

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 07 JUNE 2002

**02/0155/LB AND 02/0156/FL : PROPOSED INSTALLATION OF NEW
WINDOWS AT 2 EARL GREY STREET, MAUCHLINE**

APPLICATION BY JULIE KANE

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission and Listed Building Consent are sought for the replacement of the seven existing 12-pane wooden sash and case windows on the front elevation of the first floor with white uPVC double glazed windows. Each replacement window comprises a sliding sash and case mechanism and is formed to give the appearance of having 12 individual panes to reflect the glazing pattern of the original windows.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at paragraph 5.2 of 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 6.7 of 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 timber replacements, as their profiles are broader and flatter than the originals and are a brash white in colour. It is therefore considered that the replacement windows, 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.

CONTRARY DECISION NOTE

Should the Committee agree to approve the applications contrary to the recommendation of the Head of Planning and Building Control, they would not require to be referred to the Development Services Committee, as such a decision would not represent a significant departure from policy.

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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WINDOWS AT 2 EARL GREY STREET, MAUCHLINE

APPLICATION BY JULIE KANE

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 are recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a locally traditional Category B-listed two-storey building. The building has remained substantially unaltered externally since the late eighteenth century. It is situated at the junction of Earl Grey Street and Loudoun Street within the Mauchline Outstanding Conservation Area. 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 timber sash and case windows fronting onto Earl Grey Street and Loudoun Street and one to the rear.

2.2 **Proposed Development:** Full planning permission and Listed Building Consent are sought for the replacement of the seven existing 12-pane wooden sash and case windows on the front elevation of the first floor with white uPVC double glazed windows. Each replacement window comprises a sliding sash and case mechanism and is formed to give the appearance of having 12 individual panes to reflect the glazing pattern of the original windows.

3. CONSULTATIONS AND ISSUES RAISED

3.1 In response to the application for Listed Building Consent, The Architectural Heritage Society of Scotland, whilst not objecting to the proposal, has stated that the use of uPVC is usually unsuitable for use on a traditional building. Given that in this instance, the Listed Building is in a prominent location, the Society has recommended that the replacement windows should be of timber to ensure the correct proportions and profiles.

The applicant has previously been advised in respect of recent, earlier applications for Listed Building Consent and full planning permission, 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, chosen to submit further applications for Listed Building Consent and full planning permission proposing the use of uPVC, but incorporating sliding sash and case mechanisms.

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.

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.

See response to 3.1 above.

3.3 In respect of the application for full planning permission, Mauchline Community Council has not responded to the consultation letter.

Noted.

3.3 The Scottish Civic Trust objects to the proposal as there has been no evidence submitted to indicate that the existing windows, if in poor condition, are beyond economical repair, that uPVC is not accepted in Conservation Areas and the profile and depth does not reflect those of the original timber windows. The Trust further states that uPVC is a pollutant upon disposal.

See response to Paragraph 3.1 of the report.

4. REPRESENTATIONS

4.1 No third party representations have been received with respect to the proposals. The Scottish Civic Trust has objected as indicated in section 3.3 of the report.

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) 2001, the Council's Design Guidance for Listed Buildings and Buildings within Conservation Areas, 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) (EALP) should be considered as a prime material consideration.

East Ayrshire Local Plan

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.

Design Guidance

6.4 The Council’s Design Guidance for Listed Buildings and Buildings within Conservation Areas is also of relevance. Section 10(d) of the Guidance states:-

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.*

Whilst the general form of the windows, in terms of the proportion of top-to-bottom sashes and arrangement of glazing bars and astragals matches that of the original windows, the applicant proposes the use of non-traditional uPVC. The proposal does not therefore comply with the provisions of sub-section (i) of the 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.*

Whilst replica sash and case windows in uPVC may be acceptable to certain locations, this current proposal proposes the use of uPVC on a prominent building within an Outstanding Conservation Area and for the reasons given by the Architectural Heritage Society of Scotland, Scottish Civic Trust and Historic Scotland, in Section 3 of the report, the proposal is not therefore considered to be acceptable.

- (iii) *All window alterations and replacements shall ensure the retention of all existing stone mullions and existing lintels, cills and windows surrounds.*

The proposal retains the existing lintels, cills and windows surrounds.

Memorandum of Guidance

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.

Planning History

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 applications propose a similar development to the previous application albeit, on this occasion the applicant proposes the use of a sash and case mechanism. It is nevertheless considered that the current applications should also be refused as they are contrary to planning policy and are not in the best interests of the visual or historic amenity of the area.

6.7 Applications 01/0120/LB and 01/0178/FL were refused by the Council on 27 April 2001 as the proposal was considered to be contrary to Policy ENV 4 of the East Ayrshire Local Plan (Finalised Version with Modifications) and contrary to the now superseded Development Control Policies relating to Listed Buildings and Buildings within Conservation Areas.

Noted.

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 6.7 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 timber replacements, as their profiles are broader and flatter than the originals and are a brash white in colour. It is therefore considered that the replacement windows, 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.

9. RECOMMENDATION

9.2 It is recommended that both applications be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree to approve the applications contrary to the recommendation of the Head of Planning and Building Control, they would not require to be referred to the Development Services Committee, as such a decision would not represent a significant departure from policy.

Alan Neish
Head of Planning and Building Control
23 May 2002
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 Applications CD/88/294, 01/0120/LB and 01/0178/FL.
7. Approved Ayrshire Joint Structure Plan.

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

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0155/LB

Location	2 Earl Grey Street MAUCHLINE KA5 5AD
Nature of Proposal:	Proposed installation of new windows.
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 for the following reasons:-

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 Outstanding Conservation Area.
2. The proposal fails to meet criteria (i) and (iii) of Section10(d) of the Council's Design Guidance for Listed Buildings and Buildings within Conservation Areas as the proposed replacement windows:-
 - (i) are not of timber construction; and
 - (ii) 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
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 for the following reasons:-

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 Outstanding Conservation Area.
2. The proposal fails to meet criteria (i) and (ii) of Section 10(d) Policy 11 of the Council's Design Guidance for Listed Buildings and Buildings within Conservation Areas as the proposed replacement windows:-
 - (i) are not of timber construction; and
 - (ii) would be located on a prominent part of the building.

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AGENDA