



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

**THURSDAY 26 JUNE 2014
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J Goodfellow (Chair)
Councillor J McMillan
Councillor W Innes

Advisers to the Local Review Body:

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

Others Present

Ms C Molloy, Senior Solicitor

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

Provost L Broun-Lindsay

Councillor Goodfellow, who had been elected to chair today's East Lothian Local Review Body (ELLRB), welcomed all present to the meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 13/00880/P – REPLACEMENT WINDOWS
TO HOUSE AT 47 BRIDGE STREET, TRANENT.**

The Legal Adviser stated that the LRB was meeting today to review the above application which had been refused by the Appointed Officer. A site visit had been carried out prior to the meeting and Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. After hearing a statement from the Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer. It was open to Members to grant the application in its entirety, grant it subject to conditions or to refuse it.

The Chair invited the Planning Adviser to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the application was seeking permission for the replacement of seven windows on the front elevation of the two storey semi-detached house. The existing windows were single-glazed timber sliding sash and case windows and the proposed replacements were double-glazed PVC sliding sash and case windows. The glazing pattern was proposed to remain the same. He reminded Members that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. The Listed Buildings and Conservation Areas Act further required that, when exercising Planning functions within Conservation Areas, special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.

He stated that the site was within the boundary of Tranent town centre, designated under local plan policy ENV2, and within the Tranent Conservation Area although the building was not listed. He advised that the development plan seeks to preserve or enhance the character of Conservation Areas and the key policies in this regard were Strategic Development Plan policy 1B and Local Plan policy ENV4. In addition, Local Plan policy DP8 related specifically to replacement windows, normally meaning that they should retain the proportions of the window opening, the opening method, colour and construction material of frames. Three exceptions are provided for: firstly multiple glazing where there is no visible difference, secondly where a building does not positively contribute to the area's character, and thirdly where the window cannot be seen from a public place.

Also relevant to the application were national policy documents, including Scottish Planning Policy and the Scottish Historic Environment Policy, which provides guidance on the historic environment. The application had been refused by the Appointed Officer on the basis that the proposed replacement windows would appear significantly different to those of the adjoining building due to their PVC frames. This was considered to fail to preserve the positive contribution that the existing windows make to the house and to the Conservation Area. The proposals were therefore considered to be contrary to the relevant development plan policies. The reasoning for this decision is set out in full in the case officer's report.

The Planning Adviser summarised that the request for a review argued that the proposed new windows would not appear significantly different to the existing windows and that the appearance of the Conservation Area would be preserved. The proposals were therefore argued to comply with relevant development plan policies. It was stated that many properties in the Tranent Conservation Area and on Bridge Street already had PVC double-glazing. It was also stated that the proposed windows were A-rated for energy efficiency and would be made from recycled PVC windows and were therefore a sustainable material. It was also argued that refusal of the application was unfair as other properties on Bridge Street within the Conservation Area had installed non sash and case brown PVC windows. A number of photos were supplied in support of the case.

The Planning Adviser advised that no consultations had been carried out on the application by the Case Officer. One representation from the Architectural Heritage Society of Scotland had objected on the basis that the proposed windows would appear visibly different to the existing ones, would be out of place in a Conservation Area, and that double-glazing could be fitted to the existing windows.

The Chair invited questions from Members. Councillor McMillan referred to Paragraph 10 of the Applicant's submission and asked if it was correct that the Architectural Society of Scotland (AHSS) had not objected to this application, but had objected to the Applicant's previous application. The Planning Adviser stated that the applicant appeared to be mistaken in that regard and directed Members to the copy of the objection letter in the written papers. [Post Meeting Note: The objection to this planning application was received from the AHSS on 6 December 2013.] The Chair also received clarification from the Planning Adviser on the 'construction material' referred to in policy DP8.

The Chair advised that it was now for Members to decide if they had sufficient information to determine the application and the Members agreed unanimously that they had sufficient information to proceed with the application today.

Councillor Innes stated that the application clearly did not comply with the Local Development Plan policy on replacement windows in Conservation Areas. The Applicant had also, in his Statement, acknowledged that there was an alternative solution to replacing the windows which would meet the Council's planning policy criteria. Councillor Innes believed Tranent Conservation Area was as important as any other. He had considered the position of the house on the street and described

the front elevation of the house as 'quite imposing'. He had also observed that the matching semi detached property still had timber sash and case windows and the proposed new windows would result in non-conformity. He did not agree with the applicant's view that the proposed windows would look the same as the present timber framed windows. He would therefore not be supporting the application. In respect of the Applicant's claim that other properties in the vicinity had installed new windows without planning permission, Councillor Innes recommended that the Planning Department should investigate this and seek retrospective applications where appropriate.

Councillor McMillan also supported the decision of the Planning Officer to refuse the application. He had found the site visit informative and described the properties at the applicant's address as fine buildings which made a positive contribution to the area. He had carefully considered the terms of planning policy DP8 which states that replacement windows in a Conservation Area must preserve or enhance the area's special architectural character and that the construction material of frames should be retained. He considered that the proposed windows did not meet this criteria and that it was important No 47 Bridge Street remained a mirror image of the neighbouring property at No 45. He also agreed that enforcement action needed to be taken against property owners who did not have planning permission for alterations to their property.

The Chair echoed the views of his colleagues and supported the decision of the Planning Officer. He considered that, as the property was in the Tranent Conservation Area, the proposals should not deviate from the terms of policy DP8 in relation to the construction material. To do so would make enforcement action in Conservation Areas difficult in future. He stated that policy DP8 could be looked at in the review of the Local Plan as PVC windows had moved on in recent years.

Decision

The ELLRB unanimously agreed to uphold the original decision to refuse the application for the reasons given in the Decision Notice dated 20 December 2013.