

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 01 FEBRUARY 2002

**01/0736/LB: PROPOSED REPLACEMENT OF WINDOWS IN EXISTING FRONT
AND REAR ELEVATION AT 76 MAIN ROAD, FENWICK,
FOR MS BRENDA SMITH**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Listed Building Consent is sought to replace all the windows and doors of the dwelling using UPVC frames. The general arrangement of glazing bars and panes on the first floor of the front elevation and on the rear elevation will match that of the existing windows, albeit the existing windows on the rear elevation are not traditional. It is proposed that the replacement windows on both floors on the front elevation will incorporate a traditional sliding sash and case mechanism. The proposed replacement door on the front elevation is also proposed to be of UPVC as are those on the rear elevation.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in paragraph 5.2 of the report, the application is considered to be in accordance with the Adopted Local Plan. Therefore, given the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. In this instance, the proposal is also in accordance with the East Ayrshire Local Plan (Finalised Version with Modifications) and is acceptable within the context of the approved Design Guidance.

3.2 The objection received from the Community Council is noted. However, it is not considered that the proposed replacement windows would have such a detrimental effect on the appearance of the Listed Building as would justify a refusal of the application.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for Listed Building consent which is to be considered by the Local Planning Committee as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a traditional 19th Century one and a half storey 'C' listed terraced cottage, situated on the east side of Main Road, within the Fenwick Conservation Area. The ground floor windows to the front of the property and all windows on the rear elevation have been replaced with UPVC in the past. The first floor windows on the front elevation – in the form of two bay windows – are of wood with a sash and case opening mechanism.

1.2 **Proposed Development:** Listed Building Consent is sought to replace all the windows and doors of the dwelling using UPVC frames. The general arrangement of glazing bars and panes on the first floor of the front elevation and on the rear elevation will match that of the existing windows, albeit the existing windows on the rear elevation are not traditional. It is proposed that the replacement windows on both floors on the front elevation will incorporate a traditional sliding sash and case mechanism. The proposed replacement door on the front elevation is also proposed to be of UPVC as are those on the rear elevation.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Historic Scotland have stated that the use of UPVC doors and windows in Listed Buildings in Conservation Areas is not acceptable. The Inspectorate state that the door on the front elevation should be repaired if possible and if not, replaced with a timber door of traditional design. Likewise, it states that the traditional dormer windows on the front elevation should be repaired or, if not possible, replaced with timber sash and case.

Noted. The Council's Design Guidance does not presume against the use of UPVC replacement windows in Category C(S) Listed Buildings. Furthermore, in this case, the existing windows on the rear elevation and on the front elevation (ground floor) have been replaced with UPVC in the past. The arrangement of glazing bars and panes on the proposed replacement windows matches the arrangement of the existing windows, whilst the proposed ground floor windows on the front elevation represents an improvement on the existing arrangement. Furthermore a number of other properties on Main Road have replacement windows which are of UPVC. Therefore it is considered that the installation of the proposed replacement windows would not detract from the existing character and appearance of the Listed Building to such an extent that would justify a refusal of the application.

3.2 Fenwick Community Council has objected to the application. The grounds of objection relate to the view that traditional or previous materials should be used for replacement windows in properties in Main Road wherever possible.

See response to 3.1 above

4. REPRESENTATIONS

Other than the objection received from Fenwick Community Council and the comments of Historic Scotland, no representations have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications for Listed Building Consent be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the Development Plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan (1987). The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application requires to be determined with regard to Policy 4.7.2 which presumes against any alteration to any building within the Conservation Area, detrimental to its character and appearance.

See response to 3.1 above. It is not considered that the proposed development would be detrimental to the character or appearance of the Conservation Area. It is therefore considered that the proposal accords with the Adopted Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications), the Council's Design Guidance and the objection detailed above.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) 2001 should be considered a prime material consideration.

East Ayrshire Local Plan

6.3 The application falls to be determined with regard to Policy ENV4 of the East Ayrshire Local Plan (Finalised Version with Modifications) which provides that all development within or affecting a Conservation Area or affecting the appearance of a Listed Building should be sympathetic to the area or building concerned.

See response to 3.1 and 5.2 above. It is therefore considered that the proposal complies with the provision of the East Ayrshire Local Plan (Finalised Version with Modifications)

Design Scheme

6.4 The Council's Design Guidance for development affecting Listed Buildings does not presume against the use of UPVC windows in Category C(S) Listed Buildings. It does, however, state that replacement windows should replicate the appearance of traditional windows.

As noted, the proposed replacement windows on the front elevation generally replicate the appearance and opening mechanism of traditional sash and case windows. It is therefore considered that current proposal would not detract from the character of the building to an extent that would justify a refusal of the application. Given that the windows on the rear elevation are not readily visible from public view and do not form part of the general streetscape, it is considered that the proposal for their treatment is acceptable.

Consultations

6.5 Whilst the two consultees have objected to the proposal in its original form, it is considered that the amended proposals are acceptable in terms of the Council's Design Scheme.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As is indicated in paragraph 5.2 of the report, the application is considered to be in accordance with the Adopted Local Plan. Therefore, given the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. In this instance, the proposal is also in accordance with the East Ayrshire Local Plan (Finalised Version with Modifications), and is acceptable within the context of the approved Design Guidance.

8.2 The objection received from the Community Council is noted. However, it is not considered that the proposed replacement windows would have such a detrimental effect on the appearance of the Listed Building as would justify a refusal of the application.

8.3 The Committee should note that the application, if approved, will not require to be referred to Historic Scotland.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee.

Alan Neish
Head of Planning and Building Control

22 January 2002

(DS/MLS/FD)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation replies.
4. East Ayrshire Council Local Plan (Finalised Version with Modifications).
5. Adopted Stewarton Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Derek Scott on 01563 576769.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0736/LB

Site of Proposal: 76 Main Road
FENWICK

Natural of Proposal: Replacement of windows to existing front
and rear elevation at 76 Main Road,
Fenwick

Name & Address of Applicant: Ms Brenda Smith
76 Main Road
FENWICK

Name & Address of Agent:

DPOs Reference: DS/MLS

The above LISTED BUILDING application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form received on 07 September 2001 and the amended plans received by the Planning Authority on 09 January 2002.

REASON To ensure that development is carried out in accordance with the approved details.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA