainwater gutters, external walls, windows, doors and external joinery. Regular inspection of these features can avoid the expense of major repairs at a later date or save a building at risk from loss.
- 2.3.2 For tenement and other (listed or unlisted) flatted properties in need of repair work the Tenement Management Scheme may also apply. This is a statutory management scheme introduced by the Tenements (Scotland) Act 2004 for all tenements in Scotland. It provides a structure for the maintenance and management of tenements if this is not provided for in the title deeds and also contains default provisions on emergency repairs and the apportioning of costs.

## 2.4. Demolition

- 2.4.1 The loss of any Listed Building can lead to the erosion of an area's character, distinctiveness and sense of place. There will be a presumption in favour of

the retention and improvement of Listed Buildings and buildings within Conservation Areas rather than their demolition and replacement.

- 2.4.2 As per the requirements of LDP2 policy HE1, consent for demolition of a Listed Building is only granted in exceptional circumstances. Positive efforts must always be made to retain Listed Buildings using their presence as an opportunity to stimulate regeneration in creative and imaginative ways. Where a building's condition is deteriorating, the local authority will endeavour to work with owners to secure its repair and reuse.
- 2.4.3 Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
- (i) reasonable efforts have been made to retain, repair and reuse the building;
  - (ii) the building is of little townscape value;
  - (iii) the structural condition of the building prevents its retention at a reasonable cost; or
  - (iv) the form or location of the building makes its reuse extremely difficult.
- 2.4.4 Listed building consent will be required in all cases for the demolition of a Listed Building and Conservation Area consent will be required for the demolition of an unlisted Building in a Conservation Area (with some exemptions, see 2.4.5). Policies HE1 and HE2 set out the circumstances under which demolition would be supported with regards to Listed Buildings and Conservation Areas respectively (see the policy wording in full in Chapter 1).
- 2.4.5 There are some buildings and structures which are exempt from Conservation Area demolition control:
- (v) Any building with a total cubic content not exceeding 115 cubic metres or any part of such building, and for this purpose 'building' does not include any part of a building;
  - (vi) Any gate, wall, fence or railing which is less than 1 metre high where abutting on a road used by vehicular traffic or on an open space or 2 metres high in any other case;
  - (vii) Any temporary buildings erected on land in, on, over or under which operations (except mining operations) are being or have been carried out and required in connection with those operations;
  - (viii) Any building erected for the purposes of agriculture or forestry since 1 January 1914;
  - (ix) Any part of a building erected since 1 January 1914 and used for an industrial process, provided that such part (taken with any other part which may have been demolished) does not exceed 10% of the cubic content of the original building (as ascertained by external measurement) or 500 square metres of floor space, whichever is the greater;

- (x) Any building required to be demolished by virtue of a discontinuance order made under section 49 of the Town and Country Planning (Scotland) Act 1972;
- (xi) Any building required to be demolished by virtue of any provision of an agreement made under section 50 of the Town and Country Planning (Scotland) Act 1972;
- (xii) Any building in respect of which the requirements of an effective enforcement notice served under section 84 or section 92 of the Town and Country Planning (Scotland) Act 1972 require its demolition, in whole or in part, however expressed;
- (xiii) Any building required to be demolished by virtue of condition of a planning permission granted under section 26 of the Town and Country Planning (Scotland) Act 1972;
- (xiv) Any building included in an operative clearance order or compulsory purchase order made under Part III of the Housing (Scotland) Act 1966 when the order was made prior to the designation of the conservation area;
- (xv) Any building which is the subject of a demolition order under Part VI of the Housing (Scotland) Act 1987 when the order was made prior to the designation of the conservation area;
- (xvi) Any building included in an operative compulsory purchase order made under Part I of the Housing (Scotland) Act 1969 which is to be demolished in pursuance of a housing treatment area resolution under section 4 of that Act when the order was made prior to the designation of the conservation area; and
- (xvii) Any building included in an operative compulsory purchase order made under Part II of Schedule 8 to the Housing (Scotland) Act 1987 which is to be demolished in pursuance of a final housing action area resolution under Part I of Schedule 8 to that Act when the order was made prior to the designation of the conservation area.

## 2.5. Buildings at Risk Register

- 2.5.1 Historic Environment Scotland maintains a register of historic buildings that are considered at risk or under threat as a result of being: long-term vacant; neglected or poorly maintained; structurally unsound; damaged by fire; unsecured and open to the elements; or threatened with demolition. All of the buildings on the register are of architectural or historic importance and many of them are Listed Buildings and/or located within a Conservation Area. Buildings remain on the register until they are either saved and put back into use, or demolished.
- 2.5.2 Any proposal affecting the character of a Listed Building will require Listed Building Consent even if it is a Building at Risk. The details of any scheme will be considered on its own merits.
- 2.5.3 A building's presence on the Buildings at Risk Register does not afford it any additional statutory protection. However, a number of statutory powers are

available to local planning authorities, in consultation with Historic Environment Scotland, and may be applied at their discretion to protect listed or unlisted buildings at risk. It should be noted that there is no statutory duty requiring planning authorities to implement any of these powers:

- **Building Preservation Notices** can be served on unlisted properties, granting them the same protection as Listed Buildings for a period of six months whilst they are assessed for listing.
- **Urgent Works Notices** can be served on vacant listed properties and allow the local planning authority to undertake emergency works such as the erection of supportive scaffolding or temporary roof structures.
- **Dangerous Building Notices** can be served on both listed and unlisted properties, and require the owner to make safe or demolish a building that poses a threat to public safety.
- **Repair Notices** can be served on both listed and unlisted properties, and specify those works considered reasonable and necessary for the preservation of a building, along with a timescale within which these works should be completed. Failure to comply within the specified deadline may result in works being undertaken by the local planning authority, and a charge being made to the owner(s).
- As a final measure, planning authorities can apply for a **Compulsory Acquisition Order** if there has been a continued failure to comply with Repair Notices served on a Listed Building.

## 2.6. Shop fronts and advertisements

Many of East Ayrshire's Conservation Areas include traditional shop fronts. Generally, any changes to shop fronts that would affect the character of a Listed Building would require Listed Building Consent. Shop front alterations in Conservation Areas would be subject to the same design standards as any other external alterations, as set out in section 4 of this document. Separate, more detailed, design guidance has been produced for shopfronts and advertisements, embedded in the comprehensive Design Supplementary Guidance, on the Council's website.

## 2.7. Approval of development which may impact Scottish Water assets

Scottish Water would advise that all development, whether requiring consent or acceptable under permitted development, should be referred to Scottish Water if there is the potential for the work involved to have an impact on our above or below ground assets. This may include construction work in the vicinity of an asset, e.g., digging adjacent to a water main or a wall being built over a sewer, etc. No construction work should take place without prior approval. Copies of water and waste water network plans can be viewed at Scottish Water's area offices, for which

no charge applies, or drawings can be ordered from the Asset Plan Providers listed in the Useful Links section of this document (Chapter 8).

### **3. Design guidance for new development affecting Listed Buildings and Conservation Areas**

#### **3.1. New build development within the property boundaries of Listed Buildings (including enabling development)**

- 3.1.1 It is essential that any new development within the property boundary of a Listed Building or in close enough proximity to affect its setting does not result in the loss of the historical relationship between the main property, any ancillary buildings and its setting.
- 3.1.2 New development should enhance the setting of a Listed Building. The height and scale of the proposed new development must be appropriate and all materials used should be of a sympathetic and a suitable colour and finish.
- 3.1.3 New build development which is part of a proposal for 'enabling development' (where a Listed Building is to be restored with the use of funding generated through other aspects of the overall proposal) is subject to further requirements. Per LDP2 Policy HE5, for applications for enabling development to be supported, all of the following must be demonstrated:
- The requirement for enabling development has been properly quantified to prove that an overall conservation deficit exists, and what this deficit is.
  - The enabling development is the only means of preventing the loss of the listed building and securing its long term future.
  - The level of enabling development proposed is the minimum required to bridge any gap in funding.
  - The enabling development can be sensitively sited and designed to ensure the character and setting of the listed building is preserved and enhanced.
- 3.1.4 All proposals for enabling development will require to be accompanied by a detailed business plan and financial information, to demonstrate how the enabling development will fund the heritage asset. The timeline of works, if extended, should take into account inflation etc. The Council will appoint an independent specialist to assist in examining the viability of proposals. A phasing plan should ensure that the restoration will begin prior to the commencement of any aspect of the enabling development on site. A planning obligation to control the phasing of works across the overall development will be required.



### 3.2. New build development within Conservation Areas

- 3.2.1 New development should complement the character of the streetscape of a Conservation Area. Proposals for new development should be supported by a detailed appraisal of potential impacts on key historical features, sense of place and any visual impacts on setting including the historic setting.
- 3.2.2 When determining an appropriate building height for any new proposals, the height of surrounding buildings and the impact of the proposal on the skyline must be taken into account.
- 3.2.3 Where a new build development is proposed within a Conservation Area, the proposal will be required to have cognisance to the character of adjoining and adjacent buildings in terms of building line, height, massing, scale, choice of materials, colour, fenestration and solid/void proportions. **This does not mean contemporary design is unacceptable but that these criteria should be incorporated sympathetically into any such design.** Proposals should demonstrate through their design that they have taken into account the special qualities of the Conservation Area and any associated Conservation Area appraisal.

### 3.3. Development outwith but affecting the setting of a Conservation Area

Development outwith but affecting the setting of a Conservation Area will require to be sympathetic to the Conservation Area in terms of design, scale, materials and character. Such development should take into account its proximity to the Conservation Area and its design should complement the scale and character of other existing buildings within the boundary of the Conservation Area. Unsympathetic design which is detrimental to the setting of the Conservation Area itself must be avoided.

### 3.4. Development outwith the property boundaries of Listed Buildings that may impact their setting

Significant views of any Listed Buildings and their historical context in the landscape and surrounding area should not be compromised by any development, even if the development falls outwith the property boundary of the buildings themselves.

### 3.5. Gap/redevelopment sites in Conservation Areas

- 3.5.1 Where development of gap or infill sites within Conservation Areas is proposed, the design of the development will require to be of the highest standard.
- 3.5.2 A modern design which integrates well into the street scene can add contrast and character to the Conservation Area. Appropriate, sensitive and innovative designs will be considered on their own merits as long as the

proposals are considered to be suitable and complementary in design terms to surrounding buildings. Such innovative developments should be accompanied by an endorsement by an appropriate authoritative independent body such as the Royal Incorporation of Architects in Scotland (RIAS), the Civic Trust or the Architectural Heritage Society of Scotland.

### 3.6. Street furniture and lighting in Conservation Areas

Traditional street furniture should be preserved wherever possible and new furniture should be of a design which reflects the character of the Conservation Area. In streets where buildings are positioned close to the pavement edge, consideration should be given to attaching street lighting fittings to the buildings themselves, with all cables and equipment being suitably concealed. Replacement lighting columns should, as far as possible, reflect the style of surrounding lighting columns. Consultation with Ayrshire Roads Alliance is required to ensure that all proposals meet with relevant standards and regulations.



Figure 11: Sympathetic street furniture, King Street, Kilmarnock

## **4. Design guidance for external repairs and alterations to Listed Buildings and buildings in Conservation Areas**

### **4.1. External Painting**

- 4.1.1 There will be a general presumption against the painting of natural stone and brickwork finishes unless it can be conclusively shown that it will help to conserve the stonework of a building under threat. The repainting of previously painted stonework will only be acceptable where the building has been proven to have been continuously painted for over 10 years or has previously received consent for painting. Where a building is already painted, any painting scheme will require to be compatible with its surroundings and respect the character of the building itself. Paint which matches the existing colour and which is breathable and suitable for the underlying material of the building will not require consent. Any change of colour will require Listed Building Consent or planning permission.



Figure 2: External painting of a building within a Conservation Area, Portland Street, Kilmarnock

- 4.1.2 The removal of paint from previously painted buildings, facades, railings, gates or associated ancillary structures will require planning permission and/or Listed Building consent and will only be permitted where removal of the paint will not result in the risk of damage to the historic fabric of the building, façade or associated structure. Applications will be required to be



supported by a full technical analysis and a sample test of the building's historic fabric. No work to the building should be carried out until the Council has approved the trial samples.

## 4.2. Stonework repairs

- 4.2.1 Inappropriate repairs can cause damage to the historic fabric of buildings. Stonework repairs should include the use of masonry and lime pointing that will match the original stone in every aspect including density, porosity, colour, texture and pattern. Expert advice from a qualified professional should always be sought prior to undertaking any repair. The use of cement pointing and rendering will be harmful to the stonework and should be avoided. Repairs to existing cement render will only be considered in exceptional circumstances where it is not possible to remove this without causing damage to the stonework beneath. In all cases, evidence will be required including a petrographic analysis, stone condition survey of existing stonework and detailed specification of repairs and materials will be required for Listed Buildings.



Figure 3: Appropriate stonework restoration, Cumnock

- 4.2.2 Stone cleaning should not damage the historic structure and test panels will be conditioned for approval prior to full implementation of works. Full details of proposed repairs should be submitted with any application, with marked up elevations showing the location and type of repair. If scaffolding is required for

such repairs and needs to be fixed to a building, it should be affixed using existing mortar joints.



Figure 4: Good example of stonework repairs, John Finnie Street, Kilmarnock

#### 4.3. New and replacement doors

- 4.3.1 The retention and repair of external doorways is encouraged as they contribute significantly to the character and appearance of Listed Buildings and buildings within Conservation Areas. Replacement doors should be of a material and design in keeping with the historic fabric of the building. The installation of new front, side and rear entrance doors will require Planning Permission and/or Listed Building Consent. On main street frontages and other elevations open to general view, replacement doors shall be of a traditional design of panelled or vertical timber boarding or with windows with astragals where considered appropriate. Any original features, including stained glass windows and method of opening, should be retained and incorporated into the replacement doors. The formation of new structural openings to form additional doorways will generally not be encouraged on Listed Buildings or buildings within a Conservation Area.
- 4.3.2 New doorways should only be considered where they can be incorporated into the existing architecture and designed and detailed in a way that is compatible with the existing historic fabric. Care should be taken to retain existing design patterns, symmetrical elevation or any architectural details. New doors on extensions should be designed to match those of the listed or historic building.

#### 4.4. New and replacement windows

- 4.4.1 The retention and repair of all original windows is encouraged due to the significant contribution they make to the character and appearance of Listed



Buildings and buildings within a Conservation Area. In East Ayrshire, the predominant types of historic windows are timber framed sash and case, original timber casement and there are also some examples of early metal windows.

- 4.4.2 The proposed replacement of windows on a Listed Building will only be acceptable where it can be demonstrated that the original windows are beyond repair. Where new windows can be justified, these will be required to match the original windows of the building. Listed building consent will be required for the removal and/or replacement of an existing window on a Listed Building. Repairs to original windows on a like for like basis using the same material, dimensions, profile and method of opening do not require planning permission or Listed Building consent.



Figure 5: Good example of replacement of windows, Cumnock

- 4.4.3 All new or replacement windows on a Listed Building must meet the following criteria:
- (i) All new or replacement windows must reflect the style, method of opening, materials and proportion of windows appropriate to the architectural style and period of the property or area, particularly as regards the proportion and pattern of glazing bars and astragals. Listed building consent is required where there is an alteration to design, material, and size, method of opening, proportions (including thickness), glazing, bars and removal of historic glass.



- (ii) In respect of Listed Buildings, windows shall be of traditional materials, style, design, proportions and methods of opening.
  - (iii) All window alterations and replacements shall ensure the retention of all existing stone mullions and existing lintels, sills and window surrounds.
- 4.4.4 Double glazing may be permitted on a Listed Building where it can be demonstrated that the glazing unit can be fitted into the original window frame or replacement window frame without changing their appearance (including thickness of surrounds and astragals) and without removal of any historic decorative glass.



Figure 6: Appropriate restoration of windows, John Finnie Street, Kilmarnock.

- 4.4.5 Class 7A permitted development rights per the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024 apply in Conservation Areas. This means that an application for planning permission is not required to alter or replace the existing windows of a house or flat in a Conservation Area, as long as the windows are on the rear elevation of the building or a side elevation which does not front a road.
- 4.4.6 Additional restrictions apply to windows situated on the principle elevation (or road-facing side) of buildings in Conservation Areas. Depending on how similar the proposed window is to the existing one, the applicant may need to notify the Council and submit some additional information before carrying out the works, through a process referred to as “prior notification/prior approval”. The prior notification/approval process requires the applicant to submit: a

location plan for the property; a written description of the proposal and materials to be used; the relevant fee (£100). The Council will then respond to confirm whether prior approval is required, and will stipulate any conditions which must be followed in carrying out the work.

#### 4.5. Roofs

- 4.5.1 The predominant material used for traditional roofing in East Ayrshire is slate. Planning permission (for buildings in Conservation Areas) and Listed Building consent (for Listed Buildings) are not normally required for minor repairs which match the original materials and construction methods and do not affect the character of the building. For proposals where an alteration from the existing material is proposed or the roof is to be re-slatted in its entirety, planning permission and/or Listed Building consent may be required. The re-use of existing slates is encouraged and where new slate is proposed it should match the original as closely as possible.
- 4.5.2 All new or replacement roofs to Listed Buildings or buildings within Conservation Areas or their extensions shall meet the following criteria:-
- (i) Roofs shall be finished in materials appropriate to the architectural style and period of the property to match the original roof finish of the existing building. On unlisted Buildings within Conservation Areas, a high quality artificial or reconstituted slate of traditional proportions and thickness may be considered an appropriate alternative to natural slate. On Listed Buildings, existing slates should be re-dressed and reused. If it is necessary to use new natural slate, consideration should be given to using the best modern equivalent in terms of colour, thickness, weight and texture of slate.



Figure 7: Appropriate restoration of a slate roof, Craighead Inn, Cumnock

- (ii) New roofs shall be symmetrically double pitched and gable ended with roof pitch to match existing roof pitches on the original building. Flat, mansard, monopitch and asymmetrical roofs should be avoided. Hipped roofs may be considered acceptable in certain circumstances.
- 4.5.3 Any original decorative roof features such as bargeboards, iron finials, ornate ridge tiles and crow-steps should be retained or replaced to match the original detailing and features.
- 4.6. Dormer windows and attic extensions  
 All dormer and attic extensions on Listed Buildings and buildings in Conservation Areas are only permitted where they are an original feature of the building or area. They should be of traditional design and material finish incorporating either a pitched gable roof, a hipped 'bay window' type roof or a monopitch sloping roof, appropriate to the building and area concerned. Box dormers will not be permitted.

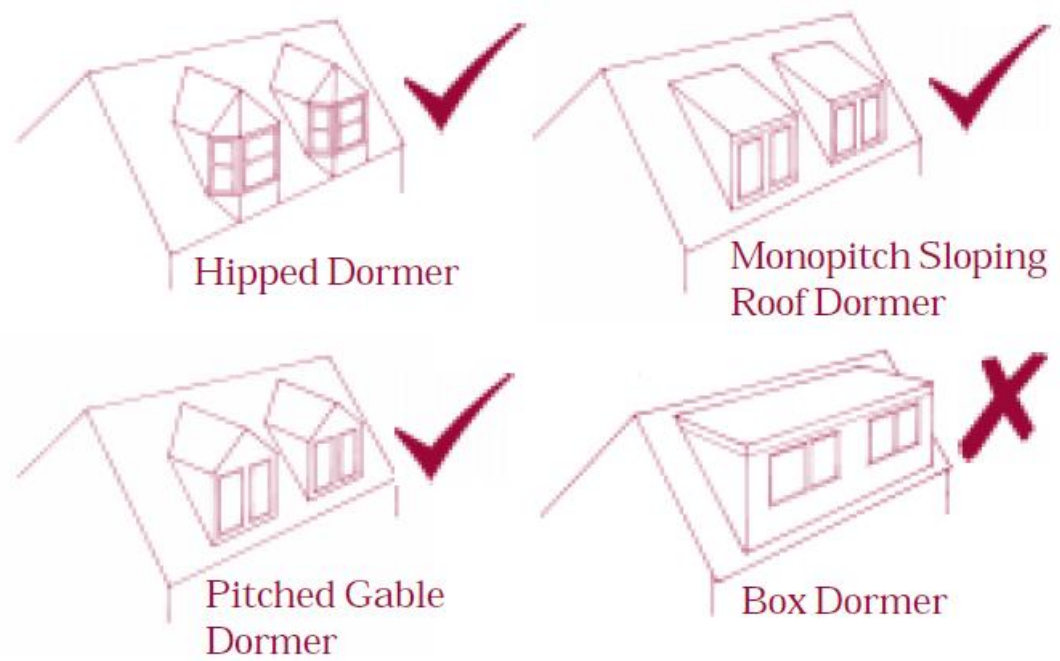


Figure 8: Preferred types of dormer window extensions



Figure 9: Dormer windows, The Square, Cumnock



#### 4.7. Roof lights

The use of traditional style roof lights is preferred on Listed Buildings and buildings within a Conservation Area. Roof lights of a traditional design in terms of proportion, size and materials and not projecting unduly above the plane of the roof shall be permitted on Listed Buildings and roofs visible from the street. In Conservation Areas, roof lights of non-traditional design and materials will not be considered acceptable on elevations visible to public view. The number of new roof lights will also be considered when assessing an application.

#### 4.8. Removal of chimneys and skew stones

Removal of chimneys, chimney capping and skew stones will not be permitted on Listed Buildings and on unlisted Buildings within Conservation Areas where they form part of visible roof lines and contribute to the character of the Listed Building or Conservation Area. Original chimney heads, stacks and pots should be retained, especially traditional end stacks and central wallhead stacks. Repairs or replacements should match the size, scale, design and material of the original. Where repair works will result in an alteration to the appearance of the chimney, planning permission and/or Listed Building consent will be required. Where a chimney has been damaged, like for like reconstruction of the structure will be required.



Figure 10: Appropriate chimney restoration, John Finnie Street, Kilmarnock

#### 4.9. Rainwater goods

- 4.9.1 When rainwater goods, including downpipes and guttering, require replacement on a Listed Building or a building within a Conservation Area, these should be replaced with cast iron to match the original rainwater goods on the property. High quality alternatives such as cast aluminium may also be considered acceptable.
- 4.9.2 The colour of replacement rainwater goods should be chosen to match the original ones, which will usually be painted black or in a similar colour to the adjacent stonework and roofing.
- 4.9.3 When replacements to rainwater goods are taking place, sustainable surface water approaches should be taken to manage rainwater within the plot and reduce flood risk.

#### 4.10. Extensions

Extensions should be located to the rear or side of the property and should preserve or enhance all other important characteristics/features of the Conservation Area or Listed Building. Proposals for the extension of a listed building or properties in Conservation Areas should:

- (i) remain subordinate to the original building. They should not dominate the original building as a result of scale, materials or location and principal elevations;
- (ii) be located, designed and proportioned to protect the Listed Building/Conservation Area's appearance, character and setting;
- (iii) have a material finish in keeping with and sympathetic to the existing building. Traditional finishes and details including colour, texture and scale will require to be appropriate to the particular building concerned. Developers/applicants should seek advice on materials from the Council.

#### 4.11. Conservatories

Proposals for conservatories on Listed Buildings and unlisted Buildings in Conservation Areas will be required to respect the historic character and scale of the building. The conservatory should be located on an elevation which is screened from public view (i.e. from roads, parks, footpaths) and should be constructed in traditional materials with painted wood or metalwork. The materials of the base walls should match the materials of the wall to which they are attached to the Listed Building in order to protect the historic setting of the building.

#### 4.12. Miscellaneous attachments to properties

The attachment of various miscellaneous features can be detrimental to the appearance of properties, particularly Listed Buildings or buildings within



Conservation Areas. Apparatus should be located in a manner which respects the architectural detailing of the buildings and should be disguised or concealed from public view. Developers are requested to observe the following advice:-

- a. Pipes and Wiring (gas, electricity, television etc.) should be routed internally or on rear elevations. Television aerials should be located in the roof space of buildings and not on chimney heads which would detract from the appearance of the building and may damage stonework.
- b. Disused pipe work not part of the original design, wiring, aerials and all other attachments should be removed as soon as they become redundant.
- c. Meter boxes should not be sited on the front elevation of a property or on a part of the building in public view.
- d. Alarm boxes should be sensitively located so that they do not mask architectural features. Their colour should be consistent with the colour scheme of the building.
- e. The location and number of telecommunications equipment, including satellite dishes on roofs and broadband cabinets on pavements, should not be detrimental to the character or setting of a Listed Building or the visual amenity of a Conservation Area.
- f. Satellite dishes will not be accepted on the front or street elevation of any building. They will be accepted on the rear elevation – insofar as they do not break the ridge line of the roof. Dish sharing should be investigated in flats.

## **5. Internal alterations – Listed Buildings**

### **5.1. Internal alterations to Listed Buildings**

- 5.1.1 When a building is listed, this listing covers the interior of the building as well as the external features of the building. It is essential that any proposed new interventions protect the character of the significant interior spaces and detailing including entrance areas, main corridors, stairwells, marbled fireplaces, decorative plasterwork (cornicing, ceiling details and other features) stained or etched glass, handrails and room skylights (this list is not exhaustive). Internal alterations to Listed Buildings are likely to require Listed Building consent. Any alterations should respect original proportions and detailing, with features preserved or reinstated where possible.
- 5.1.2 As a result of an ever changing environment, the uses for which some listed buildings were designed for are now obsolete. Conversion and adaptation schemes will be permitted where it can be demonstrated that they preserve and enhance the historic character of the building.

## **6. Climate change adaptations for Listed Buildings and buildings in Conservation Areas**

### **6.1. Weather-proofing for traditional buildings**

- 6.1.1 Although the external details on the roofs and façades of traditional buildings can be decorative, they are also functional elements, shedding rainwater and preventing it from discharging onto masonry and causing damp problems. Maintaining these details is therefore not only necessary for the preservation of the character of the historic built environment, but for the longevity of the buildings themselves.
- 6.1.2 The increased rainfall and other weather events associated with climate change may necessitate some innovative adaptations of traditional buildings in the future. It is expected that every effort will be made to ensure that new details will be designed to be as sympathetic as possible to the historic character of traditional buildings and will only be adopted where necessary to protect the buildings from damage.

### **6.2. Microgeneration energy technologies**

- 6.2.1 The use of renewable energy technology in the historic environment is supported where the character of the historic building or area can be protected through careful siting and design. Before considering micro-renewables, the energy efficiency of the building should be addressed through building maintenance, equipment upgrades and improvements to the fabric of the building.
- 6.2.2 Listed building consent will be required for any works affecting the character of a Listed Building and this includes microgeneration energy technologies.
- 6.2.3 Planning permission may be required for works within a Conservation Area, however recent changes to householder permitted development rights have made exceptions for some microgeneration energy technologies. Notably, planning permission may not be required for:
- Air source heat pumps for domestic heating or hot water, installed at ground floor level and on the rear elevation of the dwelling.
  - Solar photovoltaic or solar thermal panels, installed on a rear elevation or non-road-facing side elevation.
  - Solar panels on outbuildings, provided that these are not located within the front curtilage of the dwelling
  - Flues for biomass heating systems or combined heat and power systems, provided that these are not attached to the principal elevation of the building.

- 6.2.4 All microgeneration energy installations should be carefully planned to minimise any negative impacts on the historic character of the building or area.

### 6.3. Trees in Conservation Areas

- 6.3.1 Mature trees in Conservation Areas may be as old as the buildings themselves and contribute positively to the setting and character of the area; they should therefore be retained. Trees are also important features of our local streetscape in terms of addressing carbon emissions and adapting to climate change. However, where there are proposed works to trees, or an applicant wishes to remove a tree, the planning authority should be given six weeks prior notice. The advance notice is required to allow the planning authority to consider whether a Tree Preservation Order should be made for the tree. If no such order is enacted, the notified works to the tree must be carried out within two years from the date of the notice.
- 6.3.2 Trees in Conservation Areas which are protected by a Tree Preservation Order cannot be cut down, damaged or cut back without consent of the planning authority. Depending on individual circumstances, there may be exemptions to the order – for further details, see Sections 36 and 37 of the Town and Country Planning (Scotland) Act 1997).



Figure 13- Category B Listed Building brought back into use-





## 7. Contact details for Planning

### Development Planning Section

01563 576790

[localdevelopmentplans@east-ayrshire.gov.uk](mailto:localdevelopmentplans@east-ayrshire.gov.uk)

### Development Management Section

01563 576790

[submittoplanning@east-ayrshire.gov.uk](mailto:submittoplanning@east-ayrshire.gov.uk)

## 8. Useful links

East Ayrshire Council Planning: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/PlanningAndTheEnvironment.aspx>

East Ayrshire Council Conservation Areas : <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Conservation/Conservation.aspx>

East Ayrshire Council Listed Buildings: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Planning-guidance/Listedbuildings.aspx>

Historic Environment Scotland Portal: <http://portal.historicenvironment.scot/>

Buildings at Risk Register: <https://www.buildingsatrisk.org.uk/>

Planning Aid for Scotland : [www.pas.org.uk](http://www.pas.org.uk)

Historic Environment Scotland: <https://www.historicenvironment.scot/>

The Architectural Heritage Society of Scotland: <http://www.ahss.org.uk/>

Built Environment Forum Scotland: <http://www.befs.org.uk/>

The Scottish Civic Trust: <http://www.scottishcivictrust.org.uk/>

East Ayrshire Conservation Area Appraisals: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Planning-guidance/Supplementaryplanningguidance.aspx>

East Ayrshire Local Development Plan 2: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/development-plans-and-policies/ldp2/ldp2-information.aspx>

Conservation Area Maintenance Guide, East Ayrshire Council: <https://www.east-ayrshire.gov.uk/Resources/PDF/K/KilmarnockConservationAreaMaintenanceGuide.pdf>

Managing Change in the Historic Environment, Historic Environment Scotland: <https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/>

Historic Environment Scotland Policy Statement, June 2016: <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=f413711b-bb7b-4a8d-a3e8-a619008ca8b5>

Listed Buildings, Historic Environment Scotland: [https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/what-is-listing/#overview\\_tab](https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/listed-buildings/what-is-listing/#overview_tab)

Details of other grant funding available, Historic Environment Scotland: <https://www.historicenvironment.scot/grants-and-funding/our-grants/>

East Ayrshire Supplementary Guidance, East Ayrshire Council: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Planning-applications/Planning-guidance/Supplementaryplanningguidance.aspx>

Asset Plan providers (to obtain drawings of Scottish Water assets):

Site Investigation Services (UK) Ltd. - Tel: 0333 123 1223 Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk) [www.sisplan.co.uk](http://www.sisplan.co.uk)

National One-Call - Tel: 0844 800 9957 Email: [swplans@national-one-call.co.uk](mailto:swplans@national-one-call.co.uk) [www.national-one-call.co.uk/swplans](http://www.national-one-call.co.uk/swplans)

Cornerstone Projects Ltd - Tel: 0151 632 5142 Email: [enquiries@cornerstoneprojects.co.uk](mailto:enquiries@cornerstoneprojects.co.uk)  
<http://www.cornerstoneprojects.co.uk/index.php/scottishwaterplans>

Alternatively, plans can be viewed at Scottish Water's area offices, for which no charge applies





**East Ayrshire Council**  
Comhairle Siorrachd Àir an Ear

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