



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

**THURSDAY 20 NOVEMBER 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Chair)  
Councillor J Gillies  
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

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

**Apologies**

Councillor D Grant  
Councillor D Berry

Councillor Hampshire, who had been elected to chair today's East Lothian Local Review Body (ELLRB), welcomed everyone to the meeting. He also advised that as Councillor Berry was unable to attend the site visit, he would not take part in today's meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)  
PLANNING APPLICATION No: 14/00265/P – REPLACEMENT WINDOWS  
AT 24 THE PADDOCK, GOOSEGREEN, MUSSELBURGH**

The Legal Adviser stated that the ELLRB 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 property which was the subject of the application was a first floor flat in a three storey flatted building. Permission was being sought to replace the windows of the flat; three on the front and two on the rear. The existing windows were double glazed timber windows and the proposed replacements would be brown coloured PVC windows with the same glazing pattern.

The Planning Adviser stated that the Planning Act requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicate otherwise. The Listed Buildings and Conservation Areas Act further requires 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. The site was within a residential area of Musselburgh, designated under local plan policy ENV1, and within the Musselburgh Conservation Area. The building was not listed. The main policy considerations relevant to the application are design and impacts on the Conservation Area. The key policies in relation to these matters are Strategic Development Plan policy 1B and Local Plan policy ENV4. In addition, Local Plan policy DP8 relates specifically to replacement windows. It states that replacement windows in Conservation Areas must preserve or enhance the area's special architectural or historic character. This would normally mean that they should retain the proportions of the window opening, the opening method, colour, construction material of frames, and glazing pattern. 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 are national policy documents, including Scottish Planning Policy and the Scottish Historic Environment Policy.

The Planning Adviser stated that the application had been refused by the Appointed Officer on the basis that the proposed replacement windows on the front elevation would be harmful to the character and appearance of the building, streetscape, and the Conservation Area. The application was therefore considered to be contrary to the relevant development plan policies. The reasoning for this decision was set out in full in the Planning Officer's report. The Officer considered that the proposed replacement rear windows would not in themselves have a harmful effect on the building or the Conservation Area.

The Planning Adviser stated that, in their request for a review, the applicant had argued that the building was a modern design that does not make a contribution to the Conservation Area and that the change in window material would not have an impact on the Conservation Area's character. The proposals were therefore argued to comply with relevant development plan policies, including DP8. It was also stated that other properties in the area had PVC windows and a number of photographs showing these properties were included in the applicant's supporting documents. It was also argued that the proposed windows would be more sustainable and cost effective.

There were no consultations carried out on the application by the case officer. One objection had been received from the Musselburgh Conservation Society, which objected to the use of PVC on the basis that it would harm the character and appearance of the building and its surroundings.

The Chair invited questions for the Planning Adviser and there were none.

The Chair noted that an exception to Planning policy DP8 applied if the building did not contribute positively to the character of the Conservation Area. He considered that there were other buildings in the vicinity which embraced a range of styles, and this apartment block was a modern building which had plastic drains, down pipes and satellite dishes attached to the walls. The Planning Adviser stated that it was a matter for Members' own judgement whether they considered that this building had a positive impact on the Conservation Area.

The Chair then asked his fellow Members if they wished to proceed to determine this application today. They unanimously agreed to proceed.

Councillor Innes stated that, in his view, the most important consideration was the location of the building, its style and form, and how it contributes to the area. On the site visit, he noted that the adjacent properties to the west and north were not in the Conservation Area and that buildings which could be seen in relation to this building had new PVC windows. Councillor Innes stated that he normally strictly adhered to planning policy, but in this case, he was guided by the terms of policy DP8 which clearly stated that an exception to the policy could be made if the building itself did not contribute positively to the area. He would therefore vote to uphold the review as he was satisfied that the proposed replacement windows would not be harmful to the character and appearance of the area.

Councillor Gillies shared the views of Councillor Innes and therefore would also vote to uphold the review.

The Chair stated that he had found the site visit very useful, allowing him to compare the property in question to other properties close by and to consider the impact the property had on the Conservation Area. As he had observed modern fittings on these buildings and a wide range of window styles, he did not consider that the

proposed replacement windows would, in themselves, be harmful to the Conservation Area. He would therefore vote to overturn the decision of the Planning Officer to refuse this application.

The Legal Adviser stated that the Planning Officer had not supplied any Conditions to be attached to the planning consent but the Members advised that they would wish to impose a condition requiring the colour of the proposed new windows to be approved by the planning officers prior to installation to ensure they matched with the other windows in the block.

### **Decision**

The ELLRB unanimously agreed to overturn the original decision to refuse planning permission for the replacement windows subject to the following condition:

1. Development shall not begin until full details of the proposed window colour, including a colour swatch, have been submitted to and approved in writing by the Planning Authority. The colour shall be dark brown to match the existing windows within the building. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure that the replacement windows match the external appearance of the existing building and thereby maintain the visual quality of the area.

The Legal Adviser stated that a Decision Notice would be issued within 21 days.