

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 27 APRIL 2001 01/0120/LB AND 01/0178/FL : PROPOSED INSTALLATION OF UPVC DOUBLE GLAZED DOOR AND WINDOWS AT 2 EARL GREY STREET, MAUCHLINE FOR JULIE KANE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission and Listed Building Consent are sought for the replacement of the existing 12-pane wooden sash and case windows on the first floor with white uPVC tilt and turn double glazed windows. Each replacement window is formed to give the appearance of having 12 individual panes to reflect the glazing pattern of the original windows. The applicant also proposes to replace the traditional wooden door on the ground floor with a white uPVC Georgian style door.

2. RECOMMENDATION

2.1 It is recommended that both applications be refused on the grounds listed on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated at paragraph 5.2 in the report, the applications are considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the applications should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.5 in the report, there are material considerations relevant to the determination of the applications.

3.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. The proposal is also considered to be contrary to the provision of the East Ayrshire Local Plan (Finalised Version with Modifications).

3.3 The appearance of the proposed replacement uPVC windows is considered to be inferior to that of the original windows or alternative wooden replacements, as their profiles are broader and flatter than the originals and are a brash white in colour. The replacement uPVC pseudo-Georgian door is also considered to be inferior to that of the original door in that it does not respect the historic character of the building. It is therefore considered that

the replacement windows and door, as proposed by the applicant, would be detrimental to the historic appearance and character of the Outstanding Conservation Area and of the Category 'B' Listed Building. Should the Committee be minded to approve the applications, there would be no requirement for them to be referred to the Development Services Committee, however the application for Listed Building Consent will require to be referred to Historic Scotland for consideration, as it relates to a Category 'B' Listed Building

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 jointly for determination a full planning application and an application for Listed Building Consent which are to be considered by the Local Planning Committee under the Scheme of Delegation as the applications are contrary to policy and recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description** : The application site comprises a locally traditional Category B-listed two-storey building which appears to have remained substantially unaltered since the late eighteenth century. It is situated at the junction of Earl Grey Street and Loudoun Street at the heart of the historic town centre and Outstanding Conservation Area of Mauchline, adjacent to the town's main thoroughfare. As such, the building is visually prominent and makes a substantial contribution to the character of the Outstanding Conservation Area. The flatted property to which the applications relate has seven wooden sash and case windows fronting onto Earl Grey Street and Loudoun Street and one to the rear. The six panel wooden front door to the flatted property is situated on Earl Grey Street.

2.2 **Proposed Development:** Full planning permission and Listed Building Consent are sought for the replacement of the existing 12-pane wooden sash and case windows on the first floor with white uPVC tilt and turn double glazed windows. Each replacement window is formed to give the appearance of having 12 individual panes to reflect the glazing pattern of the original windows. The applicant also proposes to replace the traditional wooden door on the ground floor with a white uPVC Georgian style door.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Architectural Heritage Society of Scotland objects to the proposal as it considers that the uPVC replacement windows are inferior in appearance to the original windows, would warp and discolour in ultra-violet light and are a pollutant on disposal.

The applicant has been advised that the use of replacement uPVC windows on a prominent Listed Building in the Outstanding Conservation Area would be inappropriate in terms of its impact on the historic character and appearance of the area. The applicant has also been informed that the use of like-for-like replacement hardwood double glazed windows would be acceptable. The applicant has, however, stated that she wishes the applications determined in their present form. It is considered that the profiles of the replacement uPVC windows are flatter in appearance than the originals and are brash white in colour. This is considered to be detrimental to the visual amenity and historic character of the Category B Listed Building and of the Outstanding Conservation Area. Furthermore, the use of false astragals and the use of a pseudo-Georgian door do not respect the historic character and appearance of the building and are also considered to be detrimental to its appearance.

3.2 Historic Scotland, in response to the consultation letter in respect of the application for Listed Building Consent, states that government policy recommends that maintenance or repair of existing windows should be considered before replacement is considered. In the event that the windows are beyond repair, traditional materials and construction methods should be used in the manufacture of replacements to ensure that the character of the building is in no way diminished. With regard to the replacement door, Historic Scotland states that uPVC is not a traditional material and only authentic, traditional materials should be used in the repair of historic buildings. The existing six-panel wooden door should be replaced with a door of a matching appearance, only if it is necessary to do so. The design of the replacement door has no precedent in historic buildings as the fan light should be incorporated above the door, not in it.

See response to 3.1 above.

3.3 Mauchline Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposals. The Architectural Heritage Society has objected as indicated in section 3.1 above.

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 Adopted Ayrshire Joint Structure Plan (1999) and the Adopted Mauchline-Drongan-Ochiltree Local Plan (1994). The Adopted Plan was prepared in the context of the then approved Strathclyde Structure Plan.

5.2 The site lies within the Outstanding Conservation Area of Mauchline as defined in the Adopted Mauchline-Drongan-Ochiltree Local Plan (1994). The applications therefore require to be considered with regard to Policy ENV11 of the Adopted Local Plan which states:-

The Council will ensure through the development control process, that any proposed development in the central areas of Mauchline and Ochiltree is in keeping with the character and appearance of the areas in terms of its size, scale, design, siting, materials used etc.

See response to 3.1 above. It is therefore considered that the proposal does not accord with the provisions of Policy ENV11.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the applications are the East Ayrshire Local Plan (Finalised Version with Modifications), the Council's policies relating to Listed Buildings the relevant government guidance and the site's planning history.

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) should be considered as a prime material consideration.

6.3 The application site lies within the Outstanding Conservation Area of Mauchline as defined in the EALP. The proposal therefore requires to be determined with regard to Policy ENV4 of the EALP. Policy ENV4 states:-

“The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.”

See response to 3.1 above. It is therefore considered that the proposal does not accord with the provisions of Policy ENV4.

6.4 The Council's Adopted Development Control Policies Relating to Listed Buildings and Buildings within Conservation Areas are also of relevance. Policy 11: Replacement Windows, states that:

All replacement windows on a listed building or a building within a Conservation Area must meet the following criteria:

(a) *All replacement windows must be of traditional design and have traditional methods of opening;*

The proposed replacement windows do not have a traditional method of opening.

(b) *All replacement windows must be of timber construction with window frames being painted in colours to be agreed with the Planning Authority;*

The proposed replacement windows are of modern uPVC construction.

(c) *All replacement windows must reflect the style and proportion of the original windows being replaced. In particular, the proportion of top-to-bottom sashes and the pattern of glazing bars and astragals must be retained and reproduced;*

The style of the proposed replacement windows, insofar as the general arrangement of the panes and glazing bars is concerned, reflects that of the original windows.

(d) *All replacement windows on the front elevation of a listed building or a building within a Conservation Area, or on other elevations which are open to view, must meet the criteria detailed above. Only in exceptional cases where it can be reasonably justified will consideration be given to the use of UPVC or aluminium windows and only then if the windows are located on elevations of the building which are not readily visible. In all cases, windows that are proposed in non-traditional materials must still be of traditional style and design.*

The proposed uPVC replacement windows on the front elevation would be highly visible from Mauchline's main thoroughfare. On balance, for the reasons stated above, it is considered that the proposal is contrary to Policy 11 of the Development Control Policies Relating to Listed Buildings and Buildings within Conservation Areas.

6.5 With regard to the replacement of existing window and door openings on Listed Buildings or on buildings in Conservation Areas, Historic Scotland's Memorandum of Guidance states that:

“Most replacement units, whether manufactured from timber or from other materials such as uPVC, are built up from heavy unmoulded sections. Where astragals are present, they are usually too thick and of the wrong profile. Such units inevitably lack the refinement and elegance of the originals. They are consequently not convincing substitutes and should be avoided. Replacement windows which open in a different manner are never visually satisfactory and should also be avoided.”

See response to 3.1 above. It is therefore considered that the proposal does not accord with the national guidance contained within Historic Scotland’s Memorandum of Guidance.

6.6 The application site has been the subject of a previous retrospective application for Planning Permission. CD/88/294, which related to the installation of replacement windows was refused by the former Cumnock and Doon Valley District Council on 22 December 1988 as the application was considered to be contrary to planning policy. The applicant then appealed the decision of the Council to the then Secretary of State. The appeal was subsequently dismissed and the applicant was required to reinstate the original windows.

The present application proposes a similar development to the previous application. It is considered that it should also be refused as it is contrary to planning policy and is not in the best interests of the visual or historic amenity of the area.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of either of the applications.

8. CONCLUSIONS

8.1 As indicated at paragraph 5.2 above, the applications are considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the applications should be refused unless material considerations indicate otherwise. As is indicated at paragraphs 6.2 to 6.5 above, there are material considerations relevant to the determination of the applications.

8.2 Given the age of the Adopted Mauchline-Drongan-Ochiltree Local Plan, the Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration. The proposal is also considered to be contrary to the provision of the East Ayrshire Local Plan (Finalised Version with Modifications).

8.3 The appearance of the proposed replacement uPVC windows is considered to be inferior to that of the original windows or alternative wooden

replacements, as their profiles are broader and flatter than the originals and are a brash white in colour. The replacement uPVC pseudo-Georgian door is also considered to be inferior to that of the original door in that it does not respect the historic character of the building. It is therefore considered that the replacement windows and door, as proposed by the applicant, would be detrimental to the historic appearance and character of the Outstanding Conservation Area and of the Category 'B' Listed Building. Should the Committee be minded to approve the applications, there would be no requirement for them to be referred to the Development Services Committee, however the application for Listed Building Consent will require to be referred to Historic Scotland for consideration, as it relates to a Category 'B' Listed Building.

9. RECOMMENDATION

9.1 It is recommended that both applications be refused on the grounds listed on the attached sheet.

Alan Neish
Head of Planning and Building Control
30 March 2001
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation replies.
3. Adopted Mauchline-Drongan-Ochiltree Local Plan.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Historic Scotland's Memorandum of Guidance.
6. Planning Application CD/88/294

Any person wishing to inspect the background papers listed above should contact Mr Derek Scott on 01563 555483.

Implementation Officer : Dave Morris

Location	2 Earl Grey Street MAUCHLINE KA5 5AD
Nature of Proposal:	Proposed installation of white uPVC double glazed door and windows
Name and Address of Applicant:	Julie Kane 2 Earl Grey Street MAUCHLINE KA5 5AD
Name and Address of Agent	

DPO's Ref: [DEREK SCOTT]
PPO's Ref; []

The above **FULL** application should be refused on the following grounds:-

1. The proposal is contrary to Policy ENV4 of the East Ayrshire Local Plan Finalised Version with Modifications, as it does not have due regard to the architectural or historical qualities of the Outstanding Conservation Area, and would be detrimental to the visual amenity both of the building and the Conservation Area.
2. The proposal fails to meet criteria a, b and d of Policy 11 of the Council's adopted Development Control Policies relating to Listed Buildings and Buildings within Conservation Areas as the proposed replacement windows:-
 - (i) are not of traditional design or have traditional methods of opening;
 - (ii) are not of timber construction; and
 - (iii) would be located on a prominent part of the building.

Location	2 Earl Grey Street MAUCHLINE KA5 5AD
Nature of Proposal:	Proposed installation of new windows and door
Name and Address of Applicant:	Julie Kane 3 Earl Grey Street MAUCHLINE KA5 5AD
Name and Address of Agent	

DPO's Ref: [DEREK SCOTT]
PPO's Ref; []

The above LISTED BUILDING application should be refused on the following grounds.

1. The proposal is contrary to Policy ENV4 of the East Ayrshire Local Plan Finalised Version with Modifications as it does not have due regard to the architectural or historical qualities of the Listed Building or of the Outstanding Conservation Area, and would be detrimental to the visual amenity both of the building and the Conservation Area.
2. The proposal fails to meet criteria a, b and d of Policy 11 of the Council's adopted Development Control Policies relating to Listed Buildings and Buildings within Conservation Areas as the proposed replacement windows:-
 - (i) are not of traditional design or have traditional methods of opening;
 - (ii) are not of timber construction; and
 - (iii) would be located on a prominent part of the building.

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AGENDA