

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 23 NOVEMBER 2001

**01/0634/LB: PROPOSED REPLACEMENT OF WINDOWS
AT 52 MAIN ROAD, FENWICK
BY MR & MRS C PATERSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to replace 8 front windows which are of timber sash and case design and two smaller side gable windows which are side hung. The proposed new windows are timber double glazed but are designed to replicate the existing proportions and means of opening and include integral timber astragal detailing. The windows will be painted white.

2. RECOMMENDATION

2.1 It is recommended that the Listed Building application be approved subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1989.

3. CONTRARY DECISION

3.1 Should the Committee agree that the application be refused contrary to the recommendation it will not be necessary to refer the application to the Development Services Committee.

4. SUMMARY OF ANALYSIS

4.1 As indicated above in paragraph 5.2 of the report there is a policy in the approved Development Plan which is applicable to the circumstances of this application, and it is considered that the proposal is in accordance with the criteria detailed. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 confirm that where an application complies with the development plan it should be determined accordingly unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to the application and they are considered to add weight to the presumption in favour of the development plan.

**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 under the scheme of delegation as the proposal is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a mid-terraced two storey house with attached 1½ storey wing which is a Category B Listed Building within the Laigh Fenwick Conservation Area. The property is situated on the east side of Main Road in an established characterful row of properties.

2.2 **Proposed Development:** It is proposed to replace 8 front windows which are of timber sash and case design and two smaller side gable windows which are side hung. The proposed new windows are timber double glazed but are designed to replicate the existing proportions and means of opening and include integral timber astragal detailing. The windows will be painted white.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Historic Scotland have objected to the proposal confirming concerns on a number of aspects relating to the principle of losing the original windows and the use of double glazing in a Category B Listed Building. In their response they cite the relevant National Guidance on such matters as follows:-

- Windows should be repaired if at all possible.
- Modern draught proofing should be used to keep the original windows as certain details of the original windows tend to be lost in the new windows or are inappropriately proportioned.
- If the windows have to be replaced they should be of single glazed construction.

Noted. These matters have been anticipated by the applicant who has confirmed that the windows are beyond repair and that the design replicates the detailed elements to the best standards available. The applicant has advised that the price for double glazing instead of single is virtually the same so he has chosen that option due to additional noise mitigation and insulation properties .

3.2 The Architectural Heritage Society for Scotland have advised that they have no comments to make on the application.

Noted.

3.3 The Scottish Civic Trust have no comments on the application.

Noted.

3.4 Fenwick Community Council have confirmed that they have no objection to the proposal.

Noted.

4. REPRESENTATIONS

4.1 As stated in paragraph 3.1 above, Historic Scotland have objected to the proposal.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications 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 within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would require to be considered against Policies 4.7.2 and 4.7.13.

These policies confirm that there will be a presumption against alterations on listed buildings and buildings in conservation areas which in the opinion of the Planning Authority have a detrimental impact on the character of those buildings.

It is considered that given the design of the proposed windows they are acceptable against the terms of these policies. Accordingly, the proposal is considered to be in accordance with the Development 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), consultation responses and planning history.

6.2 East Ayrshire Local Plan (Finalised Version with Modifications)

As stated above, the Adopted Plan is considerably out of date and therefore it is considered appropriate that greater weight be attached to more recent expression of policy. The Council has agreed that the EALP Finalised Version with Modifications should be considered as a prime material consideration.

The relevant policies in the EALP against which the proposal requires to be assessed are ENV 2, 4 and 7. These policies were all prepared to assist in maintaining high standards of design and to minimise any adverse impact from proposals affecting Listed Buildings.

The proposal has been assessed against the above criteria and found to be acceptable. It should be noted that Policy ENV 7 specifically relates to the Council's Design Guidance which was adopted earlier this year. This Guidance confirms that the use of high quality UPVC windows which replicate timber and have a traditional means of opening will be acceptable in Category B Listed Buildings in locations where the Planning Authority consider the windows not to have a detrimental impact on the building.

It is considered that the current proposal accords with this criteria, given the quality of the windows and the context of the application site.

6.3 Consultation Response

As detailed above the informal comments submitted from Historic Scotland record their objection to the proposal by reason of the principle of replacement in itself and the qualities of the windows.

Noted. These comments are noted however, as stated, the Division is satisfied that the windows are beyond repair and the new windows proposed are in accordance with the Council's relevant policy and guidance on such matters.

6.4 Planning History

The rear windows of the property have been replaced with similar windows to those now proposed at the front. Listed Building Consent was approved for those works in September 2000.

Noted.

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 indicated above in paragraph 5.2 there is a policy in the approved Development Plan which is applicable to the circumstances of this application, and it is considered that the proposal is in accordance with the criteria detailed. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 confirm that where an application complies with the development plan it should be determined accordingly unless material considerations indicate otherwise. As indicated in Section 6 above there are material considerations relevant to the application and they are considered to add weight to the presumption in favour of the development plan.

9. RECOMMENDATION

9.1 It is recommended that the Listed Building application be approved subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1989.

**Alan Neish
Head of Planning and Building Control**

14 November 2001
(IW/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Certificate.
3. Consultations/representation.
4. Adopted Stewarton Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.
8. East Ayrshire Council Approved Design Guidance.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Dave Morris

010634LB

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0634/LB

Site of Proposal:	52 Main Road FENWICK
Nature of Proposal:	Proposed Replacement Windows
Name & Address of Applicant:	Mr & Mrs C Paterson 52 Main Road FENWICK KILMARNOCK KA3 6AL
Name & Address of Agent:	Niall Owen Mozolowski & Murray Units 7-10 Bridgend Industrial Estate KINROSS KY13 7ER

DPOs Reference: IW/MMM

The above LISTED BUILDING application should be granted.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
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