



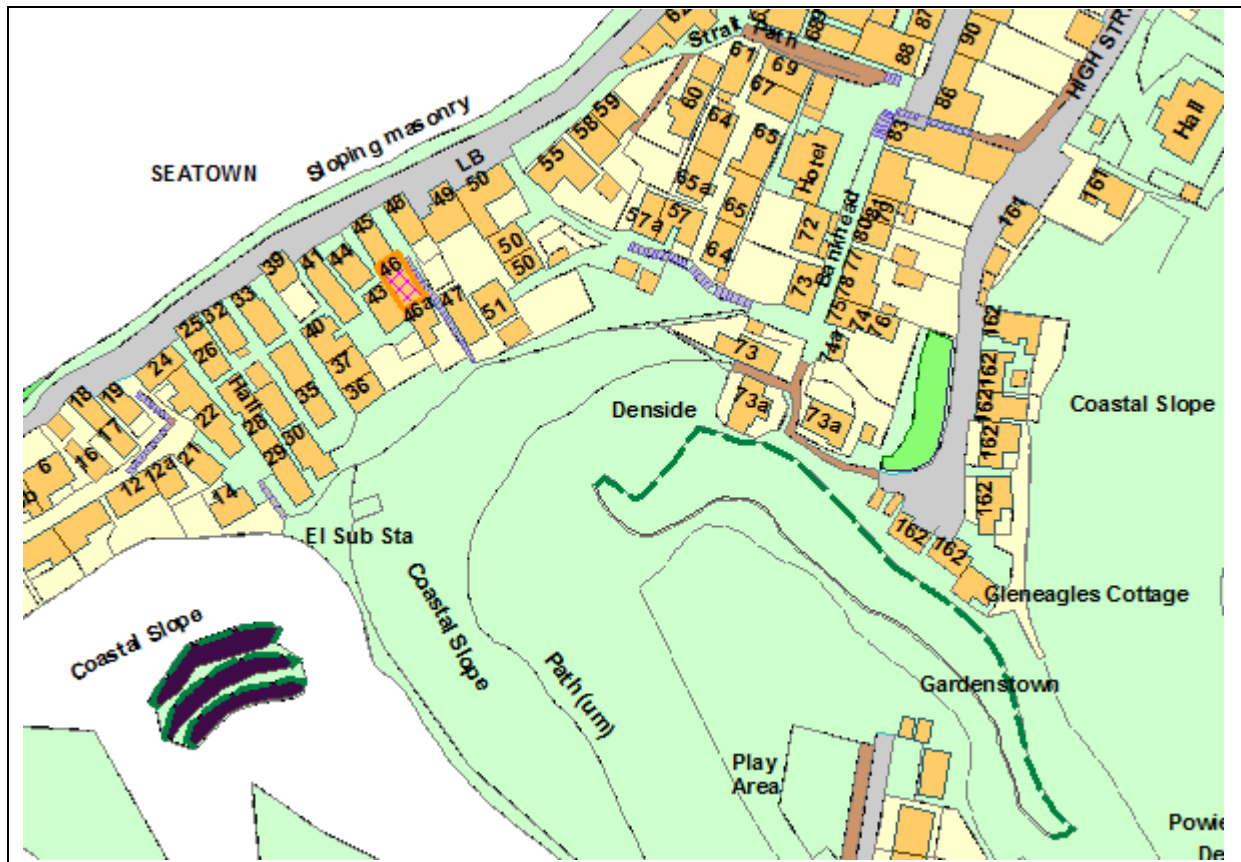
## Banff & Buchan Area Committee Report – 30 March 2021

Reference No: APP/2020/2148

**Full Planning Permission for Installation of Replacement Double Glazed Windows and Door and Enlargement of Gable Window at 46 Seatown, Gardenstown, Aberdeenshire, AB45 3YQ**

**Applicant:** Mr & Mrs C Maclachlan  
**Agent:** Mantell Ritchie

Grid Ref:	E:379781 N:864612
Ward No. and Name:	W02 – Troup
Application Type:	Full Planning Permission
Representations:	0
Consultations:	1
Relevant Proposals Map Designations:	Gardenstown Conservation Area
Complies with Development Plans:	No
Main Recommendation:	Refuse



**NOT TO SCALE**

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## 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 Hamish Partridge** – To further discuss the reasons of refusal as stated by service in the application papers.
  - **Councillor Mark Findlater** – To consider further the policy issues in this case.
  - **Councillor Ross Cassie** – For further examination of the reason for refusal under policy HE2.
- 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 for installation of replacement double glazed windows and door and enlargement of gable window at 46 Seatown, Gardenstown. A location and site plan are attached as **Appendix 1 and 2**.
- 2.2 The proposed site containing a non-listed traditional 1½-storey mid-terraced house is situated on a coastal slope at Seatown within the Gardenstown Conservation Area. The northwest gable elevation of the dwelling is sea-facing but partially blocked by the property at 45 Seatown on the northwest, while the front (northeast) and rear (southwest) elevations face onto sloped alleyways that connect to the coastal access road and extend steeply southwards up the hillside.
- 2.3 The area adjacent to the site retains a distinct character of gable sea-fronting traditional buildings spreading east to west out from an historic harbour along a narrow strip of gently sloping shoreline that lies beneath a steep coastal slope. More contemporary residential developments are located atop the coastal slope.
- 2.4 The proposal is for replacement of existing windows on the northeast and northwest elevations and the entrance door with timber double glazed windows painted in white and panel door with lights. The window on the northwest gable elevation would be enlarged in width to 0.98m. The ground floor room currently affords a sea view from the existing gable window. An existing floor plan is attached as **Appendix 3** and a plan detailing floorplan layout and elevations is attached as **Appendix 4**.

- 2.5 The agent confirms that the existing windows are of PVC, in particular, the two dormers are fitted with white PVC double glazed windows with a top hung opening upper casement to the middle window and the existing gable window is a fixed white PVC double glazed window in 2 panes. The proposed widening of the gable window is to gain sea view for the room.

### 3. Representations

- 3.1 No valid letters of representation have been received.

### 4. Consultations

- 4.1 **Infrastructure Services (Environment—Built Heritage)** commented that the existing residential dwelling has unfortunately been subject to insensitive post war alterations which have somewhat diminished its original form with an oversized cat slide dormer and two large picture windows on its principal elevation. The proposed development can be supported upon receiving confirmation that the existing windows in the two hipped dormers are not sash & case units and the existing opening on the north west elevation is not to be widened.

Having reviewed the information provided by the agent that the existing windows are of PVC and that the widening of gable window is to take advantage of the sea views, Infrastructure Services (Environment—Built Heritage) considers that the replacement of windows and panelled door is acceptable, but the proposal seeks to increase the width of the gable window opening to introduce a window of modern dimensions which would further undermine the appearance of the 19th century property and set an unfavourable precedent.

### 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 Aberdeen City and Shire Strategic Development Plan 2020

The Strategic Development Plan was published in August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

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

## 5.3 Aberdeenshire Local Development Plan 2017

Policy HE2 Protecting historic and cultural areas

## 5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. As the Proposed LDP is yet to be subject to public scrutiny and subsequent Examination by an independent Reporter, it is considered that the level of weight that should be applied to the Proposed LDP 2020 is not significant. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

## 5.5 Other Material Considerations

Historic Environment Policy for Scotland (HEPS) and associated policy and guidance

## 6. Discussion

- 6.1 The main issues to be considered in the application are the design and the impact of the proposal on the character and the appearance of the Gardenstown Conservation Area.

### *Built Heritage*

- 6.2 Policy HE2 does not allow development, including change of use or demolition, which would not 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 and respect the individual characteristics for which the conservation area was designated.
- 6.3 The existing mid-terraced dwelling is a non-listed building situated within the Gardenstown Conservation Area. It is evident that the dwelling is a wet harled traditional house with slate roof. The windows of the dwelling would have been of timber sash and case construction originally. However, the current building has unfortunately been subject to insensitive alterations including an oversized cat slide dormer and two large picture windows on its principal (northeast) elevation. There is also a window inserted on the northwest gable, but this opening is a relatively small in size and of traditional proportions.
- 6.4 The agent has confirmed that the existing windows to be replaced are of PVC material. Infrastructure Services (Environment--Built Heritage) advises that the installation of replacement timber windows and the replacement panelled door accords with the general premise of development needing to preserve or enhance the intrinsic character of the Conservation Area, and is therefore to be broadly welcomed even though it would clearly be desirable for the dormer windows to have true sash & case windows. Given that the existing windows of the dwelling were replaced with modern materials and forms in the past, the Planning Service considers that the proposed replacement windows with traditional material and finish, which would somehow enhance the character of the Conservation Area, can be accepted.
- 6.5 Regarding the proposed enlargement of the northwest gable window to 0.98m in width, which would be roughly doubled in size, the agent submits that this is to take advantage of sea views. Infrastructure Services (Environment--Built Heritage) has commented that a traditional characteristic of buildings located in former fishing settlements in the North East of Scotland is to have a blank gable facing the shoreline in order to reduce the buildings exposure to the prevailing winds and the worst of the weather. This long established form has unfortunately been eroded in recent years resulting from alterations to traditional buildings with 'sea views' and thereby undermine the appearance and intrinsic character of both the individual buildings and the wider streetscape.
- 6.6 Both the Planning Service and Infrastructure Services (Environment--Built Heritage) are of the view that the introduction of a window of modern

dimensions would further undermine the appearance of the 19th century property which has already been subject to insensitive alterations.

- 6.7 The Planning Service notes that the existing gable window in fact already affords a sea view from the ground floor room, and that the view from the proposed widened opening would be blocked by an existing lamppost. It is acknowledged that the existing window inserted on the northwest gable is relatively small in size and of traditional proportions. To accommodate a bigger window area for the room which might be required by the applicant, and also to address the negative impact to the character of the original building by widening the existing window, the Planning Service has suggested a new single window on the same gable but at the symmetric location of the existing single window, as both windows would not be visible at the same time from the shoreline due to the property of 45 Seatown on the northwest. The agent however has rejected the suggestion and indicated that the applicant would rather enlarge the existing window and arrange for the lamppost to be relocated.
- 6.8 The Planning Service considers that taking advantage of sea view does not justify the enlargement of the window of traditional proportions on the northwest gable. The widening of a single window to modern dimensions would be unsympathetic and further undermine the appearance of the traditional dwelling in the former fishing village and would negatively impact on the character of the Gardenstown Conservation Area as a whole. The proposal would not meet the objectives of Conservation Area status which is based on the premise of ensuring future development preserves or enhances the appearance and character of the locality. The proposal therefore fails to comply with Policy HE2.

#### *Other issues*

- 6.9 In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

#### *Conclusion*

- 6.10 In conclusion, notwithstanding that the proposed replacement timber windows and panelled door are acceptable, the Planning Service considers that the development fails to comply with Policy HE2 Protecting historic and cultural areas as contained in the Aberdeenshire Local Development Plan 2017, as the proposed enlargement of a gable window would result in further loss of the original character of the building in the former fishing village, which would in turn be detrimental to the wider character and appearance of Gardenstown Conservation Area and undermine the principles of the original designation. Enlarging the window to seek sea views does not justify any negative impact on the existing dwelling and the Conservation Area that would result from the development. No other material considerations would warrant granting

planning permission for this proposal. Accordingly, the application is recommended for refusal by the Planning Service.

## **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 granting or refusing of the application will not have a detrimental impact on the protected characteristics of the applicant or any third parties.
- 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 HE2 Protecting historic and cultural areas

- 10.3 The application is a Departure from the valid Local 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**

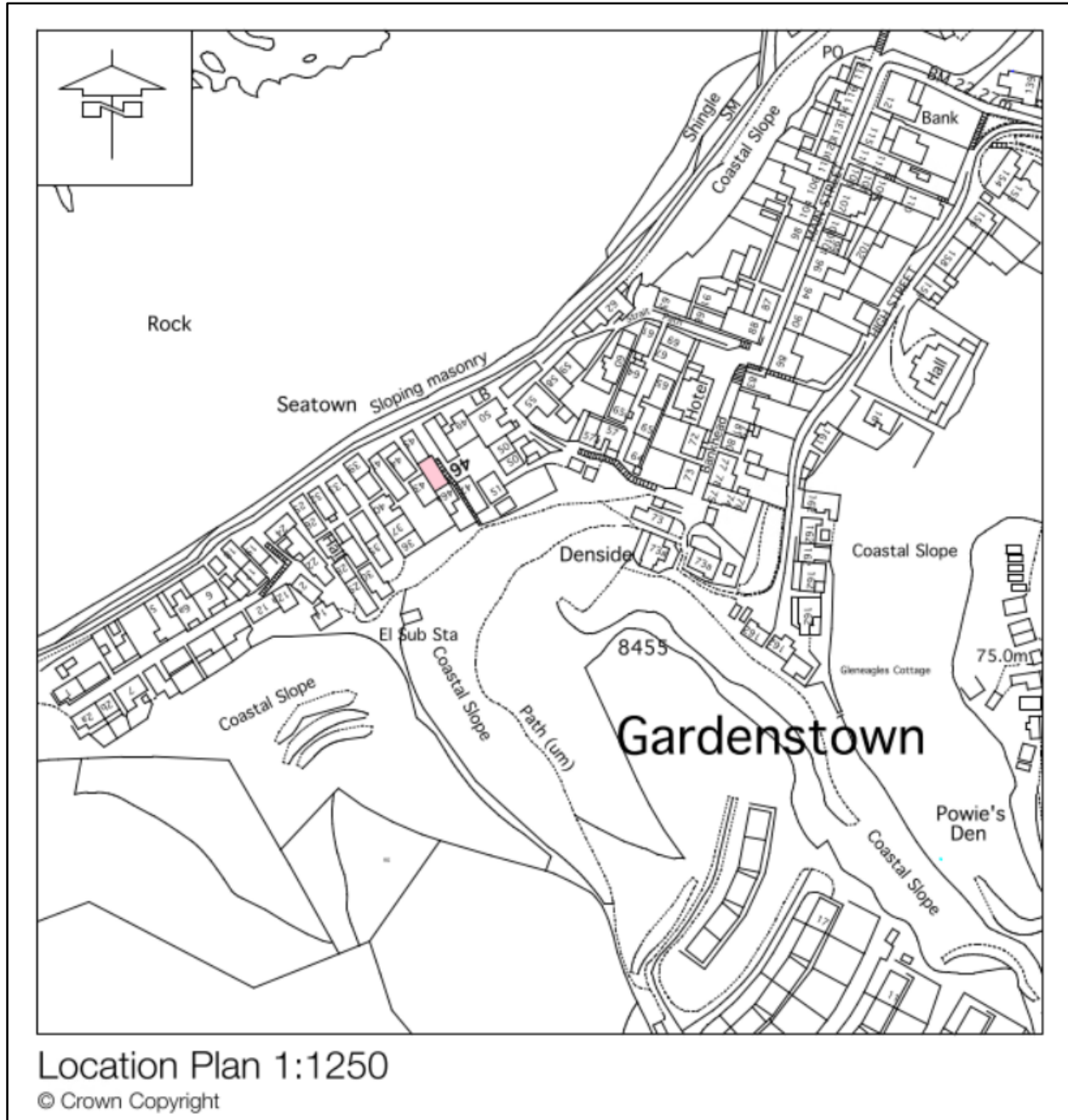
### **11.1 REFUSE Full Planning Permission for the following reason:-**

1. The proposal fails to comply with Policy HE2 Protecting historic and cultural areas as contained in the Aberdeenshire Local Development Plan 2017, in that the proposed enlargement of the northwest gable window would result in further loss of the original character of the dwelling, which would in turn be detrimental to the wider character and appearance of Gardenstown Conservation Area and undermine the principles of the original designation.

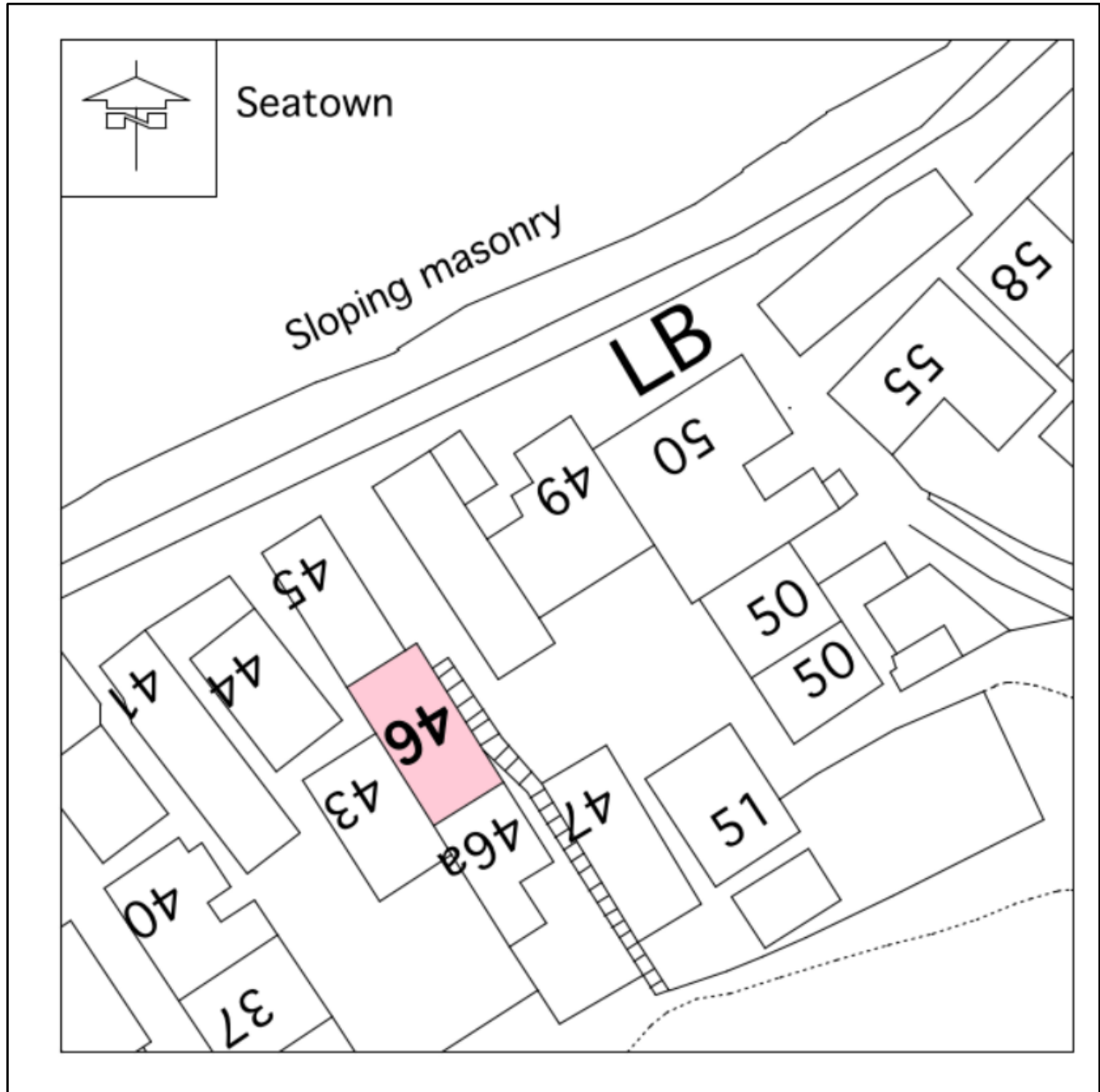
**Alan Wood**  
**Director of Infrastructure Services**  
**Author: Timothy Xu**  
**Date: 10 March 2021**



Appendix 1  
Location Plan



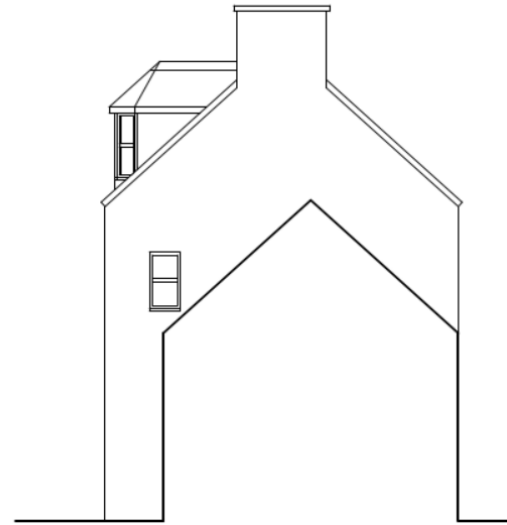
Appendix 2  
Site Plan



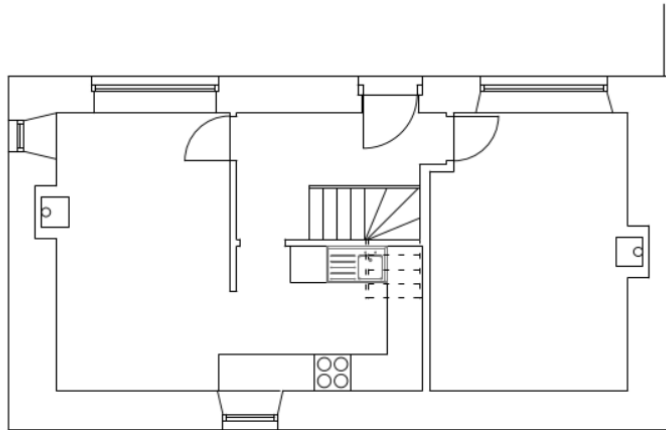
Appendix 3  
Existing Plans



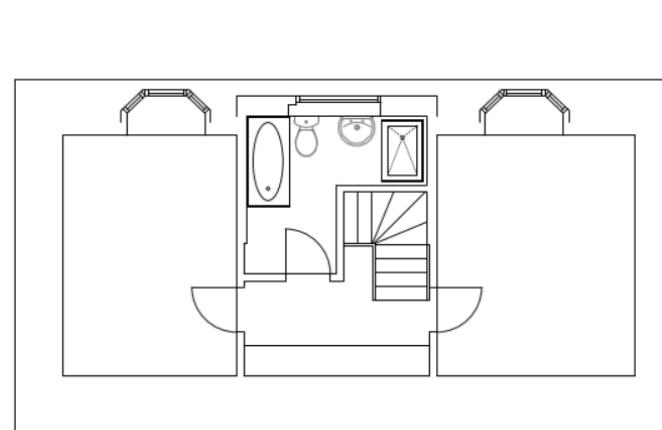
North-East Elevation 1:50



North-West Elevation 1:50



Ground Floor Plan 1:50

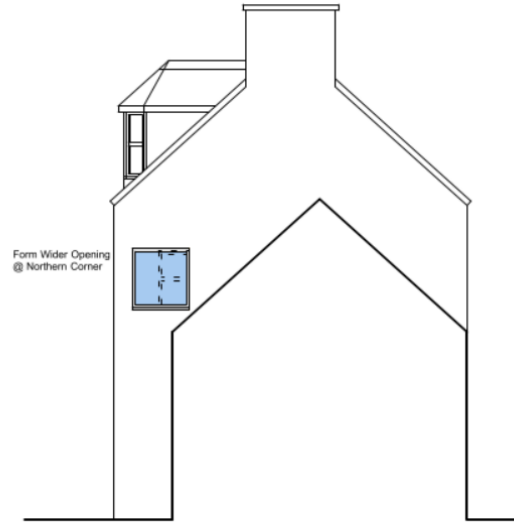


First Floor Plan 1:50

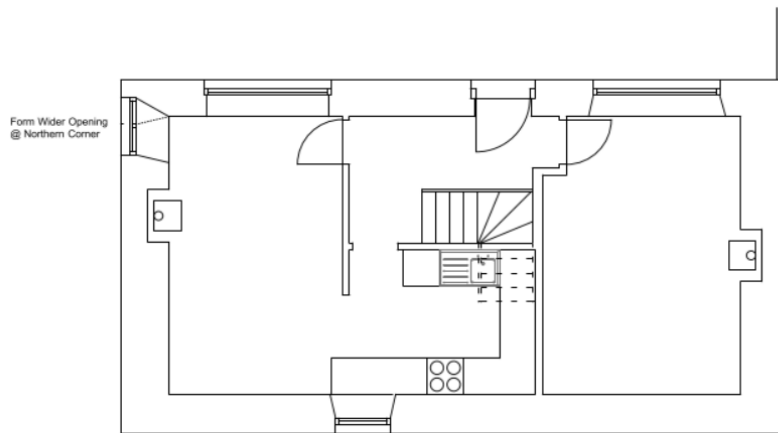
### Appendix 4 Proposed Plans



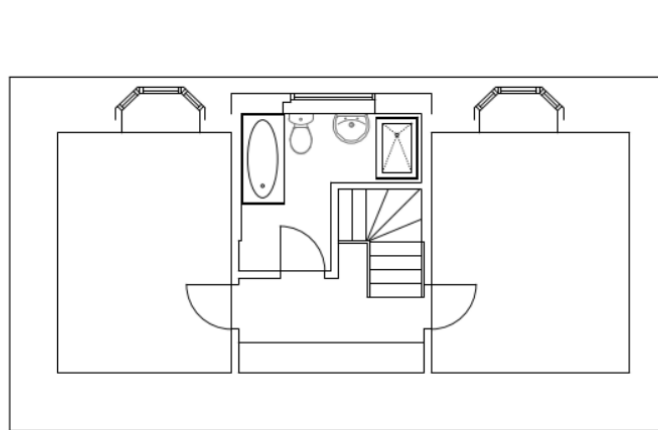
North-East Elevation 1:50



North-West Elevation 1:50



Ground Floor Plan 1:50



First Floor Plan 1:50