



Marr Area Committee Report 19 February 2019

Reference No: APP/2018/2997

Full Planning Permission for Installation of Replacement Windows and Door (Retrospective) at 2 School Road, Braemar, Aberdeenshire, AB35 5ZS

Applicant: Mrs Sandra Stewart, 2 School Road, Braemar, AB35 5ZS
Agent: Paul Whitford, 45 Mount Street, Aberdeen, AB25 2QX

Grid Ref: E:315262 N:791463
Ward No. and Name: W15 - Aboyne, Upper Deeside and Donside
Application Type: Full Planning Permission
Representations: None
Consultations: 3
Relevant Proposals Map: Cairngorms National Park Local Development Plan
Designations: Rural Housing Market Area
Complies with: No
Development Plans:
Main Recommendation: Refuse



1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

Councillor Blackett- This merits further discussion in relation to policies 3 and 9 and because of previous planning history.

Councillor Gibb - Thinks there should be discussion regarding Policy 1, 3 and 9 at Committee.

- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full planning permission is sought, retrospectively, for the installation of replacement uPVC windows and doors at 2 School Road, Braemar.

- 2.2 The application property is a low, single storey semi-detached property, constructed of stone and slate, forming the northern unit of the semi. There is a later, semi-modern, extension attached to the rear. The property fronts onto School Road and is bound by Castleton Place to the north. It is currently used as a holiday let, with shared access and amenity ground with Castleton Bothy to the west. The dwellinghouse is situated in a built-up area with neighbouring properties generally of traditional style and proportions. There is recently built terraced housing to the north, separated by the road at Castleton Place. The property lies within the Braemar settlement and Conservation Area, within the Cairngorms National Park.

- 2.3 The previous timber framed casement windows, door and side screens were removed and replaced, without consent. Four brown coloured uPVC windows, including 2 on the east elevation, 1 on the north elevation, and a window and door on the west elevation, have been installed on the property without consent. This application seeks to rectify this breach of planning by applying for retrospective permission.

- 2.4 There is an extensive planning history at this site, in particular with regards to the unauthorised windows and doors, this has been the subject of an ongoing enforcement matter, reference number COMP/2017/0209. Retrospective planning permission was sought to rectify this under APP/2018/0182, however following the meeting of the Marr Area Committee on 27th March 2018 this was refused. The Committee gave full consideration to the application, and having heard from the applicant, debated the issues in relation to whether the PVC windows did detract from the Conservation Area – some Members felt that it wasn't immediately obvious they were PVC therefore felt the impacts were limited, where other highlighted that there is clear policy guidance, both

locally and nationally, that strives for the best materials and highest quality and enhancement of the built environment within Conservation Areas. Members debated previous comparable decisions and noted the need for consistency in approach to proposal for PVC in Conservation Areas, where applications are submitted. The application went to a vote, with the vote tied at 5-5. The Chair had the casting vote to refuse the application, in line with the Planning Service's recommendation. No subsequent appeal was lodged, and no formal enforcement action was taken. No amendments have been made to the proposal since the previous refused application.

2.5 There is an extensive planning history at this site and the adjacent property, Castleton Bothy, in relation to alterations and extensions, and the use of each property including:

- **S989860PF** - Alterations and Extension to Ancillary Cottage to form Dwellinghouse at 1 Castleton Terrace - Granted
- **APP/2004/1598** - Removal of Condition 2 (S989860PF) to Allow Occupation as a Separate Dwelling at 2 School Road - Granted
- **APP/2009/0967** - Conversion of Existing Gift Shop to Dwellinghouse at 2 School Road - Granted
- **APP/2011/3244** - Removal of Condition 12 (Boundary Wall) of Planning Permission Reference APP/2009/0967 at 2 School Road - Refused
- **APP/2017/2710** - Conversion of Existing Gift Shop to Dwellinghouse: Non Compliance with Condition 13 (Occupancy Condition) of APP/2009/0967 at Castleton Bothy - Granted
- **COMP/2017/0209** - Property owner contacted due to unauthorised windows, advised that PVC is not acceptable, and an application should come forward for timber windows as replacements for the previous timber units. The applicant wished to proceed to apply for the windows they have already installed.
- **APP/2018/0182** - Installation of Replacement Windows and Door (Retrospective) - Refused

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

Internal

4.1 **Infrastructure Services (Environment)** confirm that their response remains as per the previous application, stating that all new windows within the Conservation Area should be designed in a way which replicates the detailing, and materials, of the original construction, as a means of maintaining the character of the Conservation Area, and state that Upvc is completely alien to

the original design and construction of windows on traditional properties within the Conservation Area. This service considers that the particular windows chosen also have visually obtrusive trickle vents, which are not acceptable, and providing poor examples of development is not acceptable justification for a proposal.

External

- 4.2 **Braemar Community Council** make a comment noting their general support for the Conservation Area designation in the village.
- 4.3 **Cairngorms National Park Authority** does not wish to ‘call-in’ the application as it does not raise any planning issues of significance to the Park’s aims.

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 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 to the Existing Building Stock

Policy 9: Cultural Heritage
Part 2: Conservation Areas

5.3 Other Material Considerations

Historic Environment Scotland Policy Statement 2016

This states 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. Planning Authorities must consider the historic environment and individual elements of this in the determination of applications affecting conservation areas and listed buildings.

Historic Environment Scotland Managing Change- Windows

Guidance from Historic Environment Scotland states that windows form an important element in defining the special interest and character of historic buildings. The materials and details of the construction contribute to the character of most historic buildings and windows and also to the character and interest of historic streets and places. This guidance states that maintenance and repair is the most appropriate means of safeguarding the interest windows provide and materials other than timber, e.g. uPVC, will rarely be acceptable.

6. Discussion

- 6.1 Full planning permission is sought, retrospectively, for replacement windows and a door at 2 School Road, Braemar. The main issues to address in the determination of this application include the acceptability in principle of replacement windows/doors at this location in terms of the impact to the character and visual appearance of the property and the Braemar 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.
- 6.2 Policy 9: Cultural Heritage, Part 2: Conservation Areas of the CNPA LDP 2015 is the main policy consideration in this case. This aims to enhance the character of the Conservation Area. Any development within the Conservation Area must be of a high quality design and use materials appropriate to the site and its setting.
- 6.3 Initially, the requirement for replacement windows should be established, as it should first be considered whether the existing windows/doors can be repaired, as supported by HES Policy and guidance. However, as the previous windows have been removed and replaced without consent, the Planning Service are unable to assess whether the principle of replacement would have been acceptable.
- 6.4 As the property is of traditional style, timber windows are considered an important feature in the overall character of the building and wider area. The property originally featured timber windows and doors, and while a supporting statement has been provided in this case in an attempt to justify uPVC materials, it has not been sufficiently justified that timber replacements cannot be installed. Therefore, the main consideration in this case is whether the

uPVC windows and door as installed are acceptable in terms of design and finish materials.

- 6.5 Turning to design, the proposal seeks to replace the windows with double glazing and uPVC frames. While the opening functions and double glazing elements of the replacement windows are considered acceptable, it is the opinion of the Planning Service, in line with the Council's Environment Team, that the use of uPVC materials on this traditional property would significantly alter the visual appearance of the property and impact on the appearance of the surrounding Conservation Area. Furthermore, Infrastructure Services (Environment) considers that the particular windows chosen also have visually obtrusive trickle vents, which is not acceptable.
- 6.6 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 appearance and character of the property. The plans state that the frames would be identical to the removed traditional timber windows, however uPVC is not considered to respect the existing design.
- 6.7 As a result, being contrary to Policy 9, Historic Environment Policy Statement 2016, and Managing Change Guidance from Historic Environment Scotland, the retrospective replacement windows would have an adverse visual impact on the character and setting of the Braemar Conservation Area. Furthermore, as this would affect the road side elevation of the property it would have a significant detrimental impact on the street scene. It is considered that protection and enhancement of the traditional character and appearance of the Conservation Area, under Policy 9, Part 2, cannot be achieved by using uPVC materials.
- 6.8 The siting of the property within the historic village in proximity to listed buildings and other traditional buildings means that the design must be of a high quality, and as such it is considered that uPVC would significantly detract from the historic and architectural merit this area provides. 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 uPVC materials to be alien within Conservation Areas, and thus do not fit successfully with the character of the Braemar Conservation Area which is generally of timber construction. Thus, the proposal is contrary to the above policies.
- 6.9 Since the previous refusal under APP/2018/0182 in March 2018, no changes to the design or appearance of the windows and door have been made which would warrant a favourable recommendation. Evidence in the form of a guarantee demonstrates that the windows were installed on 20th October 2014. Section 124(1) of The Town and Country Planning (Scotland) Act 1997 states that enforcement action may only be taken within 4 years of the date on which the operations were 'substantially completed'. Therefore, essentially, the windows and door are now immune to any further enforcement action due to the passage of time exceeding 4 years. While this is a material consideration, as effectively the Council's Enforcement Team cannot take action to have the windows and door replaced further, in principle the proposal

continues to fail to comply with the relevant planning policies outlined above and is still considered unacceptable in terms of design and impacts.

- 6.10 Overall, despite the passage of time deeming the windows and door lawful, it remains the opinion of the Planning Service 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 contrary to Policy 1, 3 and 9 of the Cairngorms National Park Local Development Plan and therefore the application 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.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

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

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

Policy 9: Cultural Heritage
Part 2: Conservation Areas

- 10.3 The application is a Departure from the valid Local Development Plan (and/or) Strategic 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 Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 REFUSE Full Planning Permission for the following reasons:-

01. The proposal is contrary to Policy 1: New Housing Development, Part 7: Alterations to Existing Houses; and Policy 3: Sustainable Design, Part 4: Alterations to the Existing Building Stock of the Cairngorms National Park Local Development Plan 2015 as the design and materials would have a negative effect on the visual appearance and character of the property.
02. The proposal is contrary to Policy 9: Cultural Heritage, Part 2: Conservation Areas of the Cairngorms National Park Local Development Plan 2015 as the design and materials do not fit successfully with the traditional construction of the property, and detract from the visual appearance, character and setting of the Braemar Conservation Area.

Stephen Archer
Director of Infrastructure Services

Author of Report: Jane Weir
Report Date: 30 January 2019

Comments for Planning Application APP/2018/2997

Application Summary

Application Number: APP/2018/2997

Address: 2 School Road Braemar Aberdeenshire AB35 5ZS

Proposal: Installation of Replacement Windows and Door (Retrospective)

Case Officer: Jane Weir

Customer Details

Name: Mr David Sherrard

Address: 12 Chapel Brae Braemar

Comment Details

Commenter Type: Community Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Braemar Community Council would like to note that they are, in general, supportive of the Conservation Area designation in the village.