

REVIEW DECISION NOTICE

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

Application for Review by Mr Jeff Marshall for refusal of Planning Permission for replacement of window and door (Retrospective) at 1 Wedderburn Terrace, Inveresk EH21 7TJ.

Site Address: 1 Wedderburn Terrace, Inveresk EH21 7TJ

Application Ref: 20/00883/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 10 June 2021

Decision

The ELLRB unanimously agreed that the Review should be upheld for the reasons set out 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

The above application for Planning Permission was considered by the ELLRB, at a meeting held on Wednesday, 15 April 2021. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor, J Findlay and Councillor K McLeod. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

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

Mr M Mackowiak, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Ms J Totney, Clerk

2. Proposal

2.1. The planning application is for refusal of Planning Permission for replacement of window and door (Retrospective) at 1 Wedderburn Place, Inveresk

2.2. The planning application was registered on 11 September 2020 and the decision notice refusing the application is dated 30 October 2020.

2.3. The reasons for refusal of the Planning Permission are more particularly set out in full in the said Decision Notice dated 30 October 2020. The reasons for refusal are set out as follows:

- 1 *The replacement windows, due to their different framing material, glazing pattern, opening mechanism and use of plant on astragals are visibly different to the timber framed sash and case windows they replaced. This difference neither preserves nor enhances but is harmful to the character and appearance of the house and the character and appearance of this part of the Inveresk Conservation Area. Therefore the replacement windows are contrary to Policy CH2 and DP5 of the adopted East Lothian Local Development Plan, its Cultural Heritage and Built Environment SPG and to SPP: June 2014.*

- 2 *If approved the windows would set an undesirable precedent for the installation of similarly designed UPVC framed windows within the publicly visible elevations of other properties within this part of the streetscape. Over time such change would be collectively out of keeping with, and detrimental to, the special character and appearance of the Inveresk Conservation Area.*

2.4. The notice of review is dated 29 January 2021.

3. **Preliminaries**

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

i.	The drawings accompanying this application are referenced and numbered as follows: <ul style="list-style-type: none"> - PHOTOS 1 - PHOTOS 2 - LOCATION/SITE PLAN - PHOTO 3 - PHOTO 4 - DWG001 - DWG002 - DWG003 - DWG004 - DWG005 - MANU LITERATURE
ii.	The Application for planning permission registered on 11 September 2020
iii.	The Appointed Officer's Submission

iv.	<p>Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application:</p> <ul style="list-style-type: none"> - CH2: Development Affecting Conservation Areas - CH5: Battlefields - DP2: Design - DP5: Extensions and Alterations to Existing Buildings <p>In addition the following provisions are also relevant to the determination of the application, namely:-</p> <ul style="list-style-type: none"> - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; - Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014. - Cultural Heritage and the Built Environment Supplementary Planning Guidance; and - the Inveresk Conservation Area Character Appraisal.
v.	<p>Notice of Review dated 29 January 2021 together with Applicant's Submission with supporting statement and associated documents including further representation and the applicant's response to these,.</p>

4. Findings and Conclusions

- 4.1. The ELLRB confirmed that the application for a review of the planning application 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 grant planning permission subject to conditions, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.
- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the review relates to planning application which retrospectively sought permission for the replacement of the windows and the doors of the house at no 1 Wedderburn Terrace. The officers report described the windows that have been replaced as largely single glazed sash and case windows with astragals that had white painted, timber frames. The glazing pattern of the windows were largely either a six over six or an eight over eight glazing pattern. However, the two first floor windows on the front northwest elevation of the house were casement windows with top opening hoppers with a 3 over 6 glazing pattern. The doors that have been replaced were of timber construction. The replacement windows are all white uPVC framed, double glazed casement windows with a hop opening hopper. They each have astragal bars to the top opening hopper section of the windows. The replacement doors are of uPVC construction and are grey in colour. The door installed in the side (southwest) elevation of the house has a full height glazed panel with astragals adjacent to it.

The policy guidance set out in the Supplementary Planning Guidance states that the replacement of a window in a building in a conservation area 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. The only exceptions to this will be:

- i) Multiple glazing where there is no visible difference between that proposed and the original style of window;
- ii) If the building itself does not contribute positively to the character of the Conservation Area and where a change in window design would have no impact on the character of the Conservation Area; and
- iii) If the windows cannot be seen from a public place.

The officers report refers to the Inveresk Conservation Area Character Appraisal which forms part of the Cultural Heritage and the Built Environment Supplementary Planning Guidance. This Appraisal informs that Wedderburn Terrace is within a part of the Inveresk Conservation Area. This part of Inveresk expanded in the late 19th Century with residential development to the south up to and beyond the railway line. This part of the conservation area including Wedderburn Terrace contains large sandstone villas with individual or small groups of 20th Century houses interspersed in this area. The case officer acknowledged that there has been more modern infill development within Wedderburn Terrace, including a group of 5 houses built in the 1970s. Those houses are located to the south of the applicant's house. However, those 5 houses form a distinctive group of houses of a more modern architectural character including the use of UPVC, that are distinctively different to and do not reflect the traditional character of the built form of the majority of the houses in this part of the conservation area. In his assessment the officer concluded that whilst the applicant's house may also be a more modern addition to the conservation area, unlike the grouping of 5 houses to the south, it displays a traditional architectural style, with a pitched pantiled roof, rendered walls and formally timber framed sash and case windows. It makes a positive contribution to the character and appearance of the conservation area and its traditional timber framed sash and case windows were a significant component of the house and the positive contribution it made to the character and appearance of the Inveresk Conservation Area. Due to the positioning of the applicant's house in relation to the public road of Wedderburn Terrace the 2 windows that have been installed in its northeast (side) elevation, the 4 windows that have been installed in its northwest (front) elevation and the window in its southwest (side) elevation are readily visible from Wedderburn Terrace. In those views the replacement casement windows with their modern uPVC framing, different opening mechanism, different glazing pattern, and use of plant on astragals appear visibly different to the traditional timber framed sash and case windows and doors they have replaced. This change in window style, opening method, construction material of frames and glazing pattern neither preserves nor enhances but is harmful to the character and appearance of the existing house and to the character and appearance of this part of the Inveresk Conservation Area. The case officer noted that the windows installed on the rear elevation of the house are not readily visible from public views and the replacement doors are not seen to harm the character and appearance of the conservation area. However, as the bulk of the uPVC framed windows installed are readily visible from public views he recommended that the application as a whole should be refused.

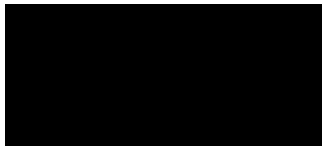
The agent and his client challenge the two reasons for refusal. They suggest that these reasons significantly overstate both the quality and character of the existing house and its contribution to the setting and character of the Inveresk Conservation Area.

- 4.3. The Members then raised the questions pertinent to the application which the planning advisor responded to.

- 4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor McLeod commented that at the site visit he noted that at the front fence the effect created means that you cannot easily see the windows. He then commented that he had no objection if the glazing at the top of the window was the same as the bottom. He was of the view that the uPVC did not appear out of place and was minded to grant.
- 4.6. Councillor Findlay commented that there was no consistency in the area and would be minded therefore to support the application leaving the windows as they are.
- 4.7. The Chair then commented that and while he would have thought the whole window would have been visible this was not the case and in his view there was little impact on the conservation area. He was therefore minded to go against officer recommendation and up hold the appeal.

Accordingly, the ELLRB unanimously decided that the Review should be upheld and Planning Permission Granted.

Planning Permission is accordingly granted.



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.