

7. **LRB 340** – Notice of Review Against Refusal of Full Planning Permission for Replacement Windows at Stables Cottage, 17 School Lane, Ballater, AB35 5RJ – Reference: M/APP/2016/0827
  - (ii) Decision Notice, Report of Handling and Supporting Documents as submitted by the Planning Service





**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Application Reference: APP/2016/0827**

TO: CR Smith  
Gardeners Street  
Dunfermline  
KY12 0RN

FOR: Mrs E Newton  
Stables Cottage  
17 School Lane  
Ballater  
AB35 5RJ

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

**Full Planning Permission for Installation of Replacement Windows at Stables Cottage, 17 School Lane, Ballater, Aberdeenshire, AB35 5RJ**

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reason(s):

- (1) The proposal conflicts with Policy 1: New Housing Development Part 7: Alterations to existing houses; Policy 3: Sustainable Design Part 4: Alterations to the existing building stock; and Policy 9: Cultural Heritage Part 2: Conservation Areas of the Cairngorms National Park Local Development Plan 2015. The proposed materials do not fit successfully with the traditional construction of the property and detract from the visual appearance, character and setting of Ballater Conservation Area.

Dated: 11 May 2016



**Head of Planning and Building Standards**

**List of Plans and Drawings**

Reference Number: Location Plans

Reference Number: Window Sections

Reference Number: 001 Version Number A North Elevation & Location Plan

Reference Number: 002 Version Number A South Elevation

**IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR  
TITLE DEEDS**



## NOTES

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and Governance  
Corporate Services  
Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

Tel: 01224 665147

Email: [committee.services@aberdeenshire.gov.uk](mailto:committee.services@aberdeenshire.gov.uk)

A form may also be obtained from a local Planning office or the Council's website at [www.aberdeenshire.gov.uk/committees/localreviewbody.asp](http://www.aberdeenshire.gov.uk/committees/localreviewbody.asp)

- (v) 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 5 of the Town and Country Planning (Scotland) Act 1997.



## **REPORT OF HANDLING**

**Application Reference: APP/2016/0827**

**Proposal: Installation of Replacement Windows**

**Address: Stables Cottage, 17 School Lane, Ballater, Aberdeenshire, AB35 5RJ**

### **1. Description of proposal**

Full planning permission is sought for replacement windows to The Stables, School Lane, Ballater.

The single storey semi-detached property is of traditional stone and slate construction, and is located within the Ballater Conservation Area. The property fronts onto School Lane and is adjacent to the C-listed Masonic Hall to the north and B-listed Barracked to the west. The streetscene is characterised by traditional residential properties. The property is adjoined to the neighbour to the east and there is a flat roof double garage adjoined to the west and conservatory and garden ground to the rear.

As existing the windows are white painted timber. The proposal seeks to replace the front and rear windows with white coloured PVCu materials. The windows frames would be the same size as existing. On the north elevation the single window would remain of the same style, however there are 3 small scale windows which would be altered to 2 windows. On the rear, 3 windows are to be replaced, with one towards the east of a differing style with altered opening method. The windows on the conservatory are to remain unchanged. The existing single glazing is proposed to be replaced with double glazing.

Justification was submitted in response to the Planning Authority's request for the reasoning for the replacement of the existing timber windows with new PVCu finishes. This states that this material is chosen as the maintenance of timber windows is too costly for the applicant. The justification statement details that the existing timber windows cannot withstand the winter conditions with visible gaps and defects. This also states that the proposed PVCu replacements would 'mimic' the appearance of timber windows and improve air infiltration and sound insulation and reduce heat loss.

### **2. Relevant Planning History**

None

### 3. Supporting Information

#### Window Sections

#### Photographs

**Justification Statement-** outlining the applicant's requirements for replacement windows and stating that the windows need repaired due to gaps and defects and decay in the cills and sash and case joinery which leads to draughts. PVCu materials are seen as an economic benefit to the applicant as maintenance costs of timber are expensive.

### 4. Variations & Amendments

Revised Drawings showing opening styles existing and proposed. Drawing no: 0001A and 0002A

### 5. Representations

No valid representations have been received.

### 6. Consultations

**Infrastructure Services (Environment)** do not support the replacement of timber windows with PVCu materials as this would be a step back and not an improvement as sought by Conservation Area policy. PVCu material finish would not be acceptable as it is completely alien to traditional construction found in the Conservation Area.

**Cairngorms National Park Authority** do not wish to 'call-in' the application as it raises no planning issues of general significance to the park aims

### 7. Relevant Policies

#### 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.

### Cairngorms National Park Local Development Plan 2015

Policy 1: New Housing Development  
Part 7: Alterations to Existing Houses

Policy 3: Sustainable Design  
Part 4: Alterations of the Existing Building Stock

Policy 9: Cultural Heritage  
Part 2: Conservation Areas

## **8. Other Material Considerations**

### Equalities Impact Assessment

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

### Scottish Historic Environment Policy (SHEP) 2011

The planning authority must refer to national policy when considering applications in conservation areas. SHEP requires that there should be a presumption in favour of preservation of individual historic assets and also the patterns 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.

### Historic Environment Scotland Managing Change- Windows

Guidance from Historic Environment Scotland states that windows substantially contribute to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. Maintenance and repair is the most appropriate means of safeguarding the interest windows provide.

## **9. Directions by Scottish Ministers**

None

## **10. Discussion**

Full planning permission is sought for replacement windows to The Stables, located in Ballater. The main issues to address in the determination of this application include the acceptability in principle of replacement windows at this location in terms of the impact

to the character and visual appearance of the property and the Ballater Conservation Area. The policies contained within the Cairngorms National Park Local Development Plan 2015 are the main consideration in this case, together with an assessment of any material considerations.

Policy 9: Cultural Heritage Part 2- Conservation Areas aims to enhance the character of the conservation area. Any development within the conservation area must be of a high quality design appropriate to the site and its setting.

In line with this policy, initially the requirement for the proposed window replacements needs to be established, as it should first be considered whether the existing windows can be repaired. If not possible, like for like replacements should be sought. From site observations, the windows appear to be of modern timber construction and in fair condition. Access to the rear could not be obtained, however from photographs of the site submitted with the application the rear elevation windows also appear to be in a reasonable condition. As the property is of traditional style, the timber windows are considered an important feature in the overall character of the building and wider area.

As a result, the agent was requested to provide justification for the replacement of the windows and has stated in a supporting document that the windows need repaired due to gaps and defects and decay in the cills and sash and case joinery which leads to draughts. Further justification is that the proposed replacement PVCu windows would be more cost effective for the applicant than maintaining timber windows. This latter issue is not considered material and therefore would not have any bearing on the planning decision. In terms of the required repairs, Managing Change guidance states that appropriate maintenance is suitable for protecting the special interest windows offer. This guidance recognises that where a window is beyond repair, replacements must match the original window design as closely as possible. Although evidence has been provided to suggest the windows require to be replaced, following a site visit it is the opinion of the Planning Service that the windows can be made good. Despite this, the principle of replacement PVCu windows cannot be considered acceptable in this case, as the agent has failed to demonstrate that timber replacements cannot be installed for reasons other than relating to cost efficiency.

Turning to design, the proposal seeks to replace the windows with double glazing and PVCu frames. On the front the 3 small windows would be replaced with 2 occupying the same scale as existing. On the rear elevation, the east most window would be replaced with one method of opening rather than 2 as existing. In terms of design, while the overall style and opening functions of the proposed replacement windows is considered acceptable, and there is appropriate justification for replacement double glazing to reduce heat loss and improve sound insulation, it is the opinion of the Planning Service, in line with the Councils Environment Team that the use of PVCu materials on this traditional property would significantly alter the visual appearance of the property, and impact on the appearance of the surrounding Conservation Area. This would not accord with Policy 1 and Policy 3 of the CNPA LDP 2015 as the materials are not of a high quality and would negatively affect the character of the

property. The agent outlines that the aesthetics would mimic traditional timber windows, however PVCu is not considered to respect the existing design.

As a result, contrary to Policy 9, Scottish Historic Environment Policy and Managing Change Guidance from Historic Environment Scotland, the proposed replacement windows would have an adverse visual impact on the character and setting of the Ballater Conservation Area. Furthermore, as this would affect the principal elevation of the property it would have a significant detrimental impact on the conservation area. The use of PVCu materials would not offer an enhancement and therefore cannot be considered appropriate as it conflicts with Policy 9 Part 2 of the CNPA LDP 2015. While it is appreciated that the upkeep of timber windows is costly and time-consuming for the applicant, the Planning Service are required to assess whether the proposal would protect and enhance the traditional character and appearance of the conservation area under Policy 9. In this case, this cannot be achieved by using PVCu materials.

The siting of the property within the core of the historic village adjacent to listed buildings and other traditional buildings means that the design must be of a high quality and as such it is considered that PVCu would significantly detract from the historic and architectural merit this area provides. While there are neighbouring properties with PVCu materials, some are unauthorised and therefore cannot be considered material justification for this proposal. The use of such modern window materials contributes to the erosion the character of the conservation area. The Planning Service would seek to resist this as far as possible to avoid any additional negative impact. Infrastructure Services (Environment) consider that the PVCu materials proposed do not fit successfully with the character of the Ballater Conservation Area which is generally of timber construction. This service also states that the proposal does not seek an enhancement, thus conflicting with the above policies.

It is considered that an acceptable solution would be to repair and upgrade or replace the windows with timber materials to resolve any adverse visual impact.

Cairngorms National Park Authority do not wish to 'call-in' the application as it does not raise any planning issues of significance to the park's aims.

Overall, the Planning Service is of the opinion that the proposal would detract from the overall character of the traditional building and would not enhance the character of the conservation area as required by policy. The proposal is considered to conflict with Policy 1, 3 and 9 of the Cairngorms National Park Local Development Plan and therefore the application is recommended for refusal.

## **11. Recommendation**

REFUSE for the following reasons:

01. The proposal conflicts with Policy 1: New Housing Development Part 7: Alterations to existing houses; Policy 3: Sustainable Design Part 4: Alterations to the existing building stock; and Policy 9: Cultural Heritage Part 2: Conservation Areas of the Cairngorms National Park Local Development Plan 2015. The proposed materials do not fit successfully with the traditional construction of the property and detract from the visual appearance, character and setting of Ballater Conservation Area.

## **12. Process of Determination**

The application was the subject of consultation with Local Members under the Council's Scheme of Delegation.

## **13. Planning Obligations**

No



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01569 768300 Fax: 01569 766549 Email:  
planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100007587-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

proposed replacement of white timber windows with new white upvc windows

Has the work already been started and/ or completed? \*

No  Yes - Started  Yes – Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Cr Smith		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Grant	Building Name:	Cr Smith
Last Name: *	Allan	Building Number:	
Telephone Number: *	01383 732181	Address 1 (Street): *	Gardeners Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 0RN
Email Address: *	grant.allan@crsmith.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Stables Cottage
First Name: *	E	Building Number:	17
Last Name: *	Newton	Address 1 (Street): *	School Lane
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Ballater
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB35 5RJ
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeenshire Council

Full postal address of the site (including postcode where available):

Address 1:

STABLES COTTAGE

Address 2:

17 SCHOOL LANE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BALLATER

Post Code:

AB35 5RJ

Please identify/describe the location of the site or sites

Northing

795780

Easting

336640

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Grant Allan

On behalf of: Mrs E Newton

Date: 25/03/2016

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Grant Allan

Declaration Date: 25/03/2016

**Payment Details**

Cheque: E Newton, 010330

Created: 25/03/2016 10:59

**CNPA ref:** 2016/0088/DET  
**Council ref:** M/APP/2016/0827  
**Applicant:** Mrs E Newton  
**Development location:** Stables Cottage, 17 School Lane, Ballater Aberdeenshire  
**Proposal:** Installation of Replacement Windows  
**Application type:** Detailed Planning Permission  
**Call in decision:** **NO CALL-IN**  
**Call in reason:** N/A  
**Planning History:** There is no recent planning history.  
**Background Analysis:** Proposal is for the replacement of existing timber windows with white uPVC windows. Type 2; Householder developments – small development that need planning permission. Not considered to raise issues of significance to the collective aims of the National Park.

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**DEVELOPMENT MANAGEMENT / ENVIRONMENT SURGERY**

DATE	DM OFFICER	APPLICATION REFERENCE	ADDRESS	ISSUE	ACTION	ENV. OFFICER
07.04.16	JW	APP/2016/0827	Ballater	- UPVC Windows	- Although these are modern timber, in Conservation Areas we will always seek an improvement in terms of policy. UPVC would be a step back & is completely alien to traditional construction so would not be acceptable.	CR



## Aberdeenshire Council

Below is the table of report for Planning Consultation with the title - Stables Cottage 17 School Lane Ballater Aberdeenshire AB35 5RJ

Ref : app/2016/0827

Councillor	Response	Interest Declaration
Peter Argyle/Councillors/Abdnshire	Accepted by No Response	
Geva Blackett/Councillors/Abdnshire	Rejected I think the committee should discuss and determine this application in relation to fuel poverty	No Interest Declared
Katrina Farquhar/Councillors/Abdnshire	Accepted	No Interest Declared

You are in:

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