

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 11 JANUARY 2002

01/0787/LB: REPLACEMENT OF WINDOWS AT 85 MAIN STREET, OCHILTREE

APPLICATION BY Mr I DOUGALL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Listed Building Consent is sought for the replacement of three timber sash and case windows on the front elevation, and two timber casement windows to the rear, with uPVC tilt and turn windows. The windows to the rear are located on the original part of the dwellinghouse. A conservatory extension has since however been built on this elevation and consequently the windows are located within the conservatory.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated at paragraph 5.1 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are of insufficient weight to overcome the presumption in favour of the development plan.

3.2 In this case, the dwellinghouse is listed as a Category B Group. The proposal is not consistent with the policy provisions for replacement windows in terms of the EALP or of the Council's Design Guidance. Although it is considered that an exception to policy could be made in respect of the proposed windows to the rear, an application cannot be approved in part. Furthermore, the proposed windows are contrary to advice outlined in Historic Scotland's Memorandum of Guidance.

3.3 It is considered that the installation of the proposed uPVC windows on the front elevation of the dwellinghouse would have a detrimental impact on the character and appearance of the Listed Building and of the Conservation Area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from the East Ayrshire Local 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 a Listed Building Consent application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposal is contrary to policy and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the south side of Main Street, Ochiltree and forms part of a row of terraced dwellinghouses. The dwelling has been previously extended to the rear. The extension has a flat roof and timber casement windows and is completely enclosed from the Main Street. The frontage of the dwellinghouse onto Main Street has timber sash and case windows.

2.2 The existing dwellinghouse forms part of a Category B group of listed building with other properties. The dwellinghouse also lies within Ochiltree Conservation Area.

2.3 **Proposed Development:** Listed Building Consent is sought for the replacement of three timber sash and case windows on the front elevation, and two timber casement windows to the rear, with uPVC tilt and turn windows. The windows to the rear are located on the original part of the dwellinghouse. A conservatory extension has since however been built on this elevation and consequently the windows are located within the conservatory.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Ochiltree Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 The Architectural Heritage Society of Scotland has not responded to the consultation letter at the time of writing.

Noted

4. REPRESENTATIONS

4.1 No letters of representation have been received with regard to the proposed development.

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 (1999) and the Adopted Mauchline – Drongan - Ochiltree Local Plan (1993). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 The application requires to be determined against Policy ENV11 of the Adopted Mauchline – Drongan – Ochiltree Local Plan. Policy ENV11 states that 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.

The replacement of the existing windows with the type of uPVC windows proposed is contrary to the provisions of Policy ENV11.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, Finalised Version with Modifications (2001), East Ayrshire Council's Design Guidance, Historic Scotland's "Memorandum of Guidance on Listed Buildings and Conservation Areas (1998)", the consultations received and the planning history of the site.

East Ayrshire Local Plan

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 (EALP) should be considered as a prime material consideration. The site is affected by Environment Policies.

6.3 Environment Policy ENV4 states that 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.

The replacement of the existing windows with the type of uPVC windows proposed is inappropriate for this Category B Listed Building and the approval of this application would be contrary to the provisions of Policy ENV4.

East Ayrshire Council Design Guidance

6.4 The Council's Design Guidance on Listed Buildings and Buildings within Conservation Areas has specific advice on new and replacement windows. The Guidance states that all new or replacement windows on a listed building or a building within a Conservation Area must meet the following criteria:

(i) *All new or replacement windows must reflect the style, materials and proportion of windows appropriate to the architectural style and period of the property or area, particularly as regards the proportion of top-to-bottom sashes and the pattern of glazing bars and astragals.*

The proposed replacement uPVC, tilt and turn windows would be contrary to the above guidance.

(iii) *In respect of Category A and B listed buildings, windows shall be of traditional materials, style, design and methods of opening. The use of high quality uPVC windows, exactly replicating timber and with traditional methods of opening may be considered acceptable in locations where the planning authority consider the windows not to have a detrimental impact on the character and appearance of the listed building.*

The property is a Category B Group listed building. The proposed uPVC windows, on the front elevation of the dwellinghouse, with non traditional methods of opening are contrary to the above guidance. It is considered that uPVC windows on the front elevation would be detrimental to the character and appearance of the Listed Building.

It is considered however, that the replacement windows on the rear elevation would be acceptable. The rear elevation is completely enclosed from public view and the windows to be replaced are not of traditional design.

There are other properties within this Category B Group that have uPVC windows installed. These appear to have been installed without the appropriate consents. However, it is considered that this situation does not justify use of uPVC windows with a non traditional method of opening in this instance.

Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas

6.5 Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas, 1998' gives detailed advice on consideration of Listed Building Consent cases. Paragraph 1.2.4 states that modern substitutes for timber windows should be firmly discouraged. Paragraph 1.2.11 further states that the damage which may be caused by the replacement of the window, which is historically and architecturally correct, with a modern unit made from a different material, to a different design or with a different method of opening is potentially immense. Any proposal which will result in the diminution of architectural quality, no matter how small, should be refused.

The replacement windows would be contrary to advice outlined in Historic Scotland's Memorandum of Guidance.

Consultation Responses

6.6 There are no consultation responses that would indicate refusal of the application.

Planning History

6.7 Planning History: No.85 Main Street, Ochiltree has been the subject of a previous applications for listed building consent as follows:

- (i) 00/0379/LB Installation of replacement windows at 85 Main Street, Ochiltree was approved on 11 August 2000. This proposal involved the replacement of timber casement windows on the rear elevation with uPVC windows. Although this proposal was contrary to policy it was considered that an exception to policy could be made given the style of the existing windows and the fact that were located on an enclosed rear extension.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.1 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are of insufficient weight to overcome the presumption in favour of the development plan.

8.2 In this case, the dwellinghouse is listed as a Category B Group. The proposal is not consistent with the policy provisions for replacement windows in terms of the EALP or of the Council's Design Guidance. Although it is considered that an exception to policy could be made in respect of the proposed windows to the rear, an application cannot be approved in part. Furthermore, the proposed windows are contrary to advice outlined in Historic Scotland's Memorandum of Guidance.

8.3 It is considered that the installation of the proposed uPVC windows on the front elevation of the dwellinghouse would have a detrimental impact on the character and appearance of the Listed Building and of the Conservation Area.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as it would not be a significant departure from the East Ayrshire Local Plan

Alan Neish
Head of Planning and Building Control
7 December 2001
VE/VE
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. East Ayrshire Local Plan, Finalised Version with Modifications.
5. Mauchline – Drongan – Ochiltree Local Plan
6. Approved Ayrshire Joint Structure Plan.
7. Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.
8. Previous application 00/0379/LB
9. East Ayrshire Council Design Guidance.

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555485.

Implementation Officer : Dave Morris

Application no: 01/0787/LB

Location: 85 Main Street, Ochiltree

Nature of Proposal: Replacement of Windows

Name and Address of Applicant: Mr I Dougall
85 Main Street
OCHILTREE
KA18 2PE

DPO's Ref: [VE]
PPO's Ref: []

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

1. The proposed installation of tilt and turn uPVC windows on the front elevation of the dwellinghouse would be unsympathetic to and also detrimental to the character of the listed building and Ochiltree Conservation Area. The proposal is therefore contrary to Policy ENV4 of the East Ayrshire Local Plan, Finalised Version with Modifications which states that 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.
2. The proposed installation of uPVC windows with a non-traditional method of opening would be contrary to the Council's Design Guidance on New and Replacement Windows on Listed Buildings and Buildings within Conservation Areas, which states that in respect of Category B Listed Buildings, windows shall be of traditional materials, style, design and methods of opening.

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AGENDA