

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 22 JUNE 2001

**01/0301/LB: INSTALLATION OF REPLACEMENT WINDOWS TO REAR
AND SIDE ELEVATIONS (WINDOWS TO BE UPVC AND DOUBLE
GLAZED) AT 10 CRAIGSTON SQUARE, LUGAR**

APPLICATION BY MR HOGG

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Listed Building Consent is sought for the replacement of three windows on the rear elevation (one timber sash and case window and two timber casement windows) and two on the side elevation (both timber sash and case windows). It is proposed to replace each window with double-glazed uPVC windows.

2. RECOMMENDATION

2.1 It is recommended that the application be approved.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.1 in the report, there are no policies contained within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated in Section 6 in the report, there are material considerations relevant to this application. Whilst it is considered that greater weight should be attached to the policies of the EALP with which the proposed development is not in accordance, the material considerations outlined in paragraph 6.6 in the report are considered significant enough for an exception to EALP policies to be made in this instance.

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. Furthermore, the proposed windows are contrary to advice outlined in Historic Scotland's Memorandum of Guidance.

3.3 Listed building consent for uPVC windows has previously been granted on the rear elevation of four other listed properties at Craigston Square. It is considered that a precedent has already been set and the windows as proposed would be acceptable.

3.4 In terms of the letters of objection, given that the replacement windows would be on the side and rear elevations and that a number of previous applications for uPVC windows within this group of buildings have been approved, the proposal would not be detrimental to the visual amenity of this B Listed Group or the Lugar Conservation Area.

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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APPLICATION BY MR HOGG

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 subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located off the north side of the Muirkirk Road (A70) in Lugar and forms part of Craigston Square. The application site comprises one of the terraced cottages which have a frontage to the A70.

2.2 The existing single storey dwellinghouse forms part of a Category B group listed building with the other terraced cottages. The dwellinghouse also lies within Lugar Conservation Area.

2.3 **Proposed Development:** Listed Building Consent is sought for the replacement of three windows on the rear elevation (one timber sash and case window and two timber casement windows) and two on the side elevation (both timber sash and case windows). It is proposed to replace each window with double-glazed uPVC windows.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Lugar and Logan Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 The Architectural Heritage Society of Scotland indicates that Historic Scotland is very positive in its statements against this material as visually inappropriate. A brash white, heavy proportions and non-matching profiles compared to the quality of style in a traditional sash and case windows are

just some of the points they make. As windows are an extremely important element in the character of the vernacular style, the replacement windows should be matching timber. Historic Scotland also recommends repair as an alternative to replacement. The Architectural Heritage Society therefore object to this application.

In determination of this application regard must be had to the character of the listed building and the visual amenity of the Lugar Conservation Area. The windows proposed do not replicate the windows currently in place.

4. REPRESENTATIONS

4.1 Two letters of objection, including the one outlined above from the Architectural Heritage Society, have been received. The other objection is summarised as follows:

4.2 They object to the proposed replacement windows as:

- (i) they are not wooden framed;
- (ii) they are not multipane originals;
- (iii) they would detract from the group of listed buildings;
- (iv) they would detract from the integrity of the conservation area, especially with regard to the side windows, which are next to the public access to Lugar Kirk;
- (v) they would be detrimental to the setting of their own property .

It is acknowledged that the type of proposed windows are non-traditional and would detract from the group of listed buildings. Although the sash and case windows to the side elevation are adjacent to the public access to Lugar Kirk, they are not readily visible from the main road.

4.3 The windows are clearly contrary to policies ENV1 and ENV4 of the East Ayrshire Local Plan as they do not protect or enhance the listed buildings or the conservation area. Furthermore, they are not appropriate in terms of design or materials.

As is indicated in Paragraphs 6.3 and 6.4, it is acknowledged that the proposed development is contrary to the EALP.

4.4 There is no reason why the existing windows should not be retained and repaired (if required). If heat loss or draughts are a problem, then the applicant should be informed that secondary glazing, behind the existing windows is far more effective and efficient than double glazing. This solution also preserves the integrity of the building.

The applicant's agent has stated that replacement uPVC windows which are easy to maintain is the applicant's preference.

4.5 Similar replacement windows to those being proposed are already installed at No.6 and No.4 Craigston Square. They were allowed under exceptional circumstances. They are not appropriate and a site visit to view them would demonstrate this fact. No precedent has been set which must be followed, as the windows at No.6 and No.4 were approved by Cumnock and Doon Valley District Council, rather than East Ayrshire Council, and the new EALP was not in existence at that time.

There is no record for the installation of replacement windows at No. 4 Craigston Square. Replacement windows have however been approved at No.6 Craigston Square. Furthermore, three applications for the installation of uPVC windows within other properties at Craigston Square have been approved by East Ayrshire Council (See Paragraph 6.6). In this respect it is considered that a precedent has already been set such that the proposed windows would be acceptable, notwithstanding their proposed method of opening.

4.6 More replacement windows similar to No.4 and No.6 represent an unacceptable incremental impact on the listed buildings and conservation area. It is time to demonstrate that East Ayrshire Council has the foresight to protect local heritage, no matter how small.

See response to paragraph 4.5

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 Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 There are no policies contained within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application and as such, greater weight should be attached to the "other material considerations" referred to in Section 6 of this report.

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)" and the planning history of the area.

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

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 replacement windows as proposed would fail to comply with the above criteria, and are therefore contrary to the above guidance.

(ii) 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 with non traditional methods of opening are contrary to the above guidance.

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.

6.6 Planning History: Craigston Square in Lugar has been the subject of previous applications for listed building consent as follows:

- (i) CD/90/24 – Listed Building Consent for replacement windows to the side and rear of No.6 Craigston Square, Lugar was approved by the former Cumnock and Doon Valley District Council on 7 June 1990;
- (ii) 98/0562/LB - Listed Building Consent for the installation of replacement windows (double glazed UPVC on the rear elevation) at 1 Craigston Square was approved by the Southern Local Planning Committee on 9 October 1998.
- (iii) 98/0766/LB - Listed Building Consent for the installation of uPVC replacement windows to the rear of house at 2 Craigston Square, Lugar was approved by the Southern Local Planning Committee on 22 January 1999.
- (iv) 99/0757/LB - Listed Building Consent for the installation of uPVC replacement windows to the rear of 5 Craigston Square, Lugar was approved by the Southern Local Planning Committee on 21 January 2000.

Given these previous approvals for the installation of uPVC windows to the rear elevations of dwellinghouses within Craigston Square, it is considered that a precedent has already been set such that the proposed windows would be acceptable, notwithstanding their proposed method of opening.

6.7 Should the Committee be minded to approve the listed building consent application, it will not require to be forwarded to the Scottish Minister for a final decision as the property is a Category B group listed building. Approval would not represent a significant departure from policy and the application would not require to be referred to the Development Services Committee under the scheme of delegation.

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 above, there are no policies contained within the Adopted Cumnock and Auchinleck Local Plan relevant to the determination of this application and as such, greater weight should be given to other material considerations. As is indicated in Section 6 above, there are material considerations relevant to this application. Whilst it is considered that greater weight should be attached to the policies of the EALP with which the proposed development is not in accordance, the material considerations outlined in paragraph 6.6 above are considered significant enough for an exception to EALP policies to be made in this instance.

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. Furthermore, the proposed windows are contrary to advice outlined in Historic Scotland's Memorandum of Guidance.

8.3 Listed building consent for uPVC windows has previously been granted on the rear elevation of four other listed properties at Craigston Square. It is considered that a precedent has already been set and the windows as proposed would be acceptable.

8.4 In terms of the letters of objection, given that the replacement windows would be on the side and rear elevations and that a number of previous applications for uPVC windows within this group of buildings have been approved, the proposal would not be detrimental to the visual amenity of this B Listed Group or the Lugar Conservation Area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved.

Alan Neish
Head of Planning and Building Control
04 June 2001
VE/SMB
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. Cumnock – Auchinleck Adopted Local Plan.
6. Adopted Ayrshire Joint Structure Plan.
7. Memorandum of Guidance on Listed Buildings and Conservation Areas 1998
8. Previous application CD/90/24 (No. 6 Craigston Square)
9. Previous application 98/0562/LB (No. 1 Craigston Square).
10. Previous application 98/0766/LB (No. 2 Craigston Square)
11. Previous application 99/0757/LB (No. 5 Craigston Square)
12. 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

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/301/LB

Location	10 Craigston Square, LUGAR
Nature of Proposal:	Installation of Replacement windows to rear and side elevations (windows to be uPVC and double glazed)
Name and Address of Applicant:	Mr I Hogg 10 Craigston Square LUGAR

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

The above LISTED BUILDING application should be granted.

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VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA