

<b>APPEAL DECISION (LRB)</b>
<b>Appeal Reference</b>
LRB 375 M/APP/2017/0048
<b>Planning Reference</b>
APP/2017/0048
<b>Planning Proposal</b>
Full Planning Permission for the Installation of Replacement Windows and Door
<b>Summary of Decision</b>
<p>The Local Review Body (LRB) agrees with the determination and refuses Full Planning Permission.</p> <p>The main determining issue for the review was whether the proposals were considered to be sympathetic to the character and appearance of the property and the Conservation area.</p> <p>The LRB concludes that the proposed grey PVC windows and doors make no attempt to reflect the character and appearance of the original windows would have been. It is considered that the proposals also failed to adhere to the relevant Historic Scotland guidance for managing change in the historic environment.</p> <p>Therefore, it was considered that there was no justification for allowing the principle of development as the proposal was considered to be contrary to Policy P1: Layout, siting and design and Policy HE2: Protecting Historic and Cultural Areas of the Aberdeenshire Local Development Plan 2017.</p>
<b>Policy Issues</b>
None.
<b>Additional Points</b>
None.
<b>Actions</b>
None
<b>Note Decision</b>
Refuse Full Planning Permission
<b>Other</b>
None

## **Aberdeenshire Council Local Review Body**

**Reference LRB 375 M/APP/2017/0048**

### **Review Decision Notice**

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Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: 22a Littlejohn Street, Huntly
- Application for review by Mr G Burr c/o C R Smith against the decision by an Appointed Officer
- Application reference M/APP/2017/0048 for full planning permission for installation of replacement windows and door refused by decision notice dated 7 March 2017.
- Application drawings: Location Plan@1/1250 scale (drawing no: SP1); and Existing and Proposed Elevations and section through windows @1/100, 1/10 and 1/2 scale (Drawing 001).
- No site inspection took place

Date of Decision: 17 July, 2017

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### **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 subject to the planning policy reference being amended to reflect that contained within the adopted Aberdeenshire Local Development Plan 2017.

#### **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 30 June 2017. The LRB was attended by Councillors F C P Hood (Chair), R Cassie, J Hutchison, J Ingram, P K Johnston and A Ross.
- 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 to consider the Notice of Review and that no further information was required.

## **2.0 Proposal**

- 2.1 Full planning permission was sought for the replacement of existing windows and the front entrance door at 22a Littlejohn Street, Huntly. The property is a 1½ storey dwelling located within Huntly Conservation Area. The property was incorporated into the Conservation Area in 2013, when the boundary of the Conservation Area was expanded.
- 2.2 The existing PVC windows were installed prior to the building being included within the Conservation Area. The property is traditional in proportions with a slate roof and stone walls. The existing windows and doors are brown PVC. The applicant seeks to replace 3 windows on the north and 2 on the north east elevation with grey PVC windows. The front entrance door on the north elevation is to be replaced with a grey Georgian PVC door.

## **3.0 Reasoning**

- 3.1 The main determining issue for the review was whether the proposals was considered to be sympathetic to the character and appearance of the property and the Huntly Conservation Area.
- 3.2 The LRB noted that on 17 April 2017, the Aberdeenshire Local Development Plan 2012 had been replaced by the adopted Aberdeenshire Local Development Plan (ALDP) 2017. As such the ALDP 2017 now forms the basis for decision-making even though the original decision notice refers to policies from the now superseded 2012 plan.
- 3.3 The LRB therefore agreed that the relevant policies contained in the adopted ALDP 2017 were as follows:  
  
Policy P1 – Layout, siting and design, and  
  
Policy HE2 – Protecting historic and cultural areas.
- 3.4 The agent requested that the Review be undertaken on the basis of an assessment of the review documents only. 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 From the agent's submission, the LRB noted that the proposed PVC windows and door would bring about a number of benefits including

greater energy efficiency and reduction in heat loss, and a reduction in the cost of ongoing maintenance.

- 3.6 The LRB also noted the reference to the Huntly Conservation Area Appraisal (CAP) within the Notice of Review documentation which had been approved in 2013 when the Conservation Area boundary was extended. The CAP acknowledges that the loss of traditional wooden sash and case windows was a negative feature in the Conservation Area.
- 3.7 It was evident from the Notice of Review documents and the Planning Adviser's photographs that many properties (including this property) located within the Conservation Area already have PVC windows and doors. It was also acknowledged that in most cases the introduction of PVC windows and doors had taken place prior to 2013. The LRB were of the view that the argument put forward by the agent that PVC is prevalent in the area requires to be set aside, as 2013 is important because that was the point when the Conservation status and planning policy position altered and that any future alterations and improvements should seek to be timber.
- 3.8 In certain cases, PVC might be deemed to be acceptable e.g. on inaccessible rear and side elevations but in this case the LRB agreed with the conclusions of the Appointed Officer and the views of the Environment Team in that the replacement windows would not replicate the original sash and case style of windows which is the current clear planning policy position. The proposed construction material of the replacement windows would do nothing to enhance the original character or general amenity of the Conservation Area given that most original windows would have been constructed from timber. In addition, the proposed opening mechanism and window astragal pattern makes no effort to replicate traditional sash & case windows which are a fundamental component of Huntly Conservation Area's character. As such, the proposed replacement windows are not considered to be acceptable on the basis they would not reflect the original character or enhance the general amenity of the Huntly Conservation Area.
- 3.9 On the basis that the current proposals make no attempt to reflect the character and appearance of what the original windows would have been, the LRB agreed with the Appointed Officer's determination that the proposal was contrary to Policy P1 and HE2 in the Aberdeenshire Local Development Plan 2017, and also failed to adhere to the relevant Historic Environment Scotland guidance for managing change in the historic environment.
- 3.10 In the circumstances, and in the absence of any over-riding material considerations, the LRB resolved to uphold the decision of the appointed officer subject to the planning policy reference being amended to reflect that contained within the adopted Aberdeenshire Local Development Plan 2017.

#### **4.0 Reason for refusal**

- 1 The proposed replacement PVC windows and door are not considered to be acceptable replacements as they would fail to respect and enhance the original character and appearance of the property, and would fail to respect or enhance the Huntly Conservation Area, therefore the proposal fails to comply with Policy P1 Layout, Siting and Design and Policy HE2 Protecting Historic and Cultural Areas of the Aberdeenshire Local Development Plan 2017.

**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.