



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

**THURSDAY 16 JUNE 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J Goodfellow (Chair)
Councillor J McMillan
Councillor S Currie

Advisers to the Local Review Body:

Ms E Taylor, Planning Adviser to the LRB
Mrs M Ferguson, Legal Adviser/Clerk to the LRB

Others Present

None

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

Councillor N Hampshire

Councillor Goodfellow was elected to chair today's meeting by Councillors Currie and McMillan. Duly elected, Councillor Goodfellow welcomed everyone to the meeting and introduced the Members of the East Lothian Local Review Body (ELLRB) and Council Officers present. He also outlined the procedure for the meeting and advised that a site visit had been carried out.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 16/00121/P – REPLACEMENT WINDOWS
AT 3A DIRLETON AVENUE, NORTH BERWICK**

The Legal Adviser advised that Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. She advised that the Planning Adviser would summarise the planning policy issues in relation to the application and 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 and Members would have to specify what new information was needed to enable them to proceed with the determination of the application. Should Members decide they had sufficient information before them, they would proceed to discuss the application and a vote would be taken on whether to uphold or overturn the decision of the Appointed Officer.

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Emma Taylor, Planning Adviser, stated that this application related to a ground floor flat in a two storey, semi detached, flatted building located within North Berwick Conservation Area. The applicant was seeking permission for the replacement of the six windows of the flat; four windows in the front (north) elevation and two in the east side and rear (south) elevation. The existing windows of the flat were all white painted, single glazed, timber framed windows with a sash and case opening method. The proposed replacement windows would be of the same size, proportions and colour as the windows they would replace with the differences being that the proposed replacement windows would all be double glazed, UPVC framed and would be of a modern casement style with a bottom hung opening method.

The Planning Adviser stated that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. The development plan consisted of the approved Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the adopted Local Plan 2008. The Development Plan seeks to preserve or enhance the character of Conservation Areas and generally to promote a high quality design in all development. The main policy considerations relevant to the application were the design and impacts on the Conservation area and the key policies in relation to these matters were the Strategic Development Plan policy 1B and Local Plan Policies ENV4. In addition, Local Plan policy DP8 related 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 were the 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 windows for the north elevation of the flat would be visible from the public road. They would also appear significantly different to the timber framed windows they would replace and neither preserve or enhance the character and appearance of the property or the Conservation Area. The proposals were therefore considered to be contrary to the relevant development plan policies. No consultations had been carried out by the case officer and one representation had been received from North Berwick Community Council.

The Chair thanked the Planning Adviser for her presentation and then asked his fellow Members if they had sufficient information to proceed to determine this application today and they unanimously agreed to proceed. Comments from Members followed.

The Chair stated that the proposed windows did not comply with the terms of Local Plan policy DP8 on replacement windows. In his view, the proposed new windows would not be visibly the same as the existing windows and he would therefore uphold the decision of the Planning Officer to refuse the application.

Councillor Currie stated that he was less concerned about the material which would be used in the construction of the proposed windows than the issue of similarity to the existing windows. As he considered that the new windows would look markedly different to the windows they would be replacing, contrary to policy DP8, he would vote to uphold the original decision of the Planning Officer.

Councillor McMillan referred to an email dated 22 March 2016 in which the Planning Officer had set out the terms of policy DP8 and offered advice on replacement windows which would comply with the policy. The Planning Officer had also advised, in the email, that the proposed windows would not preserve the positive contribution the traditional timber framed sash and case windows made to the character and appearance of the property. Councillor McMillan stated that he had found the site visit helpful and agreed with his colleagues that the proposed windows would not look visibly the same as the existing windows and would not contribute to the character of the area. He would therefore vote to uphold the decision of the Planning Officer.

Decision

The ELLRB unanimously agreed to uphold the original decision of the Planning Officer and rejected the appeal.

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