

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 07 SEPTEMBER 2001

**01/0430/LB: PROPOSED WINDOWS TO FRONT AND REAR OF PROPERTY AND
REBUILD EXISTING SUN PORCH AT 39 MAIN STREET, OCHILTREE**

APPLICATION BY MISS FIONA HILL

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Retrospective Listed Building Consent is sought for replacement uPVC windows to the front and rear of the property and for the re-building of a rear porch with uPVC windows and door. Top hung, white uPVC windows have been installed to the front and rear and top hung, brown uPVC windows have been installed within the porch. The rear of the dwellinghouse is not visible from public view.

2. RECOMMENDATION

2.1 It is recommended that the application be approved.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, give the terms of Section 25 and 37 (2) of the Town and Country Planning 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

3.2 In terms of the letter of objection and advice outlined within Historic Scotland's Memorandum of Guidance, the Council has agreed within their design guidance, that uPVC windows, subject to certain criteria, will be considered acceptable within Category C(S) listed buildings. It is considered that the replacement windows comply with criteria outlined in the design guidance.

**Alan Neish
Head of Planning & 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 subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located on the south side of Main Street in Ochiltree and forms part of a row of terraced dwellinghouses. The two storey dwellinghouse is a Category C(S) Listed building and lies within Ochiltree Conservation Area.

2.2 **Proposed Development:** Retrospective Listed Building Consent is sought for replacement uPVC windows to the front and rear of the property and for the rebuilding of a rear porch with uPVC windows and door. Top hung, white uPVC windows have been installed to the front and rear and top hung, brown uPVC windows have been installed within the porch. The rear of the dwellinghouse is not visible from public view.

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 indicates that while they find the porch acceptable they object to the inappropriate windows both for the flawed design and the plastic material. The heavy flat profiles are an affront to conservation in general and a listed building in particular.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection, from the Architectural Heritage Society of Scotland, has been received. This is summarised in Paragraph 3.2 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 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 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy ENV11 which states that the Council will ensure 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.

In terms of materials to be used, the proposal is not considered to be sympathetic to the provisions of this policy and is therefore contrary to the Adopted Plan.

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 and Historic Scotland's "Memorandum of Guidance on Listed Buildings and Conservation Areas (1998)".

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 Council's Design Guidance provides advice on suitable materials/design of replacement windows within Listed Buildings and Conservation Areas. Whilst timber windows would have been preferable, the replacement windows comply with the 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.

Although the uPVC windows have a heavy profile, each window has a transom which reflects the style of traditional windows.

(ii) In respect of Category C(S) listed building and unlisted buildings in Conservation Areas, consideration will be given to the use of high quality PVCu windows exactly replicating timber and preferably with traditional methods of opening. In all cases, windows that are proposed in non-traditional materials must still be of traditional style and design.

Whilst the replacement windows do not exactly replicate traditional windows in terms of design or methods of opening, the windows do reflect the style of traditional sash and case windows. It is therefore considered that the proposed windows generally accord with the above Design Guidance. The top hung porch windows are considered acceptable on the rear elevation, which is not visible from public view.

6.5 Historic Scotland's 'Memorandum of Guidance on Listed Buildings and Conservation Areas, 1998' gives detailed advice on consideration of Listed Building Consent applications. Paragraph 1.2.11 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 advice outlined in the Memorandum is noted. However the Council has agreed, as part of its design guidance, to accept the use of uPVC within Category C(S) listed buildings where the windows are of traditional style and design.

6.6 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 C(S) listed building.

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 5.2 above, the application is considered to be contrary to the development plan. Therefore, give the terms of Section 25 and 37 (2) of the Town and Country Planning 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan due to the age of this plan.

8.2 In terms of the letter of objection and advice outlined within Historic Scotland's Memorandum of Guidance, the Council has agreed within their design guidance, that uPVC windows, subject to certain criteria, will be considered acceptable within Category C(S) listed buildings. It is considered that the replacement windows comply with criteria outlined in the design guidance.

9. RECOMMENDATION

9.1 It is recommended that the application be approved.

Alan Neish
Head of Planning and Building Control

29 August 2001
VE/VE/FGD

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 Adopted Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.
9. East Ayrshire Council Design Guidance.
10. Approved Strathclyde Structure Plan.

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: 01/430/LB

Location

39 Main Street, Ochiltree

Nature of Proposal:

Proposed windows to front and rear of property and rebuild existing sun porch

Name and Address of Applicant:

Miss Hill
69 Main Street
OCHILTREE
KA18 2PD

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

The above LISTED BUILDING application should be approved.

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VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA