



## **Grounds of Appeal**

**On behalf of**

**Mrs Tait**

**Appeal against the refusal to delete condition 2 of  
planning permission 12/00750/P at  
25 Balfour Street, North Berwick, EH39 4JY**

**Date of refusal – 13/11/12**

## ***Property History & Introduction***

The following statement is to be read in conjunction with our appeal against the ***refusal to delete condition 2 of planning permission 11/00631/P for 25 Balfour Street, North Berwick.*** Condition 2 of the planning permission refused consent to replace existing timber sash & case windows with new white PVCu sliding sash windows to the front of the property.

The planning department has rejected our application to have the condition deleted to allow the proposed windows, on the grounds that the proposed materials will adversely affect the character of the property and conservation area. Our client's property is a traditional stone built ground floor flat, located within the North Berwick conservation area.

The property was fitted with timber sash & case single-glazed windows. However, as the window surround was made of timber, years of repair and upkeep in such an exposed coastal setting had left the windows inefficient. They allowed draughts to pass through the building and cause a great amount of heat loss.

## ***Grounds of Appeal***

The original planning application was registered at East Lothian Council on the 15<sup>th</sup> July 2011 and was subsequently approved on the 20<sup>th</sup> September 2011. Despite no issues being raised with the proposals during the consideration of the planning application, a condition was added to the approval to refuse planning consent for the PVCu windows to the front elevation. Unfortunately, as this issue was never raised and we were advised the application had been approved, the windows as proposed were manufactured and installed. Following a council visit to the street for another planning application, this issue was raised in a letter (Ref: 12/00135/COM), and it was asked that these windows be removed.

Amended drawings had been sent to the planning department during the application period to confirm the opening style of the proposed windows (sliding sash), but no amended drawings were requested for any material change, and the drawings showing PVCu windows to the front elevation were stamped as approved.

It has been brought to our attention that windows on other flats in the block and other properties in the street have been replaced with PVCu (*Please see enclosed photos of PVCu windows present in Balfour Street*). PVCu is also present in the buildings in the neighbouring streets and further afield within the North Berwick Conservation Area.



*(Above – Mrs Tait's property)*

These windows to the front elevation were refused on the basis that they are contrary to policies ENV4 and DP8 of the East Lothian Local Plan 2008. However, as acknowledged in the planning officer's report, several examples of non-timber windows exist in the street. There is a combination of PVCu and aluminium windows in addition to timber in Balfour Street, including previous approvals at numbers 7, 9, 21 & 23 for non-timber windows. Although these approvals pre-date the current Local Plan, they do set a precedent in the street for non-timber windows to be acceptable in the area. Policy DP8 of the adopted East Lothian Local plan 2008 states that permission to replace windows will only be granted where the design and construction of the windows does not harm the character and appearance of the building or its surroundings. This content is echoed by the Scottish Planning Policy. However, in this occasion we strongly disagree that the windows will have any negative impact on the area or building at all, as they match the original windows in all aspects (colour, opening style, proportions) except material. This difference between timber and PVCu sliding sash windows is difficult to notice in examples of quality windows such as these, without close inspection. Indeed, an issue

was only raised by the council after going to the street to closely examine existing windows for a different planning application.

As a company, CR Smith has been faced with difficulties in having PVCu windows accepted within conservation areas in the past. We appreciate that as a window framing material, timber can have a certain presence and appeal if specified correctly. However, timber windows are much more expensive than PVCu options, are not draught proof and do not perform as well as PVCu under the current U-value or WER (Window Energy Ratings) system.



*(Above – Previous examples of PVCu sliding sash window installations)*

Mrs Tait’s decision to choose PVCu windows for her property was a holistic approach taking into account;

- Sustainability
- Current & future energy costs
- Desire to maintain a traditional appearance through sliding sash window style and replication of the proportions of the existing windows
- Actual window performance – U Value
- Cost of ongoing maintenance & ease of cleaning (property is subject to coastal weather conditions)

## ***Conclusion***

Contrary to the suggestions in the planning report, we believe our replacements have at worst a neutral affect on the aesthetics of both the property and the conservation area. As there several unchallenged examples of PVCu windows present in the street already, it is clear that approval for these windows (in the traditional sliding sash opening style) would be far from setting precedence for the installation of PVCu in the street, and conservation area as a whole. In fact, during the public consultation period for this application, no public comments were made on the request to allow the PVCu windows to be retained. This illustrates that the neighbours and locals of the area have no issues with the windows, indeed many neighbours have even commented on their surprise that any issue has been raised with the windows. Much research and development has gone into our sash & case windows to ensure that the traditional look is retained while still being able to maintain an aesthetic balance across the property. In the past, many planners have commented on the authentic look of our sash & case products. We consider this as testament to the work that has gone into their development. Perhaps a negative attitude towards PVCu has been developed due to inappropriate designs, rather than the actual material. Should the windows need to be replaced, this would mean the removal of perfectly good, quality windows and increased waste to landfill. We would have expected that sustainability and minimal unnecessary waste should be a major concern for all councils. The manufacture of new windows would again mean the use of additional resources, all for the sake of principal.

The windows at 25 Balfour Street were made to closely replicate the design, proportions and opening method of the timber windows, and are almost indistinguishable from timber without close scrutiny. On this basis, we believe that these windows have, at worst, a neutral impact on the aesthetics of the conservation area and we would kindly ask that the condition refusing permission for the front windows be removed from planning approval 11/00631/P.



**Photo Annex**



**Above – 17 Balfour Street (non-timber windows)**



**Above – 23 Balfour Street (non-timber windows)**



*Above – 27 Balfour Street (neighbouring property, non-timber windows)*



*Above - PVCu windows at Brodie Court, clearly visible from Balfour Street*





*Above - PVCu windows in a property on East Road, off Balfour Street*



*Above – Non-timer windows in a property on Melbourne Road, off Balfour Street*





***Above*** – Non-timber windows in a property on Melbourne Road, off Balfour Street