

8. **LRB 490** – Notice of Review, Against Refusal Full Planning Permission for Installation of Replacement Windows and Doors at Gordon Cottage, Urquhart Road, Oldmeldrum, AB51 0EX – Reference: APP/2019/2505.

(ii) Supporting Documents as submitted by the Planning Service.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2019/2505

TO: Mr David & Mrs Karen McKechnie
Gordon Cottage
Urquhart Road
Oldmeldrum
Inverurie
Aberdeenshire
AB51 0EX

FOR: Mr David & Mrs Karen McKechnie
Gordon Cottage
Urquhart Road
Oldmeldrum
Inverurie
Aberdeenshire
AB51 0EX

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 and Doors at Gordon Cottage, Urquhart Road, Oldmeldrum, Aberdeenshire, AB51 0EX

and in accordance with the plans 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:

- (1) It has not been demonstrated within the submitted windows condition survey or any other supporting information that the existing bay windows are beyond economical repair and the replacement of the bay timber windows with PVCu units would negatively impact on the character and appearance of the property, which is a prominent and vernacular property, and therefore impact on the character of this part of the Oldmeldrum Conservation Area.

As a result the proposal is contrary to the principles of Policy HE2 Protecting historic and cultural areas and Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017 which reflect the Historic Environment Scotland Policy and requires that proposals conserve and enhance the character of the Conservation Area.

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

Dated: 17 February 2020



Head of Planning and Environment Service

List of Plans and Drawings

Reference Number: Window Section

Reference Number: Location Plan

Reference Number: Elevations

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
Business Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Tel: 01467 532862

Email: 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

- (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/2019/2505

Proposal: Installation of Replacement Windows and Doors

Address: Gordon Cottage, Urquhart Road, Oldmeldrum, Aberdeenshire, AB51 0EX

1. Description of Proposal

This application seeks full planning permission for the installation of replacement windows at Gordon Cottage, Urquhart Road, Oldmeldrum. The proposal requires Planning Permission due to being located within the Oldmeldrum Conservation Area and permitted development rights being withdrawn as part of this designation.

The site is located centrally within Oldmeldrum being at the junction between Urquhart Road (A947) and Wyverie Court, which lie to the east and south respectively. The residential properties of 2 and 6 Wyverie Court lie immediately to the east, while 33 Urquhart Road lies immediately to the north.

The property is a traditional built, 1½ storey detached property, with dry dash walls and slate tile roof. It has previously been altered by the addition of a single storey extension to its side (south-west) elevation and a porch to its rear (north-east) elevation. Its principle elevation (south-east) features two bay windows at ground-floor level and two dormer windows on the slate roof. A further dormer window is located on the slate roof above the porch to the buildings rear. The dormer windows (and their surrounds), the main entrance door, and the ground-floor windows on the rear elevation are all 'golden oak' coloured PVCu units. The six windows that make up the two bay windows, the window in the ground floor extension, and the window and door in the rear porch are all light brown painted timber units. The front of the house is prominent whilst the rear of the house is not generally visible from the public realm.

Under this application it is proposed to replace the timber windows in both of the front bay windows, and the window and door in the rear porch with 'golden oak' coloured PVCu units - a total of seven windows and one door. The windows in the bay windows would be vertical sliding case and sash style units and the window in the rear porch would have a fixed lower pane with top-hung casement above same. The porch door would be a solid composite PVCu door.

2. Relevant Planning History

C95/0264/01 – Alterations and Extension to Dwellinghouse at Gordon Cottage, Oldmeldrum. Approved 1995

C98/1032/01 – Extension to Dwellinghouse at Gordon Cottage, Oldmeldrum. Approved 1998.

3. Supporting Information

Windows Condition Survey

Cross section of the window design.

4. Variations & Amendments

None.

5. Representations

No valid representations have been received.

6. Consultations

Infrastructure Services (Environment – Built Heritage) has commented that although efforts have been made to ensure that the new proposed windows replicate what is existing and to make them sash and case, the use of PVCu in a conservation area cannot be justified. It further advises that the timber windows to the front of the property do not appear to be in a poor condition that would justify their replacement. As a result, they cannot support the proposal.

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.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeenshire Local Development Plan 2017

Policy HE2 Protecting historic and cultural areas

Policy P3 Infill and householder developments within settlements (including home and work proposals)

8. Other Material Considerations

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – requires the Planning Authority to take into account the interests of preservation and enhance of the character of conservations areas.

Aberdeenshire Towns Partnership, Oldmeldrum Conservation Appraisal, April 2012 – sets out the importance of the conservation area and its key characteristics.

Guidance on Conservation Areas, Historic Environment Scotland, 2019 – provides detailed guidance on the implementation of the Historic Environment Policy with regards to Conservation Areas

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.

9. Implications and Risk

Not applicable.

10. Directions by Scottish Ministers

None.

11. Discussion

This application seeks Full Planning Permission for the installation of 7 replacement windows and one door at Gordon Cottage, Urquhart Road, Oldmeldrum, Aberdeenshire.

The key issue under consideration for this application is whether the proposed replacement windows are appropriate in relation to the character of the existing dwellinghouse and the potential impact they would have on the character of the Oldmeldrum Conservation Area. In this respect Policies P3 Infill and householder developments within settlements (including home and work proposals) and HE2 Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017 are relevant.

Policy P3 states that the Planning Service will approve development associated with an existing house providing it respects both the character of the surrounding area and the design and scale of the existing house; while not significantly reducing the amenity of neighbouring properties.

Policy HE2, which is supported by the legislation and guidance from Historic Environment Scotland (as reference in section 7 of the report) indicates the importance of ensuring proposals preserve or enhance the character or appearance of a conservation area. The design, scale, layout, siting and materials used in development within a conservation area must be of the highest quality.

In keeping with the relevant policies above, replacement windows and doors in Conservation Areas should demonstrate the highest quality in design, plus conserve and enhance the character and appearance of the building and Conservation Area.

Additionally, the advice laid down within Historic Environment Scotland guidance notes stipulate that there should be a presumption in favour of retaining and overhauling original windows especially when they make a significant contribution to the appearance of the individual property and the wider character of a conservation area.

Therefore, both national and local policy requires that original doors and windows should be retained and repaired where feasible in the first instance. This represents the best heritage outcome for Conservation Areas. Only where repair is clearly out of the question should replacement be considered acceptable, and then only on condition that the replacements are of the correct style and detail for the property. Therefore, proposals seeking to replace traditional windows and doors in a Conservation Area should demonstrate that they are in poor condition and no feasible means of repair. When a window or door is deemed to be beyond repair there is a general presumption in favour of the replacements matching the existing units on a like for like basis.

The applicant has submitted a window condition survey which whilst demonstrating that it can be accepted that the rear porch window and door are in a poor state of repair, the same conclusion cannot be made regarding the two bay windows. Indeed, a visit to the premises by the Planning Officer and a member of the Environment Built Heritage Team on 16th December 2019, concluded that these windows were in a reasonable condition, and not beyond economic repair.

It is acknowledged that none of the windows at the property are original, and a number of PVCu windows and a PVCu door have already been installed at the property. However, these windows and the door were installed by the previous owners of the property in 2011 and 2014 without the benefit of Planning Permission and as such represent unauthorised development. However, as this development took place in excess of 4 years, the statutory period under which the Planning Authority can take action against this unauthorised development has passed.

Similarly, it is acknowledged that there are a large number of properties within the Oldmeldrum Conservation Area which have PVCu windows however, these were in the most part installed prior to the introduction of the Town & Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.

The latter legislation was introduced by the Scottish Government to address the problem of unsympathetic alterations such as the installation of uPVC doors and windows eroding the character of conservation areas.

It should also be noted that there are examples where the inappropriate use of PVCu units in Conservation Areas have been refused and subsequently dismissed on appeal, such as the example of the initial application at 10 West Street, Strichen (planning reference APP/2018/1769). This sought installation of uPVC replacement windows which were considered inappropriate due to design, colour and opening. Crucially the Reporter noted in the appeal the following:

“the proposed replacement windows would not be of any greater detriment to the character and appearance of the conservation area than the property’s existing windows. That throughout Strichen there is not a consistent style or colour of window frames. However, the lack of consistency in window style and colour does have a notable detrimental cumulative effect upon the character and appearance of the conservation area.

The proposed windows would also contribute to the cumulative adverse effect upon the conservation area, and whilst accepting that the proposed would have no greater harm than the existing this does not provide a sufficient basis to conclude that they would be appropriate or acceptable.”

Although each application must be determined on its own merits, there are similar concerns with the replacement windows in this case. A window’s position, dimensions, materials/finish, and method of opening all contribute to the character of a building and its surrounding area. Generally non-traditional window and door styles are not appropriate for Conservation Areas, particularly on the public elevations of older properties such as the application site.

Whilst the general form of the windows is similar to those of the timber units they replace, PVCu is not a traditional material and such windows are often visually distinct from timber units in terms of their texture and finish.

Infrastructure Services (Built Heritage) has concerns relating to the proposed installation of PVCu windows, noting that the existing PVCu units at the property were installed without the required consent by the previous owners. It also notes that while the windows to the front of the property are not original, they are in a reasonable condition, and if they are to be replaced it would seek timber sash and case units in line with conservation guidance and policy, in the hope that one day timber windows will be reinstalled throughout the property. Thus any approval of the proposal would undermine the Council’s ability to require incremental enhancements to the Conservation Area, as and when the opportunity arises through the planning system.

Whilst the Planning Service could perhaps concede the replacement of the rear porch timber window and door with PVCu units - given their poor condition, location to the rear of the building, and the fact they are largely hidden from public view - it cannot concede the replacement of the timber bay windows to the front of the property. The property is located on the main road (A947/Urquhart Road) the property is in a prominent location within the streetscape, with the bay windows lying approximately 2 metres from the public footpath. As a result, the replacement of these windows with PVCu units, particularly in terms of the finish of the windows, is likely to be clearly discernible, and have a detrimental impact on the character and appearance of the conservation area. Unfortunately, the Planning Service cannot approve certain elements of a planning application and refuse others, so if the applicant wished to replace the window and door on the rear porch a new application would be required.

Taking account of all the above, it is considered that the proposal does not comply with Policies HE2 Protecting historic and cultural areas and P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017, and therefore cannot be supported by the Planning Service.

Conclusion

In conclusion, the windows condition survey does not justify the replacement of the six windows to the front of the property, and it has not been demonstrated that the bay windows which are a prominent feature of the property either need to be replaced or are beyond repair. Notwithstanding this the replacement PVCu windows would negatively impact on the character and appearance of the property, the street and the wider Oldmeldrum Conservation Area. Consequently, the proposal is contrary to the principles of Policies P3 Infill and householder developments within settlements (including home and work proposals) and HE2 Protecting historic and cultural areas, of the Aberdeenshire Local Plan 2017 which reflects the best practise set out in the Historic Environment Scotland Policy and the Managing Change in the Historic Environment Series, including Windows, and Doors. The application is therefore recommended for refusal.

12. Recommendation

REFUSE for the following reasons:

01. It has not been demonstrated within the submitted windows condition survey or any other supporting information that the existing bay windows are beyond economical repair and the replacement of the bay timber windows with PVCu units would negatively impact on the character and appearance of the property, which is a prominent and vernacular property, and therefore impact on the character of this part of the Oldmeldrum Conservation Area.

As a result the proposal is contrary to the principles of Policy HE2 Protecting historic and cultural areas and Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017 which reflect the Historic Environment Scotland Policy and requires that proposals conserve and enhance the character of the Conservation Area.

13. Process of Determination

The application was the subject of consultation with Local Members under the

Council's Scheme of Governance.

14. Planning Obligations

No







5.6 uPVC Sliding Sash

Everest's Range of uPVC Sliding Sash windows

Everest's Range of uPVC Sliding Sash windows have been designed and developed to give the most traditional appearance possible whilst also providing all the benefits of modern uPVC windows. Everest's new through frame option gives the sashes a more authentic aesthetic. This, along with Everest's range of tiled finishes, means that you can customise your windows to give the exact look and feel that you are after.

Our uPVC Sliding Sash windows have achieved an A rating and are accredited by the independent energy rating firm who only lend their support and accreditation to products that have the potential of substantially increasing the energy efficiency of your home. So, these beautiful traditional looking windows can actually make your home more thermally efficient.

Another advantage of the modern technology is the security features. All Everest uPVC Sliding Sash windows are Secured by Design accredited which shows they have been deemed secure enough to achieve the accreditation from the official police security and crime prevention initiative.



5.6 uPVC Sliding Sash

Double or Triple Glazed

Only available in double glazed. For more information, please see section 2.6.



Double Glazed

Colour Options

One Colour Options:

Same colour on inside & outside.



White



White Woodgrain



Cream Woodgrain



Anthracite Grey



Roanwood



Golden Oak

Two Colour Options:

Fixed with white on the inside.



White/Anthracite Grey



White/Roanwood



White/Golden Oak



White Woodgrain/Olive Grey



430



2019 Development Management / Environment Surgeries						
Date	DM Officer	Application Number	Address	Issue	Action	Environment Officer
2/12/19	KMcD	APP/2019/2505	Gordon Cottage, Urquhart Road, Oldmeldrum	Installation of Replacement Windows	<p>The relevant ALDP Policy is HE2 Protecting Historic and Cultural Areas 'The design, scale, layout, siting and materials used in development within a conservation area must be of the highest quality and respect the individual characteristics for which the conservation areas were designated.' The relevant HES Managing Change Guidance are Conservation Areas and Windows.</p> <p>It is unfortunate that the new owners of the property have inherited the upvc windows in the top floor of the property. Although efforts have been made to ensure the new proposed windows replicate what is existing and to make them sash and case, the use of upvc in a conservation area cannot be justified. Similarly, the proposed upvc window and door at the rear of the property are not suitable in this location.</p> <p>Where it is sought to replace any timber windows in a conservation area, we would seek a condition survey for the windows as justification for the need for their replacement. The photographs provided of the windows do not appear to show them to be in a poor condition.</p> <p>The Environment Team would however support an application in regard to the upgrading of the existing windows to add double glazing if this was something the property owner was interested in investigating.</p>	YC

Tracey Cochrane

From: Ward Pages <no-reply@sharepointonline.com>
Sent: 15 February 2020 00:01
To: Tracey Cochrane
Subject: [Ward Pages]: Planning Consultation Results: Gordon Cottage Urquh...
Importance: High

Dear Tracey Cochrane,

Your planning consultation entitled [Gordon Cottage Urquhart Road Oldmeldrum Aberdeenshire AB51 0EX](#) for Planning Application Reference APP/2019/2505 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Accepted. Full results are shown below:

Councillor	Response	Comments	Interest Declared
Cllr. Karen Adam	No Response		No Response
Cllr. Jim Gifford	Agree Officer Delegation		No Interest Declared
Cllr. Andrew Hassan	Refer to Committee	To assess the need to replace all requested windows, any previous history of change of windows on the property and the proximity of all requested windows to the border of the conservation area.	No Interest Declared
Cllr. Paul Johnston	Agree Officer Delegation		No Interest Declared

Please do not reply to this email - you can see full details of responses to this consultation on [Ward Pages](#).