



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 20 DECEMBER 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J Goodfellow (Convener)
Councillor J Gillies
Councillor J Williamson

Advisers to the Local Review Body:

Mr P McLean, Planning Adviser to the LRB
Mrs M Ferguson, Legal Adviser/Clerk to the LRB

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

Councillor P McLennan

The Convener, Councillor Goodfellow, welcomed everyone to the East Lothian Local Review Body (ELLRB) hearing.

The Clerk outlined the procedure for today's meeting where Members would review the decision of the Planning Officer on one planning application. After hearing a statement from the Planning Adviser, Members would indicate if they had sufficient information before them to reach a decision. If they did not, the meeting would adjourn for further written representations or for a full hearing. Should Members decide they had sufficient information before them, the papers would be discussed and a decision reached on whether to uphold or overturn the decision of the Planning Officer. If the application was granted, Members had the right to attach Conditions to the consent.

A site visit had been carried out prior to the meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 12/00464/P
PROPOSED REPLACEMENT WINDOWS TO PROPERTY FRONT
AND REAR – PVCu FOR TIMBER AT 15 BALFOUR STREET,
NORTH BERWICK.**

The Planning Adviser presented a short summary of the issues relevant to the application. He advised that the application site was a top floor mid-terrace flat within a three-storey building and that the applicant was seeking to replace the five windows on the front elevation and four windows on the rear elevation. The existing windows were all timber framed single glazed sash and case windows while the proposed replacements would be double glazed sash and case PVCu windows. The site was within a predominantly residential area, designated under Local Plan policy ENV1, and within the North Berwick Conservation Area. The building was not listed and the main policy considerations were design and impacts on the Conservation Area. The key policies in relation to these matters were Structure Plan policy ENV1D and Local Plan policy ENV4. In addition, he summarised Local Plan policy DP8 which related specifically to replacement windows.

The Planning Adviser stated that the application had been refused by the appointed officer on the basis that the proposed windows on the front elevation would not preserve the positive contribution that the existing traditional timber-framed sash and case windows make to the special architectural or historic interest of the Conservation Area. Consequently the proposals were considered contrary to relevant Development Plan policies and to Scottish Planning Policy. The appointed officer had considered that the proposed replacement windows on the rear of the building would be acceptable in terms of policy DP8 part iii as they would not have an appreciable effect on the character and appearance of the Conservation Area.

Finally, the Planning Adviser summarised the applicant's request for a review which had stated that the windows were to be replaced due to significant degradation of the timber frames and the poor thermal performance of single glazing. Attention had also been drawn to other applications in North Berwick. One representation on the application had been received from the Architectural Heritage Society of Scotland.

The Convener advised that it was now for Members to make an assessment of the case and to decide if they had sufficient information to determine the application today. After consultation, Members agreed unanimously to proceed with the application today.

The Convener referred to a statement by the agent for the application, CR Smith, and the Planning Adviser advised that the Planning Officer had noted in her report that 4 dwellings in Balfour Street had been granted planning permission in the 1980s for aluminium framed replacement windows on the front elevations. However, he pointed out that there was a different planning policy and context at that time.

Members referred to the terms of the planning policies noting that the subject of the application was not a listed building but was in a Conservation Area. The Planning Adviser indicated the section of Local Plan policy DP8 which was specifically relevant in this case. Councillor Goodfellow quoted an extract from this policy which stated that *'the replacement window must preserve or enhance the area's special architectural or historic character. This will normally mean that the proportions of the window opening, the opening method, colour, construction material of frames and glazing pattern should be retained'*.

Members discussed whether the application was in accordance with the Development Plan and considered whether granting this application would set a precedent. Councillor Williamson sought clarification on the interpretation of the Plan as the Council wanted to encourage homeowners to upgrade and insulate their homes. Councillor Goodfellow pointed out that there appeared to be no reason why the applicant could not replace the windows with wood and the Planning Adviser responded that no planning permission was required for a like for like repair.

The Planning Adviser stated that the test was if the character of the Conservation Area was preserved or enhanced. It was therefore necessary to measure the existing building against the proposed changes.

The Convener concluded that Members would be departing from the Development Plan if they were to permit PVC material to be used on the front of a building in a Conservation Area. Members agreed with the case officer that the windows proposed on the rear of the building would be acceptable.

The legal Adviser outlined the options open to Members, including a 'split decision' where planning permission could be granted for the rear windows only.

Decision

The ELLRB agreed to overturn the decision to refuse the application, subject to the condition that the windows at the front of the building cannot be replaced with PVC windows. The Clerk advised that a formal Decision Notice would be issued within 21 days.