

7. **LRB 390** – Notice of Review Against Refusal of Full Planning Permission for Installation of Replacement Windows at 33A Duke Street, Huntly, Aberdeenshire, AB54 8DL – Reference: APP/2017/1105
  - (ii) Supporting Documents as submitted by the Planning Service – Note: Decision Notice included in Applicant’s supporting documents FSS4



## **REPORT OF HANDLING**

**Application Reference: APP/2017/1105**

**Proposal: Installation of Replacement of Windows**

**Address: 33A Duke Street, Huntly, Aberdeenshire, AB54 8DL**

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

Full planning permission is sought for installation of replacement of windows at 33A Duke Street, Huntly.

Duke Street is one of the main principal roads leading to the Square, and located within Huntly conservation area. The character of the area is a mix of residential and non-residential properties. It is a high density, tight grained built-up environment with relatively small scale (2-3 storey) buildings close to the street. The buildings have traditional materials and harmonious wide-ranging forms of windows. There are a number of listed buildings along Duke Street, which includes 1, 3, 5, 7, 9 and 35 Duke Street, which is adjoined to the site.

The site (33A Duke Street) is a traditional flatted dwellinghouse on two floors with entrance door at the side of the property. At present, there are 5 windows on the front elevation, 6 windows on the rear elevation, and 2 windows on the side elevation.

The applicant has proposed to replace all the existing white timber windows with white UPVC windows.

During the site inspection, it was obvious the windows have retained their original timber material and majority of the windows are judged to be in relatively good condition as there was no significant decay or wet rot observed in the window frame, except limited defects that are expected through age and easily maintained/repair through staining/painting.

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

There have been discussions with the applicant on site, and with the agent on telephone, as well as in writing regarding providing reasoning for the replacement of the windows. The advice given to the applicant/agent during the discussions was based on the Aberdeenshire Local Development Plan policy on protecting historic and cultural areas and the Scottish Historic Environment Policy (SHEP) 2015 document, where the policy is in favour of preservation of the pattern of the wider historic environment (i.e. conservation areas). The advice to the applicant/agent following the discussions was to submit window condition report by qualified wood technologists.

### **3. Supporting Information**

The applicant has submitted a report on the specification of the windows. The report contains the measurement of the windows, the material and the colour.

### **4. Variations & Amendments**

None

### **5. Representations**

No valid representations have been received.

### **6. Consultations**

**Infrastructure Services (Environment)** have commented that the principles of replacement windows have not been established and that UPVC windows proposed will not be supported. Additionally, they have requested condition survey of the existing windows.

### **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.

#### 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.

#### Aberdeenshire Local Development Plan 2017

Aberdeenshire Local Development Plan 2017, as adopted policy, replaces the Local Development Plan 2012. As a consequence the 2012 Plan is considered as material consideration

The most relevant policies contained within the Proposed Aberdeenshire Local Development Plan 2017 are as follows:

- Policy P1 Layout siting and design
- Policy HE2: Protecting historic and cultural areas

#### Historic Environment Scotland Policy Statement June 2016

This policy statement and other policies such as Historic Environment Circular 1 and Historic Environment Scotland's Managing Change in the Historic Environment guidance note series are the documents to which planning authorities are directed in their consideration of applications for planning applications affecting the historic environment and the setting of individual elements of the historic environment.

#### Managing Change in the Historic Environment: Windows (October 2010)

The guidance indicates that the size, shape and proportion of a window, the pattern of design, the materials and details of construction, the method of opening, the finish, and associated fixtures typically contribute to the character of a historic window.

### **8. Other Material Considerations**

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.

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

None

### **10. Discussion**

Legislation requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. In this case the Aberdeenshire Local Development Plan 2017. The main issues to be considered in determining this application is whether the replacement windows would be appropriate for the character of the building and whether it would have adverse impact on the Huntly Conservation Area.

The property is located within the Huntly Conservation Area and as such permitted development rights have been removed. The application includes replacement of all the windows on the property from white timber to white UPVC. This includes 5 windows on the front elevation, 6 windows on the rear elevation, and 2 windows on the side elevation.

Generally proposals seeking to replace windows in a Conservation Area should demonstrate that there is no alternative repair measures, and if not possible new windows should replicate the original in every way, including the material. In this case, the applicant failed to submit a supporting window condition report to demonstrate that the conditions of the windows are beyond repair and demonstrate appropriateness of the proposed replacement windows within the Huntly Conservation Area.

Policy P1: Layout siting and design and Policy HE2: Protecting historic and cultural areas seeks the highest quality design in order to conserve and enhance the character and appearance of the designated area. In keeping with the relevant policies above, replacement windows in conservation area should reflect the requirements that the new development demonstrates the highest quality design plus conserve and enhance the character and appearance of the building and the character of the area.

It was noted during the site inspection that the original material of the windows (timber) will be replaced with uPVC and the style of the windows will change from casement fixed windows with top hung and side hung elements, to mock sash and case windows in a tilt and turn style.

It is worth noting that the position, size, shape and proportion of original windows, the materials and the method of opening typically contribute to the character of a building and the area. Having assessed the details of the proposal, the windows to the front elevation of the property will be very visible to the public on the street. Accordingly, it is judged that the proposed uPVC is not an appropriate traditional material, and not suitable for this particular area of Duke Street and the wider Huntly Conservation Area.

Furthermore, appearance of uPVC material often differs noticeably from traditional timber with the texture of plastic frames often lacking any of the minor surface variations associated with the grains of timber. In this case, the proposed uPVC window will diminish significantly the authenticity and appearance of the building within the street and the Conservation Area.

Turning to the style and detailing of windows, these help us to understand when a building was constructed or altered, its function and advances in related technology. Consequently, the change in style and detailing from casement windows – (fixed windows with top hung and side hung) to mock sash and case window (tilt and turn) will do away with the historic significance of the windows in the building, which is a contribution to the character of the historic fabric of the street.

The Council's Environment Team have commented that the principle of replacement windows has not been established, and that the uPVC windows proposed should not be supported.

On the whole, replacing the existing timber windows with uPVC windows will be unsympathetic to the character of the Duke Street and will have adverse visual impact on the character of the wider Huntly conservation area. It could also serve as a precedent for similar inappropriate developments within Huntly conservation area.

In conclusion, the proposal cannot be supported by the Planning Service. It is considered that the current timber windows positively impact on the character and appearance of the Conservation Area, and sufficient supporting information has not been submitted to justify their removal. The replacement windows would negatively impact on the character and appearance of the Duke Street and the wider Huntly Conservation Area. If it was demonstrated that the windows were beyond a state of repair, the Planning Service would look for timber like-for-like replacements. As a result of the above evaluation the proposal is contrary to the principles of Policy P1 Layout siting and design and Policy HE2: Protecting historic and cultural areas.

## **11. Recommendation**

REFUSE for the following reasons:

01. The replacement windows have not been justified, there is no evidence to suggest the existing traditional timber windows are beyond repair and in need of replacement. The proposed replacement windows, by virtue of their style and uPVC construction, would negatively impact on the character and appearance of the Duke Street and the wider Huntly Conservation Area. The proposal is contrary to the principles of Policy P1 Layout siting and design and Policy HE2: Protecting historic and cultural areas of the Aberdeenshire Local Development Plan (2017).

## **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



Our Ref: APP/2017/1105  
Your Ref:

Ask for: Emmanuel Hiamey  
Direct Dial: 01569-768265  
Email: emmanuel.hiamey@aberdeenshire.gov.uk

JobWorthDoing  
5 Twickenham Road  
Fifers Lane Industrial Estate  
Norwich  
NR6 6NG

5 July 2017

Dear Sir

**Proposal: Installation of Replacement of Windows**  
**Address: 33A Duke Street, Huntly, Aberdeenshire, AB54 8DL**

During our conversation on site inspection, I informed you that the proposal would not be supported by the planning service, however if you want to proceed with the application you should submit condition survey of the existing windows and justification to replace timber window with upvc window in a conservation area. The condition survey of the existing windows and justification letter would be considered in the assessment of the application. At the moment I have not received the information requested and the time for the decision is due.

You should note that windows in the conservation area contributes to the built heritage of the conservation area and are one of the most important features of the conservation area and the building's elevation.

Whilst the dwellinghouse is not listed, it is within Huntly Conservation Area and as a general rule the Planning Service would always seek that the original windows are maintained. Where the windows are in poor order, this may well involve considerable repair work. Only where repair is clearly out of the question would a replacement be accepted, and then only on condition that the replacements match the originals in every respect.

In your case, given that the property is within the Huntly Conservation area and the windows are mainly on principal elevation, and therefore Planning Service will prefer timber material as opposed to upvc material.

In conclusion, I will recommend you withdraw the application or risk refusal and consider repair works to the windows or like for like replacement.



Yours faithfully

**Head of Planning and Building Standards**

**From:** [Emmanuel Hiamey](#)  
**To:** [Planning Online](#)  
**Subject:** FW: Aberdeenshire Council Ref No APP/2017/1105  
**Date:** 05 July 2017 15:03:09

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Hi,

For your attention, a letter asking for the assessment of the application APP/2017/1105 to proceed without existing window condition survey and justification letter.

Thanks

Emmanuel Hiamey  
Planner  
Infrastructure Services  
Aberdeenshire Council  
Viewmount,  
Arduthie Road  
Stonehaven  
AB39 2DQ

Tel: 01569768265  
Skype: 01467535598  
Fax: 01569766549

NB: Workplace update. I currently work at Woodhill House on Tuesdays and Fridays. Please use skype call to contact me or send an email.

-----Original Message-----

From: Daniel Foyster [<mailto:Daniel.Foyster@jobworthdoing.co.uk>]  
Sent: 05 July 2017 14:54  
To: Emmanuel Hiamey <[emmanuel.hiamey@aberdeenshire.gov.uk](mailto:emmanuel.hiamey@aberdeenshire.gov.uk)>  
Subject: RE: Aberdeenshire Council Ref No APP/2017/1105

Hello

Following on from our conversation just now please can I ask you to proceed to a decision on the application without an existing window condition being provided.

Kind Regards

Daniel Foyster  
Technical Services Co-ordinator  
01603 892120  
[Daniel.Foyster@jwdltd.co.uk](mailto:Daniel.Foyster@jwdltd.co.uk)  
[www.jobworthdoing.co.uk](http://www.jobworthdoing.co.uk)

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-----Original Message-----

From: [emmanuel.hiamey@aberdeenshire.gov.uk](mailto:emmanuel.hiamey@aberdeenshire.gov.uk) [<mailto:emmanuel.hiamey@aberdeenshire.gov.uk>]  
Sent: 05 July 2017 10:54  
To: Daniel Foyster  
Subject: Aberdeenshire Council Ref No APP/2017/1105

Please find attached important correspondence from Aberdeenshire Council, Planning and Building Standards Service

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[www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

There are no queries.

Responses:

<b>Councillor</b>	<b>Response</b>	<b>Comments</b>
Cllr. Gwyneth Petrie	No Response	
Cllr. Moira Ingleby	Accept	null
Cllr. John Latham	No Response	
Cllr. Robbie Withey	No Response	

Interest Declared:

<b>Councillor</b>	<b>Interest Declared</b>	<b>Details</b>
Cllr Moira F Ingleby	No Interest Declared	null

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Responses:

<b>Councillor</b>	<b>Response</b>	<b>Comments</b>
Cllr Moira F Ingleby	Accept	null
Cllr. John Latham	No Response	
Cllr. Robbie Withey	No Response	

Interest Declared:

<b>Councillor</b>	<b>Interest Declared</b>	<b>Details</b>
Cllr Moira F Ingleby	No Interest Declared	null