

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Mr F Third of 11 Elcho Terrace, Aberlady against decision by an appointed officer of East Lothian Council

Site Address: 11 Elcho Terrace, Aberlady

Application Ref: 18/00315/P

Application Drawing: MANU LITERATURE 1

MANU LITERATURE 2

MANU LITERATURE 3

DWG1

DWG2

Date of Review Decision Notice: 15 October 2018

Decision

The ELLRB unanimously agreed to uphold the review for the reasons given below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

1.1. The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 30 August 2018. The Review Body was constituted by Councillor N Hampshire (Chair); Councillor L Bruce, Councillor S Kempson and Councillor S Currie. All four members of the ELLRB had attended an accompanied site visit in respect of this application prior to the meeting.

1.2. The following persons were also present at the meeting of the ELLRB:-

Mr L Taylor, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Fiona Stewart, Clerk.

2. Proposal

- 2.1. The planning application was for the installation of replacement windows and doors.
- 2.2. The planning application was registered on 3 April 2018 and was refused under delegated powers on 21 May 2018. The notice of review is dated 31 May 2018.
- 2.3. The reasons for refusal are set out in full in the Decision Notice and are, in summary, that:

2.3.1 The proposed white coloured, UPVC framed, tripartite windows would, by their different sizes, scales, proportions, opening methods and construction material of frames on the publicly visible front (south) elevation of the house, be harmful to the character and appearance of this part of the Aberlady Conservation Area. In this they are contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP8 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014

2.3.2 The proposed replacement door in the front (north) elevation of the applicant's house would, by its white coloured UPVC frames and modern architectural style, be harmful to the character and appearance of this part of the Aberlady Conservation Area contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP8 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014

2.3.3 If approved, the proposed replacement windows and door would set an undesirable precedent for the installation of similarly designed UPVC framed windows and doors within the front elevations of other houses within this part of the streetscape. Over time, such change would be collectively out of keeping with, and detrimental to, the character and appearance of the Aberlady Conservation Area.

3. Preliminaries

- 3.1. The ELLRB members were provided with copies of the following:-

1	The drawings specified above
2	The Application for planning permission registered on 3 April 2018
3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 21 May 2018
5	Copies of the Strategic Development Plan Policy 1B (The Spatial Strategy: Development Principles) and Local Plan 2008 policies DP8 and ENV4 (Development Within Conservation Areas)
6	Notice of Review dated 31 May 2018 together with Applicant's Submission with supporting statement and associated documents.

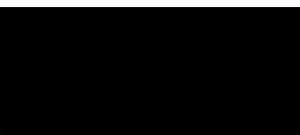
4. Findings and Conclusions

- 4.1. The ELLRB confirmed that the application for a review of the original decision permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer

had available when reaching the original decision to refuse planning permission, including all drawings and copies of all representations and objections received in respect of the original application.

- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser gave a brief presentation to Members advising that the property to which this application relates is a single storey semi-detached house located within the Aberlady Conservation Area. Relevant to the determination of this application was SDP Policy 1B and Local Plan 2008 policies ENV4 and DP8, and Scottish Planning Policy 2014. The proposal sought to replace existing brown timber framed windows with white uPVC windows, and the replacement of timber framed and paneled doors with mostly glazed white uPVC doors. In assessing the application, Officers noted that the proposed windows would be different in terms of their size, scale, proportion, opening method and construction materials of frames, significantly alteration to those that exist on the property at the moment. Officers also noted that the replacement windows to the front would be highly visible from the street. In making their assessment, Officers noted that many of the properties on Elcho Terrace have timber framed windows to the front meaning that the proposal would significantly alter the character and appearance of this part of the conservation area. Policy DP8 of the Local Plan 2008 states that the replacement of windows will only be permitted where the design and construction does not harm the character and appearance of the building and its surroundings, and for buildings in conservation areas the replacement windows must preserve or enhance the special architectural or historic character. In conclusion, Officers determined that the proposal would by virtue of the size, scale, proportion, opening method and construction material of frames of replacement windows, and the proposed replacement front door, would be detrimental to the character and appearance of the Aberlady Conservation Area, contrary to Local Plan 2008 policies ENV4 and DP8 and Scottish Planning Policy 2014. Planning permission was subsequently refused on the 21st May 2018
- 4.3. Councillor Bruce was of the opinion that this would not have a detrimental impact. Also following the onsite visit he counted more than four windows that were UpVc in that area. Councillor Bruce does not think this is harmful to the area and will uphold the appeal.
- 4.4. Councillor Currie agreed with the above and would support the application
- 4.5. Cllr Kempson commented that there are other windows in the street which are UpVc and while she was of the view that the current windows are out of keeping would be upholding the appeal.
- 4.6. Cllr Hampshire agreed with the above and would support the application.

Accordingly, the ELLRB unanimously agreed that the review should be upheld and the original decision to refuse the application should be overturned. Planning Permission is hereby granted for the installation of replacement windows and doors.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 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 V of the Town and Country Planning (Scotland) Act 1997.