



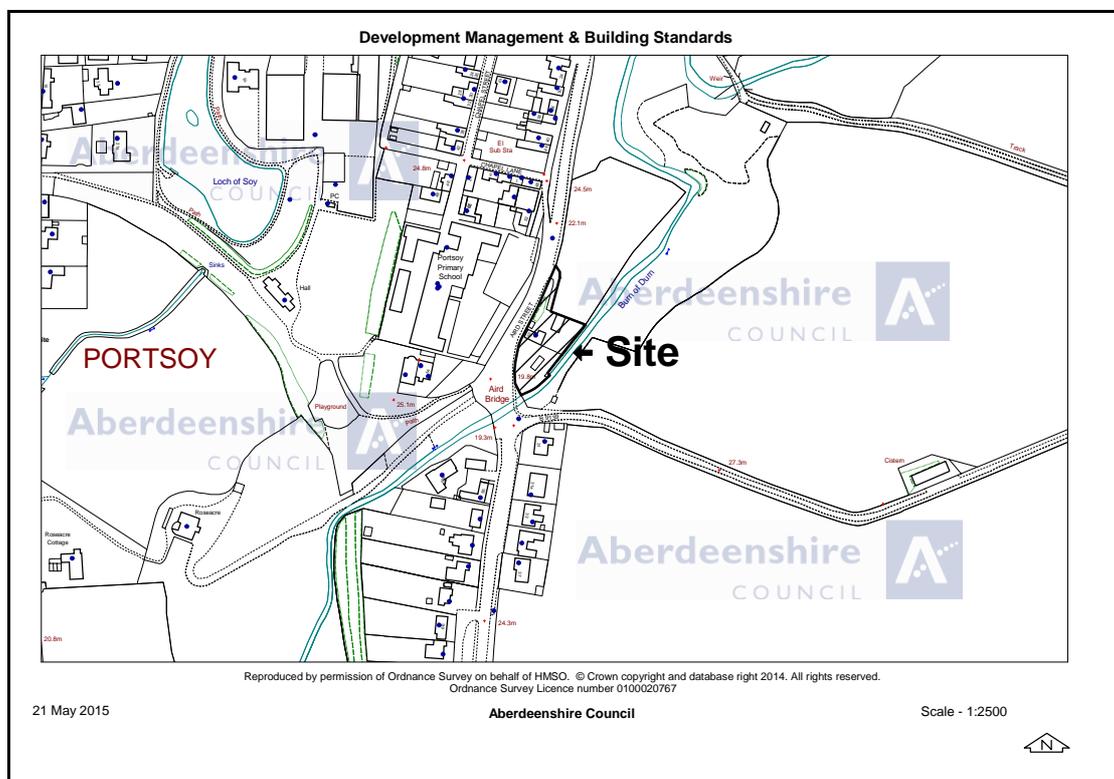
## Banff & Buchan Area Committee Report – 16 June 2015

Reference No: APP/2015/0470

**Full Planning Permission for Installation of Replacement Windows at Burnside Villa, 29 Aird Street, Portsoy, Aberdeenshire, AB45 2RB**

**Applicant: Karen Gordon, Burnside Villa, 29 Aird Street, Portsoy, AB45 2RB**  
**Agent: Mantell Ritchie, 27A High Street, Banff, AB45 1AN**

Grid Ref:	E: 359108 N: 8865667
Ward No. and Name:	W02 Banff & District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	1
Relevant Proposals Map Designations:	Aberdeenshire Local Development Plan 2012 Regeneration Priority Area, Rural Housing Market Area, Portsoy Settlement & Conservation Area
Complies with Development Plans:	No
Main Recommendation:	Refuse



## 1. Reason for Report

- 1.1 This report relates to a planning application which is being recommended for refusal and following consultation with the Local Members, requires to be determined by the Area Committee. Councillors Cox and Gray have requested that the application be referred to Committee for the following reasons:
- Cllr Cox: "To further discuss the impact within the Conservation Area".
  - Cllr Gray: "For further discussion on the impact on the Conservation Area".

## 2. Background and Proposal

- 2.1 The application relates to an unlisted building of traditional design and appearance sited within the Portsoy Outstanding Conservation Area. A location and block plan is attached as Appendix 1. It is proposed to replace the existing timber vertically sliding sash and case single glazed windows in the original part of the house with double glazed units. The new units would be timber vertically sliding sash and case windows with fine, structural astragals and a narrow air gap. Proposed elevations and details of the replacement windows are attached as Appendix 2 and 3 respectively.
- 2.2 The house is set in a generously sized plot in the conservation area and is set down at a lower level from the public road to the west of the site. There are no immediately adjacent neighbouring properties.
- 2.3 Through the determination of the application, the proposed replacement windows have been amended to reduce the width of the proposed astragals.

## 3. Representations

- 3.1 No valid letters of representations have been received.

## 4. Consultations

- 4.1 **Infrastructure Services (Environment)** comment that although there would be no objections in principle to the design and appearance of the replacement windows, the existing windows are in a good condition and there is no justification for their removal. The Environment Team therefore objects to the proposed development.

## 5. Relevant Planning Policies

### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

## 5.2 Scottish Historic Environment Policy

The Scottish Historic Environment Policy (SHEP) document sets out Scottish Ministers' policies for the historic environment. In the context of conservation areas there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment. No historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it. The significant alteration of even a single building could result in harm to the character or appearance of a conservation area or part of it. In deciding whether consent should be granted, planning authorities should therefore take account of the importance of the building to the character or appearance of any part of the conservation area.

## 5.3 Aberdeen City and Shire Strategic Development Plan (2014)

The purpose of this plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

## 5.4 Aberdeenshire Local Development Plan 2012

Policy 8: Layout, Siting and Design of New Development  
Supplementary Guidance LSD3: House extensions

Policy 13: Protecting, improving and conserving the historic environment  
Supplementary Guidance Historic Environment 2: Conservation areas

## 6. Discussion

- 6.1 ALDP Policy 13 and its supporting supplementary guidance aims, among other things, to protect conservation areas from development that would have a detrimental effect on their special character or setting. New development must respect the architectural, historic and visual qualities of an area that give rise to its designation as a conservation area.
- 6.2 With regard to windows in historic buildings it is preferable to repair components on a like-for-like basis, which would better maintain the character and historic fabric of the windows and the building as a whole. There may be grounds for the removal of existing windows and their replacement with new, thermally efficient windows. Normally this would only be considered where the existing windows are inappropriate or incapable of reasonable economic repair and the new windows are of an appropriate design and appearance.
- 6.3 In this case, the two existing first floor windows on the south elevation of the house are not original and are not of a particularly appropriate design for a traditional building in the conservation area. As such, there would be no objection in principle to the replacement of these windows by the double glazed units proposed.
- 6.4 However, the remaining windows in the building are in good condition and are capable of reasonable economic repair. It would be relatively easy to free the painted up windows and install secondary glazing rather than replace the windows. Indeed, the applicant's agent considers that the existing units "could be retained in their entirety and used elsewhere." So while the replacement windows would be of a suitable design and appearance, the existing windows are perfectly capable of being retained and there is no justification for their removal in the first place. As such, the unnecessary loss of traditional elements and historic fabric from the building would not be supported by national or local policy and the application could not be supported by the Planning Service.
- 6.5 The loss of the existing windows in this traditional building would result in harm to the character and appearance of the Portsoy Outstanding Conservation Area and would set an unacceptable precedent for similar proposals elsewhere within the conservation area.
- 6.6 The proposed development would not comply with Policy 13 or Supplementary Guidance Historic Environment 2 of the Aberdeenshire Local Development Plan and is recommended for refusal.

## 7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

- 7.2 There is currently a Conservation Area Regeneration scheme running in Portsoy. The intention of this scheme is to restore and enhance the special historic character of the Portsoy Conservation Area and it is on this basis that funding has been given to the Council. Granting permission for works that do not comply with national (Historic Scotland) policy will undermine the works we are carrying out in Portsoy. Granting permission for such works could also undermine future funding bids to Historic Scotland.

## **8. Equalities and Financial Implications**

- 8.1 An equality impact assessment is not required because the proposed development is not considered to give rise to any differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no financial implications arising from this report.

## **9. Sustainability Implications**

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## **10. Departures, Notifications and Referrals**

### **10.1 Strategic Development Plan Departures**

None

### **10.2 Local Development Plan Departures**

Policy 13: Protecting, improving and conserving the historic environment  
SG Historic Environment 2: Conservation areas

- 10.3 The application is a departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to the Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

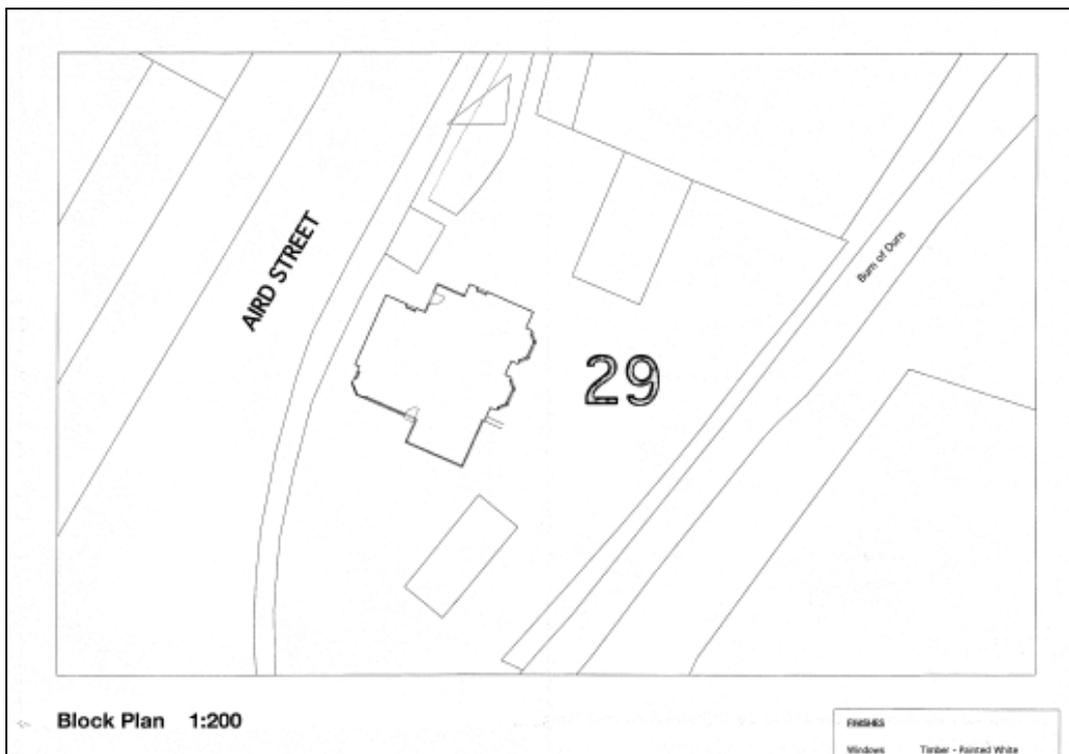
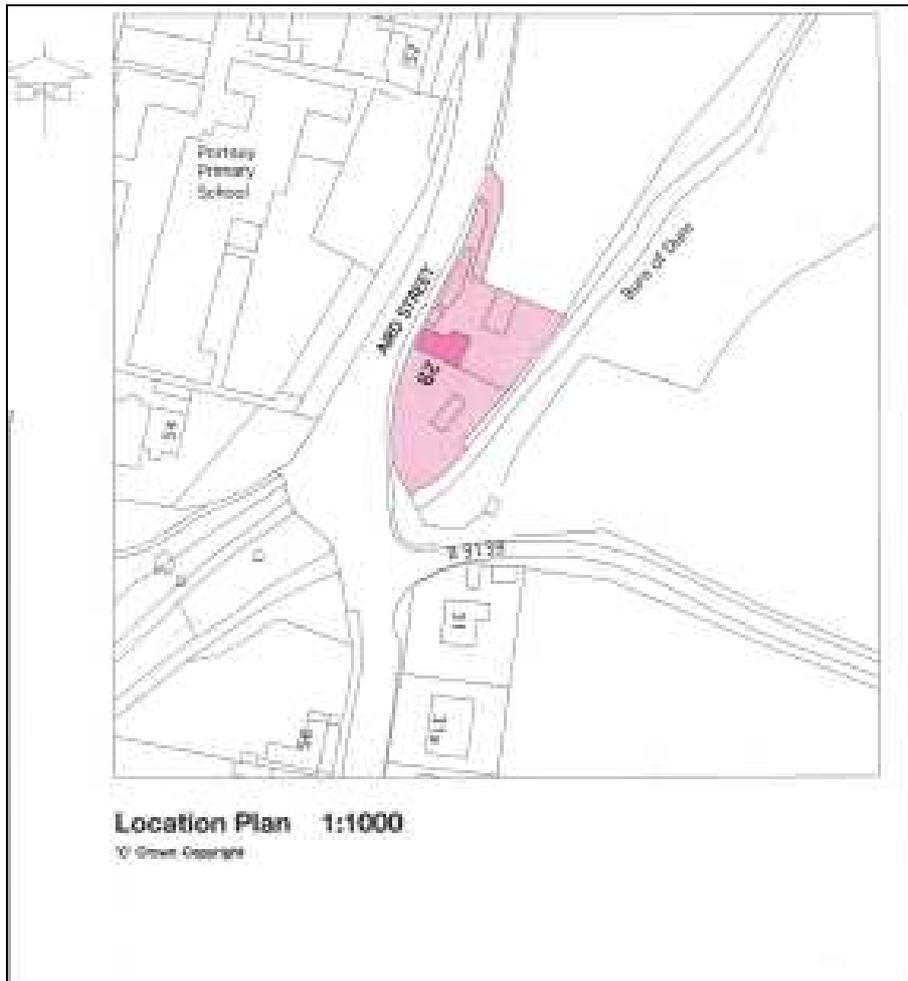
## **11. Recommendation**

### **11.1 REFUSE for the following reasons:-**

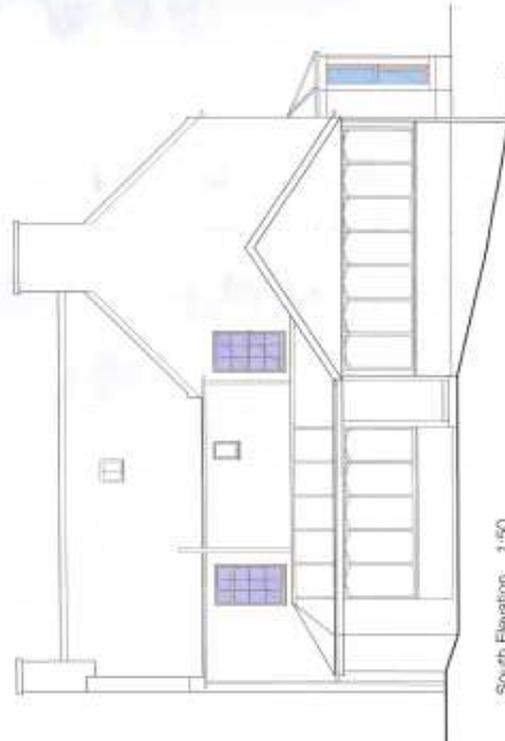
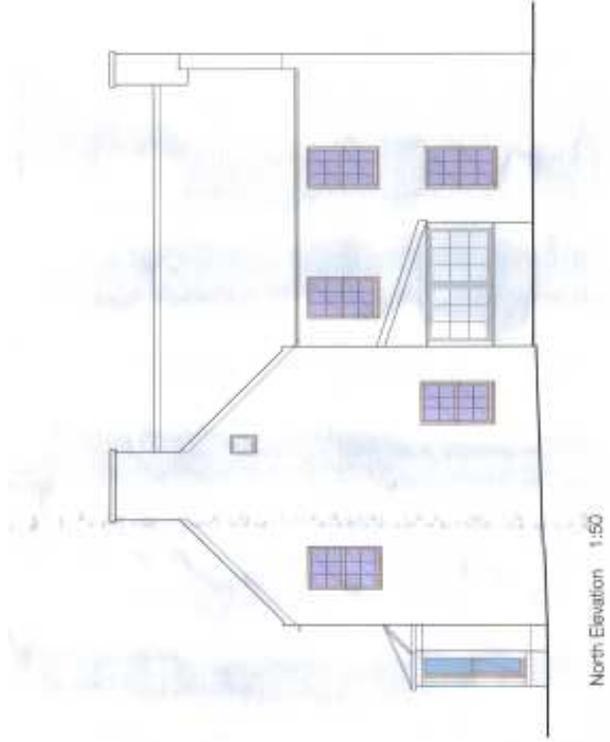
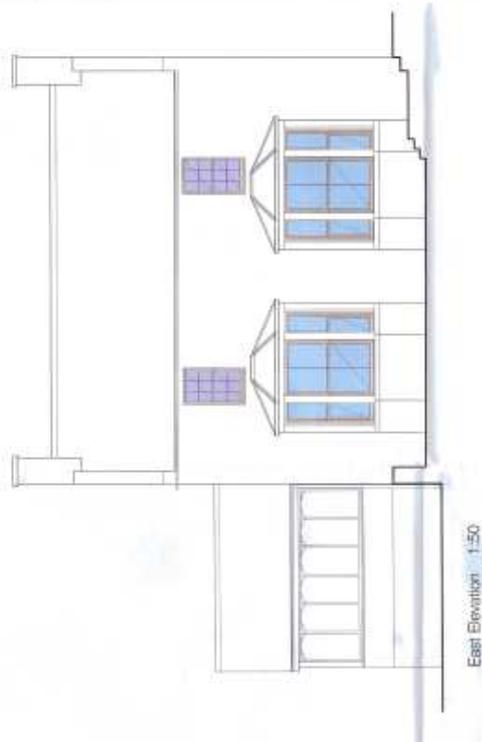
1. The proposed development would result in the unnecessary loss of existing windows in this traditional building within the Portsoy Outstanding Conservation Area. The existing windows are not beyond reasonable economic repair and the loss of traditional elements and historic fabric would result in harm to the character and appearance of the conservation area and would set an undesirable precedent for similar proposals elsewhere within the conservation area. As such the proposed development would not comply with Policy 13 and Supplementary Guidance Historic Environment 2 of the Aberdeenshire Local Development Plan and would not comply with national policy as set out in Scottish Historic Environment Policy.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author: Robert Peacock**  
**Date: 26/05/2015**

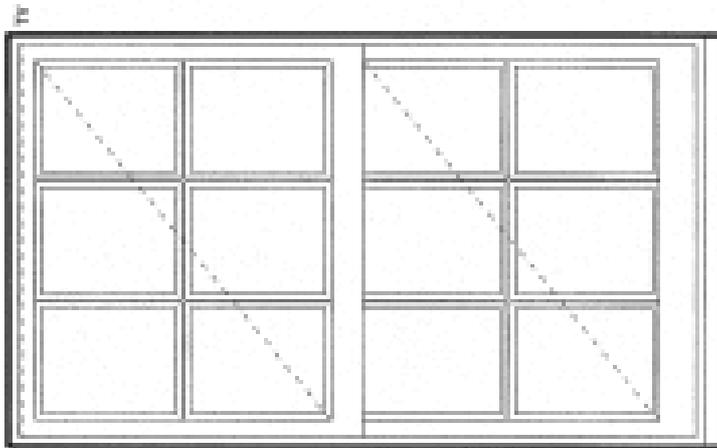
### APPENDIX 1 Location & Block Plan



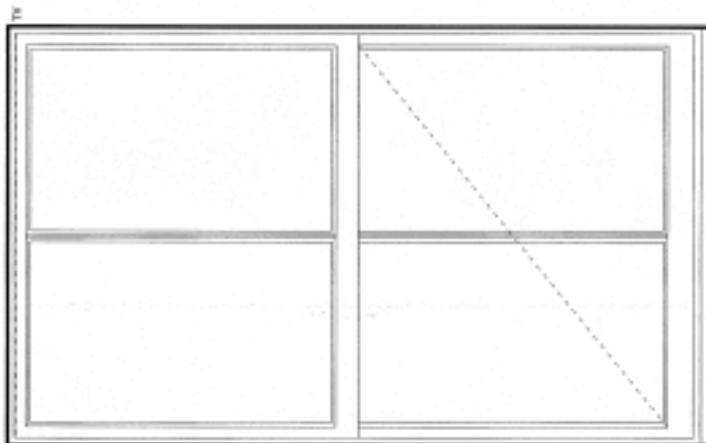
## APPENDIX 2 Proposed Elevations



### APPENDIX 3 Proposed Windows



Typical Elevation Multi-Pane Double  
Hung Sash and Case Window 1:10



Typical Elevation of Single Hung Bay Window 1:10

