

Aberdeenshire Council Local Review Body

Reference LRB 327 M/APP/2015/3067

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Birchbank, Richmond Road, Huntly
- Application for review by Mr & Mrs P Duggie against the decision by an Appointed Officer
- Application reference M/APP/2015/3067 for full planning permission for installation of replacement windows and door refused by decision notice dated 20 November 2015.
- Application drawings: Location Plan@1/2500 & 1/1250 scale (drawing no: 001 Rev 3); Existing Elevations @1/100 (drawing no: 101 Rev 3); Proposed Front and Side Elevations @1/100 scale (drawing no: 201 Rev 3); Proposed Rear and Side Elevations @1/100 scale (drawing no: 202 Rev 3) and Window & Door Details @ 1/50 scale (drawing no: 203 Rev 3).
- No site inspection took place

Date of Decision: 9 May, 2016

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 29 April 2016. The LRB was attended by Councillors S W Pratt (Chair), R Cassie, F C P Hood, P K Johnston and C H Nelson.
- 1.3 The LRB was shown projected plans and photographs by the Planning Adviser. These showed the application site and its relationship to the surroundings.

- 1.4 The LRB agreed that there was sufficient information before it in order to consider the application and that no further information was required.

2.0 Proposal

- 2.1 The proposal seeks detailed planning permission for the installation of replacement windows and a door on a traditional dwellinghouse at Birchbank, Richmond Road, Huntly. The application includes replacement of all windows on the property from timber to white UPVC sash and casement windows. A UPVC door would also be located on the side elevation of the building.

- 2.2 The property is located within the Huntly Conservation Area and as such permitted development rights have been removed. The application property is a 1 ½ storey dwelling of traditional proportions with a slate roof, stone walls and timber windows. The property sits at the corner of Richmond Road and Settrington Street and is surrounded on all sides by residential properties, with a bowling club also located to the north-east.

- 2.3 White UPVC windows are proposed throughout the property. This includes the replacement of 12 windows (including roof windows) on the rear elevation, three windows and a door on the side (south) elevation, three windows on the side (north) elevation and six windows (including the roof light) on the front elevation.

- 2.4 There are 2 windows at the rear of the property which have previously been replaced with UPVC and one window at the first floor gable which has been replaced with timber.

- 2.5 In support of the Notice of Review the agent had included;

- Letter from the applicant (120)
- Timber Specialist report(122)
- Details of the planning refusal (124)
- Details of a recent approval of an application at 23 Upper Kirkgate (127-136)
- Bygone Collection Brochure and Bygone Windows Detail highlighting that they are top quality range of sash and case style windows (137-161)
- Huntly Conservation Area Review (162-204)
- Details of window materials of all buildings along Richmond Road (106-115) which indicate a variety of styles and materials including upvc windows and doors on neighbouring properties.

3.0 Reasoning

- 3.1 The main determining issue in this review was whether the proposed replacements windows and door would preserve or enhance the character of the Huntly Conservation Area.

- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2012 (ALDP) policies and these were as follows:

Policy 8: Layout, Siting and Design of New Development and SG LSD2 Layout, Siting and Design of Development, and

Policy 13: Protecting Improving and Conserving the Historic Environment and SG Historic Environment 2 Conservation Areas.

- 3.3 In addition Scottish Historic Environment Policy (SHEP) and the Huntly Conservation Area Review were considered to be key relevant material considerations.
- 3.4 The Applicant had requested that the Review be undertaken on the basis of an assessment of the review documents and a site inspection. The LRB gave consideration as to whether a site inspection would be helpful but agreed that this was unnecessary in light of the well-defined issues that had been presented in the Notice of Review paperwork, coupled with the Planning Adviser's presentation and series of photographs.
- 3.5 During his presentation the Planning Adviser had also informed the LRB that prior to submitting this Notice of Review a revised planning application (APP/2016/0367) to replace the existing windows and door with timber 'Blair' sash and case windows had been approved by the council on 23rd March 2016. As part of that application process the Planning Service had accepted the specialist damp/timber report had demonstrated the need for replacement (a copy of the same report is included with this Notice of Review – page 122 of agenda papers). That revised application had therefore been approved as the timber replacements were considered to be an improvement on the upvc which are the subject of this Notice of Review.
- 3.4 From the Applicant's submission it was noted that the proposed white upvc windows and door would bring about a number of benefits including greater energy efficiency and reduction in heat loss, reduction in the cost of ongoing maintenance, a desire to maintain traditional appearance and detailed information to show that the replacements would be high quality sash and case style windows.
- 3.5 The LRB expressed some sympathy with the applicants in that they had sought to follow the correct procedures and apply for planning permission when it was evident that a number of other residents had obviously gone ahead with unauthorised alterations to windows and doors within the Conservation Area.
- 3.6 The LRB also took account of the fact that the Huntly Conservation Area Review (2013) was up to date and it specifically lists negative features that detract from the character and appearance of the Conservation Area

as including loss of architectural details e.g. original sash and case windows, doors and other joinery.

- 3.7 The Conservation Area guidance had gone through a public consultation exercise and as it was recently adopted and complies with Historic Environment Scotland guidance and the proposal seeks permission to replace all of the windows and a door, the LRB agreed that the proposal would not preserve or enhance the character of the Conservation Area and would detract from the character of this traditional building and the surrounding streetscape contrary to Policy 13 and SG Historic Environment 2 of the ALDP 2012.
- 3.8 The LRB considered that there may be an opportunity for the applicants to negotiate the replacement of windows in the less sensitive or more discrete parts of the building with upvc and that could allow a further amended proposal to be submitted to the Planning Service. However on the basis of the current proposals, the LRB agreed with the Appointed Officer's determination that the proposal was contrary to ALDP Policy 13 and SG Historic Environment 2.
- 3.9 In conclusion, and in the absence of any over-riding 'other material considerations', the LRB resolved to uphold the decision of the Appointed Officer, thereby refusing Full Planning Permission for the reason set out below.

4.0 Reason for refusal

1. The removal of timber windows and replacement with white UPVC sash and case windows and door in this prominent location has not been adequately demonstrated to constitute essential works, and furthermore is not considered appropriate for this traditional building located within the Huntly Conservation Area in that the windows and doors proposed are not considered to preserve or enhance the character of the Conservation Area and are considered to detract from the character of the traditional building and surrounding streetscape. Therefore, the proposal is not considered to meet the criteria of Policy 13: Protecting, Improving and Conserving the Historic Environment or associated Supplementary Guidance SG Historic Environment2: Conservation Areas of the Aberdeenshire Local Development Plan 2012.



Karen Wiles
Head of Legal and Governance

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.