

From: wilma shaw [REDACTED]
Subject: Planning appeal application 23/01012/P
Date: 14 Jan 2024 at 14:17:20
To: wilma shaw [REDACTED]

To appeal panel, prior to 31/01/2024

On behalf of 15 [REDACTED] Forth Street, North Berwick, EH394HX From Wilma Shaw of 15.

We have been informed that planning officer, Scott Robertson, has recommended rejection of our intentions to replace rotten wooden windows and doors at the front of our properties with high grade, wood grained UPVC windows and door due to being within ELC's Designated Conservation Area in North Berwick.

I enclose along with refined details,

- photographs of woodgrained UPVC windows,
- samples of woodgrained UPVC,
- excerpts from ELC's proposals to address climate change and housing sustainability,
- direct quotation from Scottish Government's advice on replacements within conservation areas,
- refer you to a newspaper article which shows another property was granted permission on appeal,
- refer to permission granted to the house opposite, 10 Forth Street, which is immediately adjacent to the West Bay beach where people on the beach will be closer than any passing 11 and 15 Forth Street,
- photographs of properties with UPVC windows and doors near our homes setting many precedents

We accept that our homes face the pavement of Forth Street but windows

and doors are a garden plot, a path and a parking space distant from pedestrians. The windows and doors are above head height .

Wood grained UPVC can only be distinguished from wooden windows by tapping on the surface and even then with difficulty.

Direction 14 in Scottish Government planning advices regarding replacement within conservation areas for doors and windows states that replacements must not prove detrimental to the area and be of similar APPEARANCE(no mention is made of the materials used) to the originals.

On 19/11/2021 the East Lothian Courier ran a headlined article that a home owner of property within conservation area in North Berwick on the East Bay won on appeal the right to replace wooden with woodgrained UPVC .

The planning committee also granted permission for woodgrained UPVC windows on the property adjacent to the west bay beach at 10 Forth Street with nothing between the public and the building which we would argue is more prominent than ours.

There are several properties along Forth Street with ordinary UPVC windows to the front , There are others with woodgrained UPVC. Our immediate neighbours have written in support of our applications. The North Berwick Community Council minuted "no comment" which should be read to imply no objection. As one who regularly attends meetings I am aware that NBCC is rigorous about planning applications.

ELC claims to be encouraging home owners to upgrade their insulation and consider consequences for climate change of any works they carry out.

Our properties are severely affected by winter gales and rains as there is a gap straight to the Firth of Forth.

We have had Care and Repair repeatedly attempt to insulate windows and doors yet the rains still saturate the wooden frames which shrink in the summer then swell in winter the gaps created distort and water regularly seeps in creating dampness around doors and windows.

UPVC will not shrink and swell but fit consistently all year round.

UPVC will not require regular maintenance which for someone like myself with chronic arthritis , on a pension but determined to present an attractive property for the town will ensure such.

Our properties were built in 1993 therefore Historically insignificant but aim to present an attractive element in a street which serves as a through route not a tourist stop.

Yours faithfully,

 Wilma Shaw (15 Forth Street).

Sent from my iPad

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NB. important detail



Exist' Front Elevation 1
NTS



Exist' Front Elevation 2
NTS



Exist' Front Elevation 3
NTS



Exist' Front Elevation 4
NTS



Exist' Front Elevation 5
NTS



Exist' Kitchen Window
Elevation NTS



Exist' Front Door
Elevation NTS



Exist' WC Window
Elevation NTS



Exist' Bedroom Window
Elevation NTS



Exist' Bathroom Window
Elevation NTS

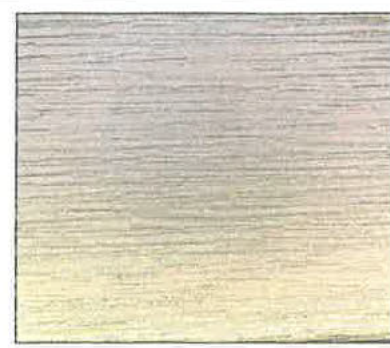
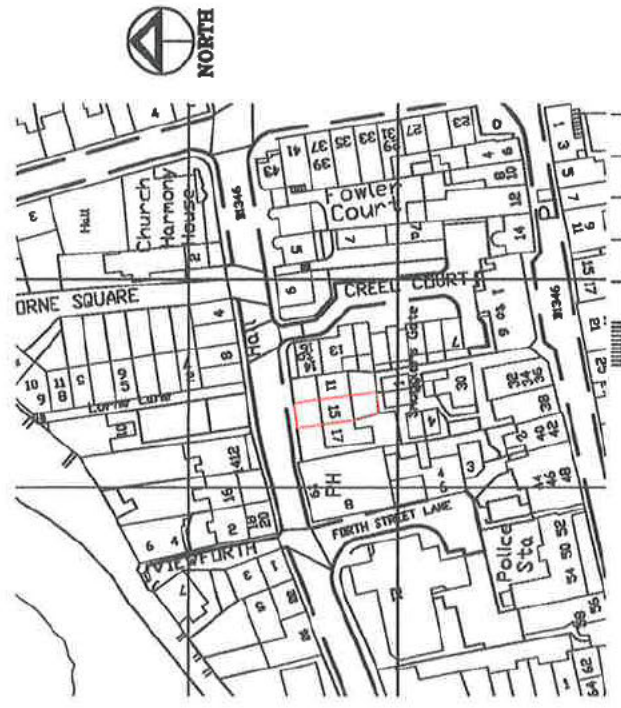


Photo Of Proposed Cotswold Glass
N.T.S.



Location Plan 1: 1250



② Cotswold glass.

Existing Window Specification:
All existing windows are all single glazed white painted limber 50/50 split Sash n Case products. Windows (1 & 4) fitted with clear glass. Windows (3 & 5) fitted with obscure glass. See photographs of existing above.

Proposed Window Specification:
Windows are all white (to match existing) Woodgrain uPVC D/G 50/50 split Sash n Case style windows. Windows (1 & 4) are fitted with Clear glass. Windows (3 & 5) are fitted with Cotswold glass. See photo of Cotswold glass.

Existing Door Outline Specification:
Existing Front door (2) is white painted 6 panel limber product with white frame and single glazed fan light above. Fan light glass to existing fan light is obscure. See photographs of existing above.

Proposed Door Specification:
Proposed Front door (2) is painted white (externally) uPVC 6 panel (in keeping with original door design) Composite slab product with white Woodgrain frame and D/G fan light above. Front door fitted with Gold Letterbox & Handle. Cotswold glass fitted to fan light above door.

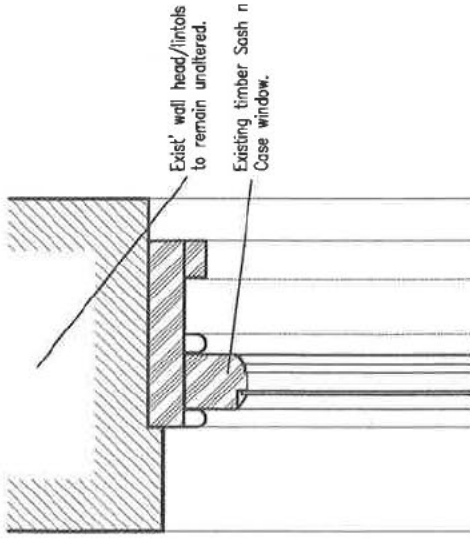
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Proposed Window & Door Replacement
at: 15 Forth Street, North Berwick, EH39 4HX
for: Mrs W. Shaw

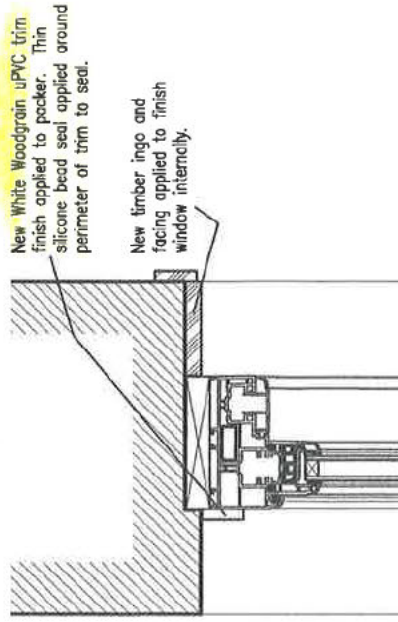
Work: Elevation
Drawing title: Existing Elevations & Location Plan

Drawing no: W10412/01
revision: TO
date: 10.01.24
scale: See drg

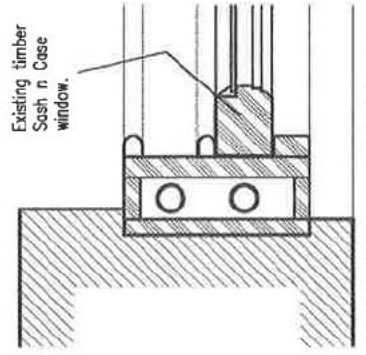
Elevation Denotes
Proposed Front Door NTS



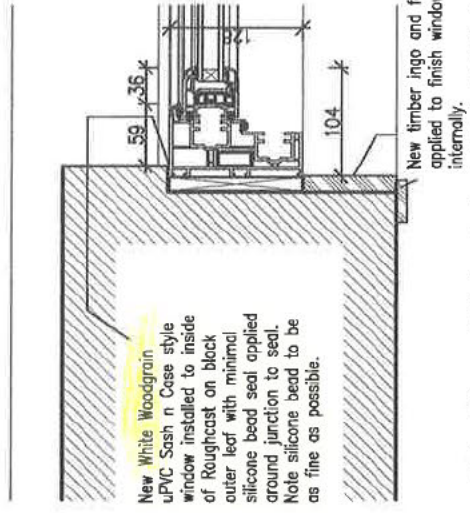
Typical Existing Window To Lintel Detail 1: 5



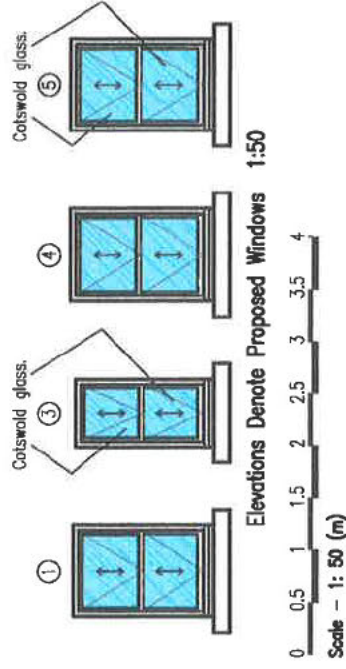
Typical Proposed Window To Lintel Detail 1: 5



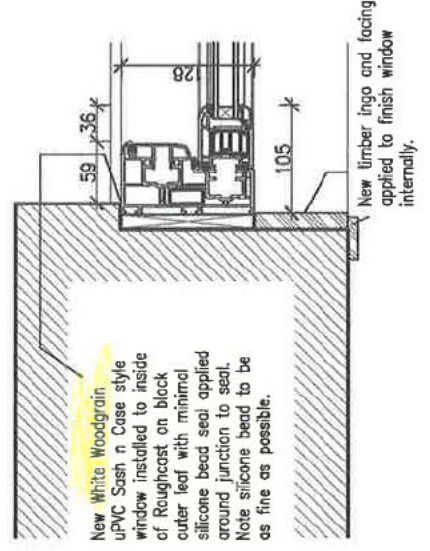
Typical Existing Cill To Window To Jamb Detail 1: 5



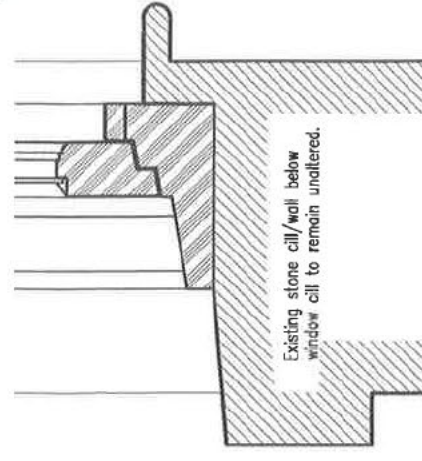
Typical Proposed Window To Jamb Detail High Level 1: 5



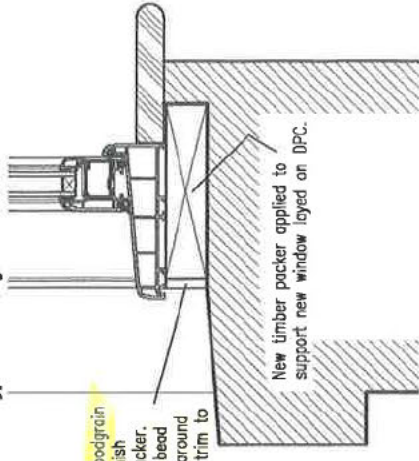
Elevations Denote Proposed Windows 1:50



Typical Proposed Window To Jamb Detail Low Level 1: 5



Typical Existing Window Cill Detail 1: 5



Typical Proposed Cill Detail 1: 5

Scale - 1: 5 (mm)

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Proposed Window & Door Replacement
at: 15 Forth Street, North Berwick, EH39 4HX
for: Mrs W. Shaw

Work: Elevation

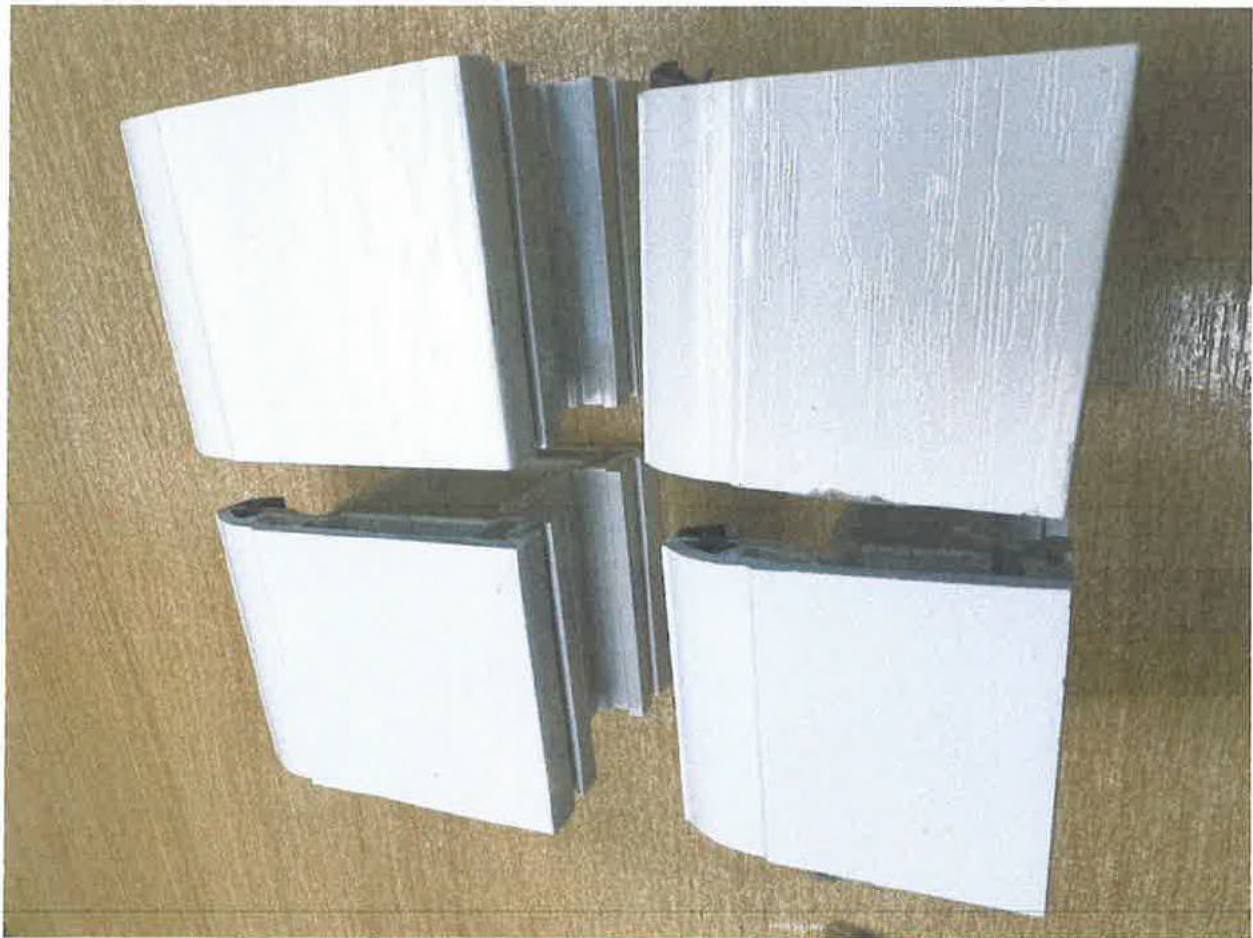
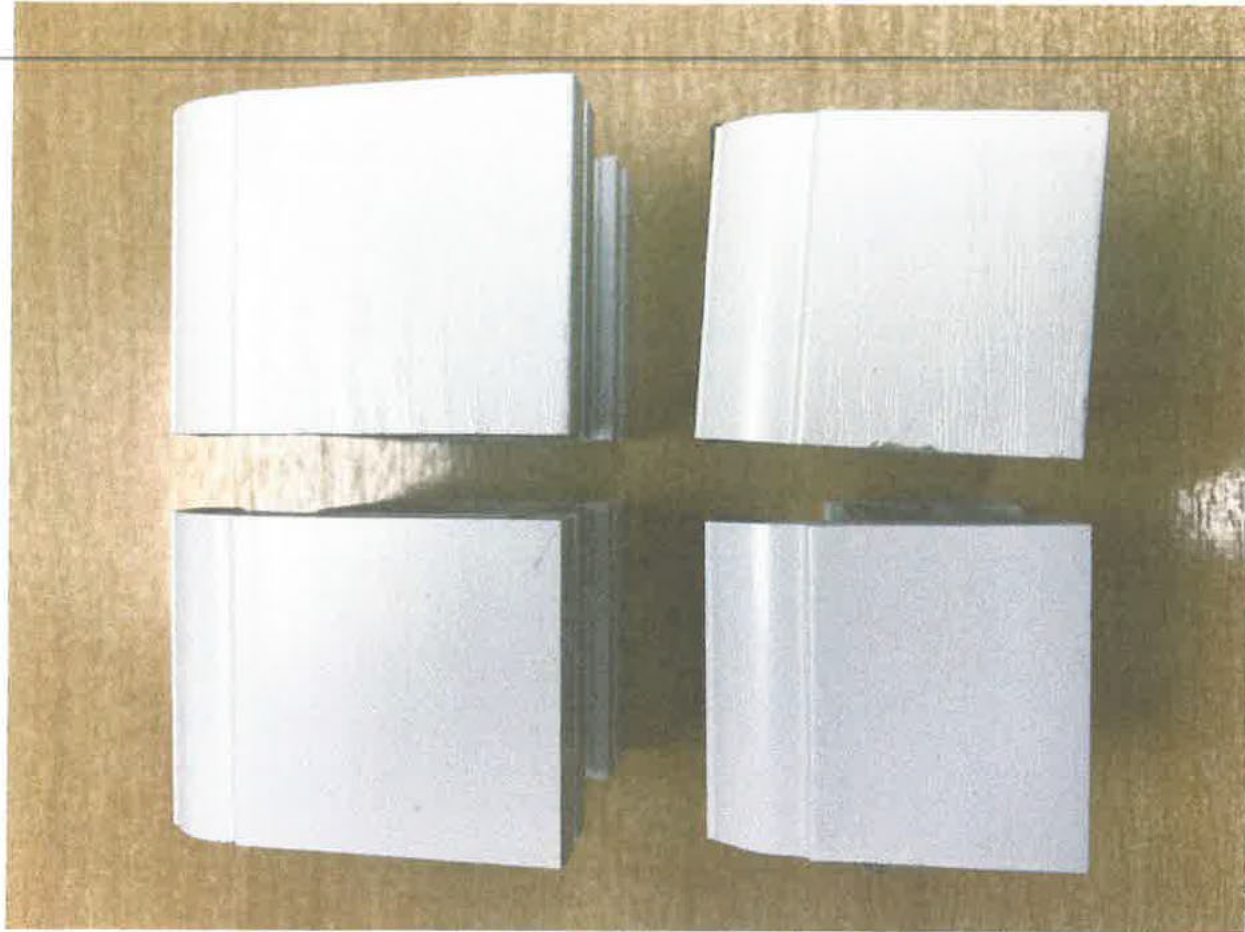
Existing, Proposed Window Details & Elevations

drawing no:	revision:	drawn by:	date:
W104/12/02	TD	TD	10.01.24
scale:			see drg



ordinary
upvc

wood grained
upvc .



wood grained
UPVC

smooth
UPVC

Words from ELC ' s recent report for going forward to achieve zero emissions, improved housing stock, bettered health and welfare issues in response to Scottish Government 's expectations.

In order to fulfill the brief , home owners too must act. The economics of such action need to be understood . Viable sustainability within economic possibility will determine any action taken.

FROM ELC's own report 23/24.

homelessness services. The SHR are responsible for monitoring the performance of social landlords under the Scottish Social Housing Charter.

Introduced in 2014 EESHS set out the minimum energy efficiency ratings that social housing must meet, the standard varied depending upon the dwelling type and the fuel type used to heat the home. The Scottish Government are reviewing Energy Efficiency Standard for Social Housing (EESHS2) in 2023 to ensure that any investment is targeted towards long-term solutions that deliver Net Zero and support the eradication of fuel poverty.

Published in 2021 the Scottish Government's Heat in Buildings Strategy has designated both the decarbonisation of homes and buildings, and the review of energy efficiency standards as national priorities. These measures are key to meeting Scotland's ambitious climate change targets (set out in the Climate Change Plan and The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019) of net zero emissions by 2045 and in tackling fuel poverty.

The coming years will see a further drive to align housing quality standards in the social and private rented sector via A New Deal for Tenants.

5.2 The Local Context ** This report emphasises ELC's duty regarding its housing stock but OWNERS will need to act too.*

In August 2019, East Lothian Council declared a climate emergency. Outcome 3 of the East Lothian Climate Change Strategy 2020-2025 states:

East Lothian's homes and buildings will be Net Zero and energy efficient, enabling us to achieve Fuel Poverty targets, will use low carbon and renewable heat and energy sources, and will be adapted for future climate change impacts.

To mitigate the impacts of climate change and ensure homes remain warm and dry, existing housing stock needs to be adapted to cope with higher levels of precipitation, dampness and increasing humidity. Conversely, during heatwaves homes need to be cool. Both keeping homes warm and ensuring they do not overheat are necessary to reduce health risks. Developing new high-quality homes which can withstand adverse weather conditions, are well insulated and ventilated is a key aim of East Lothian Council and reflected throughout this Local Housing Strategy.

The Local Heat and Energy Efficiency Strategy (LHEES) will set out the local authority's plans to systematically improve the energy efficiency of domestic and non-domestic buildings and decarbonise heat. The Scottish Government requires all local authorities to publish their first LHEES by 31st December 2023. East Lothian Council commissioned Changeworks to undertake a pilot study on energy efficiency and decarbonisation in East Lothian's Private Rented Housing Sector, alongside a methodology evaluation, both of which were completed in 2022.

East Lothian Council have recently employed an LHEES officer with production of the LHEES strategy underway. This transformative strategy aims to revolutionise the way homes within the region are heated and is due for publication in early 2024.

5.3 Climate Change and Housing

Climate change refers to long-term shifts in temperatures and weather patterns. Such shifts can be natural, due to changes in the sun's activity or large volcanic eruptions. Since the 1800s, human activities have been the main driver of climate change, primarily due to the burning of fossil fuels like coal, oil and gas.

The impact of climate change is often first felt by those who are most vulnerable.

'When people are already vulnerable, climate change can have a compounding effect, worsening overall outcomes, particularly those associated with health and wellbeing⁶⁷.'

The highest levels of deprivation are concentrated in the west of the county, meaning these areas are likely to be more vulnerable to the impacts of climate change.

Housing has an important role to play in mitigating climate change. The current and future housing stock influences greenhouse gas emissions from construction of large-scale developments to direct heating emissions from individual households. Housing also has an important role to play in shielding residents from some of the impacts of climate change.

Housing can reduce climate change through utilising greener technologies such as zero direct emissions heating and promoting greener forms of construction that better utilise buildings.

Fabric first is the principle of a building fabric that retains heat — through a well-insulated, airtight structure, before thinking about additional technologies such as renewable energy. Taking a fabric first approach to modernisation by focussing on the components and materials that make up the fabric of the building will in many cases be the preferred option to reduce emissions.

Many of East Lothian's main towns, including Musselburgh, Prestonpans/Cockenzie, North Berwick and Dunbar, are located along the Firth of Forth, exposing them to rising sea levels. Flooding and coastal sea level rises pose a severe risk to dwellings and may lead to the complete loss of homes.

To lessen risk, preparing for climate change events is important and the significance of joint working is emphasised within this LHS. Planning how the Council can support the adaptation of housing and prepare residents for climate disasters, such as flooding, will play a key role.



Picture 5.1: Flood damage to properties on Lammer Street, Dunbar, courtesy of Alex

efficiency set by the Housing Regulator. It also identifies areas where there is scope to improve the condition of housing across all tenures and progress towards Net Zero.

Priority Outcome: All homes within East Lothian are maintained to a high standard, are energy efficient and contribute to meeting East Lothian's climate change targets.

5.1 The National Context

The Building (Scotland) Act 2003 (as amended) introduced health, welfare and safety standards for all buildings including the conservation of fuel and power and achieving sustainable development. Standards are to be complied with when buildings works are carried out related to the structure, fire safety, environment, safety, noise, energy and sustainability of buildings.

The Housing (Scotland) Act 2006 introduced a repairing standard for private sector properties and amendments to the tolerable standard of properties ensuring that properties are fit for habitation. It puts legal obligations on all landlords to carry out maintenance and repair works to the interior and exterior of the property within reasonable timescales. The Act also gives Local Authorities powers to enforce repairs and maintenance works, alongside schemes to support repair works such as Scheme of Assistance and Housing Renewal Areas.

Established on 1 April 2011 under the Housing (Scotland) Act 2010 the Social Housing Regulator (SHR) regulates registered social landlords, including local authority's landlord and

2. Housing Supply & Affordability

3. Preventing & Responding to Homelessness

4. Suitable Housing & Support

5. High Quality & Sustainable Homes

Homes that are poorly insulated and fail to retain heat result in higher energy costs and a greater risk of fuel poverty. Under heated homes exacerbate health inequalities and can lead to damage to the fabric of the building.

The recent cost of living crisis has resulted in soaring bills pushing more people into fuel poverty, potentially resulting in those households now under-heating their homes. As a result figures for fuel poverty used in this section are likely to under estimate the scale of the problem.

with the LHS Action Plan.

Key Challenges

- Difficulty in obtaining and analysing data to identify the energy efficiency of buildings on a large scale.
- Improving the energy efficiency standards, particularly of older buildings, buildings in rural areas and private rented sector homes.
- A lack of a skilled workforce which is trained in maintaining and adapting homes with green technology.
- Risk for an increasing number of households falling into fuel poverty and extreme fuel poverty.

➔ Ensuring a just and fair transition to net zero that leaves nobody behind.

- Compliance with SHQS and EESSH standards and the prospect of implementing EESSH2 and Passivhaus in the context of rising costs.

Actions

- ✓ Low Carbon Net Zero (LCNZ) New Build Housing Strategy Produced.
- ✓ Work closely with the SG to establish solutions to meeting and funding new energy standards as well as solutions to delivering net zero heating solutions.
- ✓ Identify areas and populations in East Lothian threatened by climate change. This will also allow strategic decisions to be made to mitigate any risk.
- ✓ Promote training and upskilling for the energy efficiency workforce, retrofitting and the building trades.

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2. Housing Supply & Affordability

3. Preserving and Improving the Quality of Housing

4. Supporting the Private Sector

5. Supporting the Public Sector

6. Supporting the Community

7. Supporting the Environment

8. Supporting the Economy

9. Supporting the Health and Wellbeing of the Community

are disapp~~l~~ied within: sites of archaeological interest, National Scenic Areas, historic gardens or designed landscapes, historic battlefields, conservation areas, National Parks and World Heritage Sites.

Context for change: replacement windows

4.2.8 We are interested in the potential to extend PDR for replacement windows so that they cover houses and flats within conservation areas. Doing so could help provide greater certainty to households who are looking to install more thermally efficient windows in their properties, and save them the time and expense of submitting a planning application. Depending on how it is taken forward (in terms of what it permits and any conditions it is subject to), a PDR could also offer further savings by enabling households to utilise more cost-effective materials.

4.2.9 Making it simpler and quicker to replace windows in conservation areas may also help to facilitate the on-going upkeep and maintenance of our historic buildings and ensure that they can meet the challenges of our changing climate. By reducing the number of planning applications handled by authorities, PDR could also lessen burdens on planning departments

Managing Change

When effectively managed, conservation areas can anchor thriving communities, sustain cultural heritage, generate wealth and prosperity and add to quality of life. To realise this potential many of them need to continue to adapt and develop in response to the modern-day needs and aspirations of living and working communities. This means accommodating physical, social and economic change for the better.

Physical change in conservation areas does not necessarily need to replicate its surroundings.

The challenge is to ensure that all new development respects, enhances and has a positive impact on the area. Physical and land use change in conservation areas should always be founded on a detailed understanding of the historic and urban design context.

Whilst the scope for new development may be limited in many conservation areas, all will present some opportunities for enhancement. Most will contain buildings, vacant sites or inappropriate street furniture that have a negative impact on the character and appearance of the area. These represent opportunities for improvement and when managed effectively, can act as a catalyst for economic, community and environmental regeneration.



Previous appeal granted

North Berwick property within conservation area ...see article in East Lothian Courier , 19/11/2021 and Scotsman .

Permission granted to [REDACTED] Forth Street, North Berwick to use UPVC for windows directly on beach which will be closer to any passers by than the windows and doors of [REDACTED] 15 Forth Street which are also affected by off sea winds and rains via the gap between buildings [REDACTED]

North Berwick homeowner wins appeal to replace timber window frames with uPVC

19th November 2021

COMMUNITY LOCAL GOVERNMENT PROPERTY NORTH BERWICK



The house at Marine Parade, North Berwick. Image: Google Maps

By Marie Sharp

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No Comments

A HOMEOWNER who wanted to replace his beachfront windows with plastic frames has won an appeal after claiming they were better for the environment.

P.T.O

East Lothian Council planners refused to grant permission for the owner of the house on North Berwick's Marine Parade to replace 13 timber window frames with uPVC, despite claims they would look exactly the same.

They ruled that the frames would set an "undesirable precedent" in North Berwick's conservation area, despite only some being visible from the



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Owner JD Crow appealed their decision, arguing that the "high quality" of the frames he planned to use were so good that people would not know they were plastic.

And he pointed to the council's own climate policy as a reason to allow him to make his home more energy efficient.

In an appeal to the council's Local Review Body, his agent Alan Wood said: "If the aims and objectives of the climate change strategy are to be met, owners have to be engaged with by the council and given encouragement, not having excessive barriers placed in the way of reasonable progress."

And he said that the windows planned to replace the timber frames were of such good quality they would not be noticeably different.

He said: "The use of a different material, to make an otherwise nigh-perfect replica window which would be unrecognisable from any distance, is surely excessive reason for refusal nowadays."

At the Local Review Body, his appeal was granted by two votes to one.

Ward councillor Jeremy Findlay upheld the appeal, saying: "The new windows are, in essence, the same as the ones they replace."

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While fellow review body member Councillor Neil Gilbert added: "The house location is exposed and it will take a lot of energy to heat that property.

"We as a council declared a climate emergency and I feel we should do all we can to help.

"There are no objections to these windows, which are almost identical."

Review body chairman Councillor Andy Forrest voted against the appeal, backing officers' decision that they would have an impact on the visual character of the conservation area.

The appeal was upheld and planning permission granted for the new windows.

COMMUNITY LOCAL GOVERNMENT PROPERTY NORTH BERWICK

Just a few photographs of properties with UPVC windows and doors near [REDACTED] 15 Forth Street, North Berwick, EH394HX setting a precedent.





■ Forth Street. North Berwick.



■ Forth Street. North Berwick.



■ Forth Street, North Berwick



■ Creel Court, North Berwick.



■ Melbourne Place, North Berwick.



■ Melbourne Place, North Berwick.



■ Melbourne Road, North Berwick.



■ Balfour Street, North

Berwick.



██████████ Milsey Court, School Road, North Berwick.



██████████ Melbourne Road, North Berwick.

██████████ Melbourne Road, NB.

Existing examples of uPVC replacement windows & doors installed in homes in close proximity to Forth Street, North Berwick.

Overview

As stated in refined application plans the proposed replacement windows will be of a high quality, wood grained UPVC not smooth, shiny UPVC. SEE SAMPLES AND PHOTOGRAPHS.

Due to the north facing aspect and proximity to the sea via the gap between 10 and 12 Forth Street opposite , this provides a more suitable alternative to wood .

It offers a sustainable, durable and considerably more energy efficient fabric in line with East Lothian Council' s 2024 Policies to counteract Climate Change in order to achieve 0 emission by 2045.

I contend that the use of wood grained UPVC for windows and window frames of identical appearance to current windows "will NOT impact negatively on the appearance ". or the character of this 1993 property or "upon its setting " (Direction 14 of Scottish Governments planning advices for Conservation areas.)

At present the wooden windows, door and frames swell with the rain and allow water ingress to floors and ledges.

They then shrink with the heat and distort , creating gaps which then allow for draughts, water coming into and heat loss out of the property.

Constant painting , re- insulating and reframing carried out numerous times by Care and Repair(ELC's charitable group) and private contractors have not provided a permanent , positive outcome.

UPVC provides a consistent, reliable solution for home owner and will address climate change requirements.

Home owners want to , and need to engage with the Council in order to achieve the zero emission aim for 2045 but the Council must also make such engagement an efficient, reliable and economical investment based upon the most recent researches and advices or properties will continue to degrade and the health and wellbeing of residents be negatively affected.