

04 SEP 2017



Andrew Fairgrieve
T. 07894437716
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Athelmead
20 East Fortune
North Berwick
EH39 5LG

Planning Department
East Lothian Council
John Muir House
Haddington

18th August 2017

Project No.15 Creel Court, North Berwick, EH39 4LJ
Proposal Replacement Windows – replace existing timber windows in poor condition with upvc windows to match existing style and colour.
Reference 17/00490/P *es tagged*

With reference to the above noted project and the refused planning application 17/00490/P dated 2nd August 2017, please find enclosed a Notice of Review form, duly completed, together with supporting documentation to appeal the decision.

The application has been refused due to Creel Court lying within the North Berwick Conservation Area and the Planning Officer believes it would be harmful to the special architectural or historic interest, and would set a harmful precedent. Creel Court already has upvc windows and doors installed and other new developments within the Conservation Area have been granted the use of upvc windows.

Creel Court sits close to the sea front and the existing timber windows are in a very poor condition, with access for continual maintenance limited. We believe that replacing with upvc windows to match the existing style and colour would provide No.15 Creel Court a much required performance improvement with very little visual impact on the surrounding area.

Please contact me at your earliest convenience should you wish to arrange a site inspection to discuss the appeal of the above noted planning application, and if you require any further information, please do not hesitate to contact me.

Regards



Andrew Fairgrieve



Andrew Fairgrieve
T. 07894437716
E. Andrew_fairgrieve@btinternet.com

COPY

Athelmead
20 East Fortune
North Berwick
EH39 5LG

Planning Department
East Lothian Council
John Muir House
Haddington

12th May 2017

Project No.15 Creel Court, North Berwick, EH39 4LJ
Proposal Replacement Windows – replace existing timber windows in poor condition with Upvc composite windows to match existing style and colour.

With reference to the above noted planning application please find enclosed a supporting statement to accompany the drawings and householder forms.

15 Creel Court is a first floor flat with access via a common entrance door and stairwell. It lies within the North Berwick Conservation Area and although close to the beach it is not a major street or thoroughfare for locals/tourists. The property can only be seen from street level by pedestrians walking along Forth Street, a one way road heading east.

The client has applied for planning permission to replace the existing timber windows in a very poor condition due to the continual effects from the sea salt air and strong coastal winds. The proposed Upvc windows will be designed to match the existing timber windows in colour, style and details.

Access to the rear external windows is through the flat below. As this is a holiday home and lies empty for a large part of the year, it makes arranged access for maintenance or cleaning very challenging.

A very popular public house is within 200yards of Creel Court and poor quality timber windows offer little noise reduction during the busy late hours. The proposed Upvc windows will provide the client with a much required performance improvement while having minimal visual impact on the street scene and surrounding environment.

Creel Court and neighbouring streets also in the Conservation Area already have properties with Upvc windows and front doors installed. These ground floor properties

are accessible and in full view from the street level, 15 Creel Courts windows are at first floor level towards a rear courtyard and a private residential road.

With all of the above considered before applying for this application, we believe the proposed Upvc windows will make a huge difference to the occupant's lifestyle and comfort without harming the special architectural or historic interest of the North Berwick Conservation Area.

Regards

Andrew Fairgrieve

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Ms	Ref No.	
Forename	Dorothy	Forename	Andrew
Surname	Danks	Surname	Fairgrieve
Company Name		Company Name	Saltire Drawing Services
Building No./Name	15	Building No./Name	Athelmead
Address Line 1	Creel Court	Address Line 1	20 East Fortune
Address Line 2		Address Line 2	
Town/City	North Berwick	Town/City	North Berwick
Postcode	EH39 4LJ	Postcode	EH39 5LG
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	andrew_fairgrieve@btinternet.com
3. Application Details			
Planning authority	East Lothian Council		
Planning authority's application reference number	17/00490/P		
Site address	<div style="border: 1px solid black; padding: 5px;"> 15 Creel Court North Berwick EH39 4LJ </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;"> Replacement Windows - existing timber windows in poor condition to be replaced with upvc windows to match existing style and colour. </div>		

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

-

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We are seeking review on the refused application for replacement windows at No.15 Creel Court for the following reasons:
First floor flat with no easy external access to windows for maintenance or cleaning (access to rear only through holiday home below).
Existing timber windows in poor condition from affects of sea salt air, and strong sea winds.
The upvc windows will match the existing style and colour, however will provide a greater performance than the existing timber windows - sound & draught.
No.9 Creel Court already has upvc windows and front door installed. Edward Bean made aware of this as stated in his email of 24/6/16. Photographs of No.9 were submitted with original application.
There are several new build properties within the conservation area where upvc windows have been permitted.
Creel Court is a private road with no through access to the public.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Location Plan.
Photographs - No.9 Creel Court.
Existing & Proposed Elevations.
Window Details & Elevations.
Copy of Decision Notice & Officer Report.
Copy of Supporting Statement submitted With Planning Application.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Andrew Fairgrieve

Date:

18/08/17

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

OFFICER REPORT

13th July 2017

App No. **17/00490/P**

Application registered on **15th June 2017**

Target Date **14th August 2017**

Proposal	Replacement windows	SDELL	Y/N
		CDEL	Y/N
Location	15 Creel Court North Berwick East Lothian EH39 4LJ	Bad Neighbour Development	Y/N

APPLICANT: **Ms Dot Danks**

Is this application to be approved as a
departure from structure/local plan? Y/N

**c/o Saltire Drawing Services
Per Andrew Fairgrieve
Athelmead
20 East Fortune
North Berwick
East Lothian
EH39 5LG**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

The property to which this application relates is a two storey flatted property which is located within North Berwick Conservation Area. The flatted property along with the row of terraced properties attached to it are characterised by white painted walls and a slated pitched roof. In its position, the flatted property occupies a prominent position, and is readily visible from Forth Street to the north. The property is bounded to the north by the public road and footpath of Forth Street, to the east by the private courtyard of Creel Court, to the south by further terraced properties of Creel Court, and to the west by the house and garden ground of 11 Creel Court.

In July 2016 planning permission planning permission (ref: 16/00448/P) was refused for the replacement of 2 windows on the rear (west and south) elevations of the property at first floor level and 3 windows on the front (east) elevation of the property at first floor level with white coloured uPVC frames. The Officer Report on application 16/00448/P informs that:

'Replacement of the existing timber sash and case windows within the east elevations of the property with white uPVC framed windows would not respect the traditional timber framed sash and case form and appearance of the existing windows of the flatted property and of the row of flatted and terraced properties. Because of this, combined with their prominent

positioning on the building, the proposed replacement windows would appear incongruous on the building and significantly different when seen in relation to the timber framed windows that would remain within the other flatted and terraced properties. This difference would not preserve or enhance, but would be harmful to the character and appearance of the flatted property, to the row of flatted and terraced properties of which it is a part and to the special architectural or historic interest of the Conservation Area.'

Planning permission is now again sought for the replacement of 2 windows on the rear (west and south) elevations of the property at first floor level and 3 windows on the front (east) elevation of the property at first floor level, all of which are vertically sliding timber framed sash and case type windows. The proposed replacement windows would be double glazed sash and case style with white coloured woodgrain effect uPVC/ composite frames and the same glazing pattern as the existing windows.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV4 (Development Within Conservation Areas) and DP8 (Replacement windows) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area should be appropriate to the character of the conservation area.

One written representation has been received to the application. The grounds of representation are that the proposed replacement of the original timber framed windows with uPVC framed windows would not preserve or enhance the special character of the conservation area.

Policy DP8 of the adopted East Lothian Local Plan 2008 states that in the case of a building in a conservation area the replacement window(s) must preserve or enhance the area's special architectural or historic character. This will normally mean that the proportion of the window openings, the opening method, colour, construction material of the frames and glazing pattern should be retained. Exceptions to this are if the building does not contribute positively to the

character and appearance of the conservation area and if the window(s) would not be seen from a public place.

The flatted property is within close proximity to the public road and footpath of Forth Street to the north and as such occupies a highly visible location within North Berwick Conservation Area, meaning that the proposed replacement windows on the east elevation would be readily visible in public views of the flatted property from Forth Street. The majority of the windows of the row of flatted and terraced properties are of a timber framed sash and case style, including those of the applicant's property. These windows are a defining part of the character and appearance of the row of flatted and terraced properties, and thus form part of the character and appearance of this part of the Conservation Area. By their architectural form and timber finish they make some positive contribution to the special architectural or historic interest of the Conservation Area. The timber framed windows of the flatted property are a component of the positive contribution that the building makes to the special architectural or historic interest of the Conservation Area.

Replacement of the existing timber sash and case windows within the east elevations of the property with white coloured woodgrain effect UPVC/ composite framed windows would not respect the traditional timber framed sash and case form and appearance of the existing windows of the flatted property and of the row of flatted and terraced properties. Because of this, combined with their prominent positioning on the building, the proposed replacement windows would appear incongruous on the building and significantly different when seen in relation to the timber framed windows that would remain within the other flatted and terraced properties. This difference would not preserve or enhance, but would be harmful to the character and appearance of the flatted property, to the row of flatted and terraced properties of which it is a part and to the special architectural or historic interest of the Conservation Area.

The uPVC/ composite framing of the replacement window proposed for each of the rear (west and south) elevations of the property would not be visible in public views of them due to them facing onto enclosed rear garden ground belonging to neighbouring properties. In such circumstances the uPVC/ composite framing within them would not have a significant visual impact on, and would not be harmful to, the character and appearance of this part of the Conservation Area. In light of this they would not result in an appreciable change to the architectural form and character of the property or to the character and appearance of the Conservation Area.

In the circumstances where the balance of the application is that the majority of the windows are publicly visible, it requires to be refused as a whole on the consideration that, in being harmful to the character and appearance of the North Berwick Conservation Area, it is contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP8 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.

REASON FOR REFUSAL:

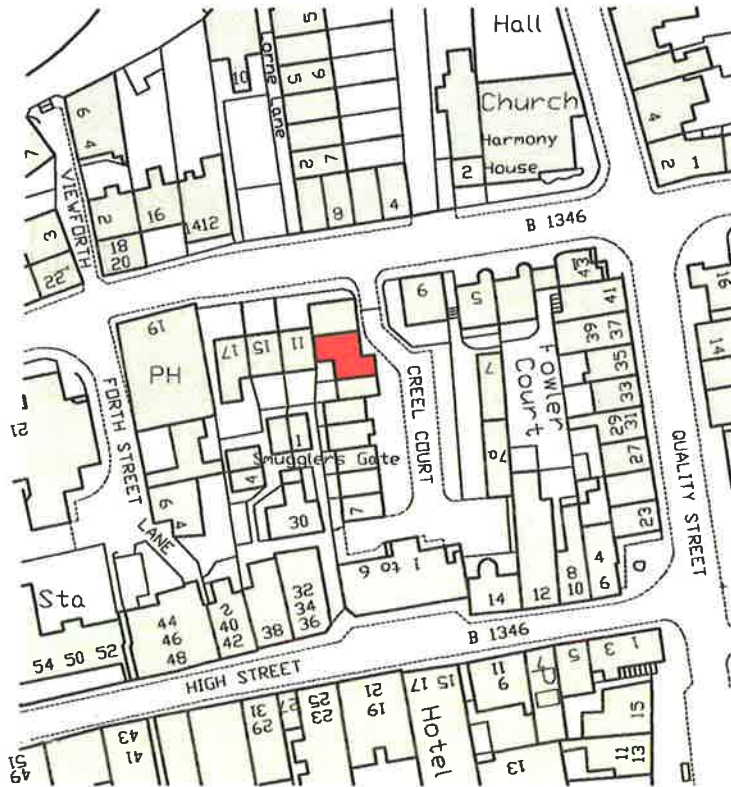
- 1 The proposed windows to be installed in the prominent east elevation of the property, due to their framing material would neither preserve nor enhance, but would be harmful to the character and appearance of the flatted property, the block of flats and row of terraced properties of which it is a part, and the character and appearance of the Conservation Area, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4 and DP8 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

LETTERS FROM

13th July 2017

EAST LoTHIAN COUNCIL

Plan/Drawing listed on the
Decision Notice of 02 AUG 2017
refusing a grant of planning
permission **17 / 00490** No



17 / 00490 / No

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RECEIVED 31 MAY 2017

PROJECT TITLE Proposed Window Installations at 15 Creel Court, North Berwick, East Lothian, EH39 4LJ	PROJECT NO 1604	
DRAWING TITLE Location Plan	DRAWING NO ES-01	REVISION
	SCALE 1:1250 on A4	
	DATE 14.06.16	DRAWN AF



Andrew Fairgrieve
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BEAUMONT

Composite Windows



products without compromise

Introducing



BEAUMONT
Composite Windows

by dempsey dyer

General Information

- innovative solution that bridges the gap between timber and UPVC
 - complete timber appearance
- minimal maintenance – the same as UPVC
- up to 30% cost saving on timber windows of same quality
- no other product on the marketplace of its type – unique!
- patent pending design (UK 1112021.9)

Specification

- based on the Deceuninck 2800 series
- dummy sashes throughout for equal glass sightlines
- always coloured foil from the Deceuninck colour range (no flat colours)
 - fully reinforced as standard
 - hinge protectors as standard
- shootbolt locking system as standard
- black monkey tail handle as standard
 - factory glazed as standard
- not currently available in Doors

tel: 01977 649641 | fax: 01977 649517

email: info@dempseydyer.co.uk

web: www.dempseydyer.co.uk

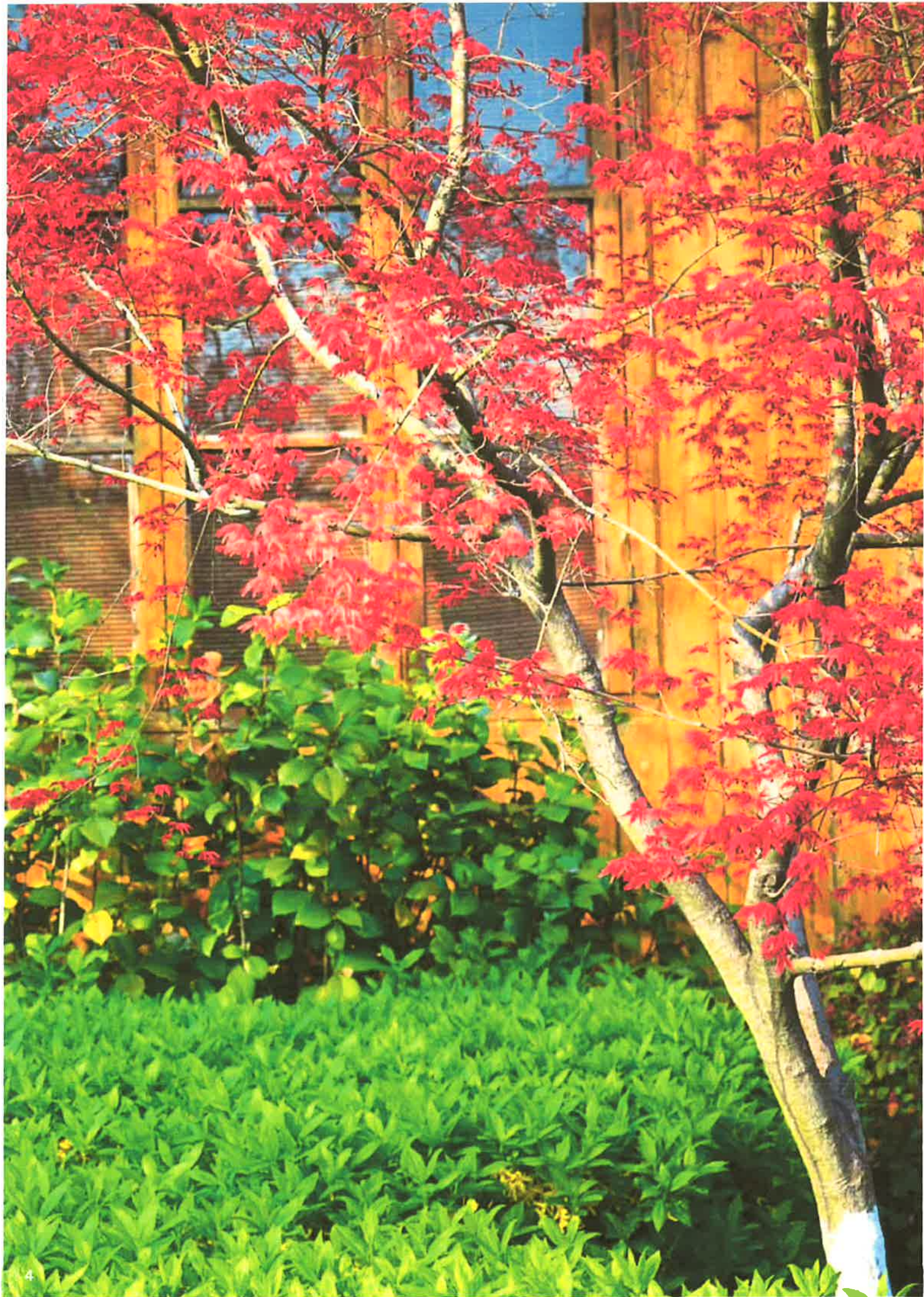




BEAUMONT

Exclusively at the Westbury Way



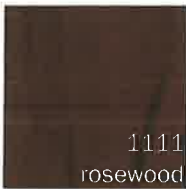


a range of beautiful finishes



Fast-Track Woodgrain Structure

1019
RAL 9010
white woodgrain



1111
rosewood



1110
golden oak

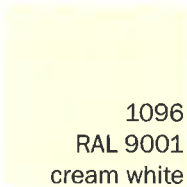
Real Choice

The Beaumont benefits from being able to offer different finishes external to internal.

Take advantage of the fantastic colour choice shown on this page to tailor the Beaumont to your home.

Premium Woodgrain Structure

1096
RAL 9001
cream white



1154
nut tree



0145
irish oak



0106
chartwell green



0072
anthracite grey



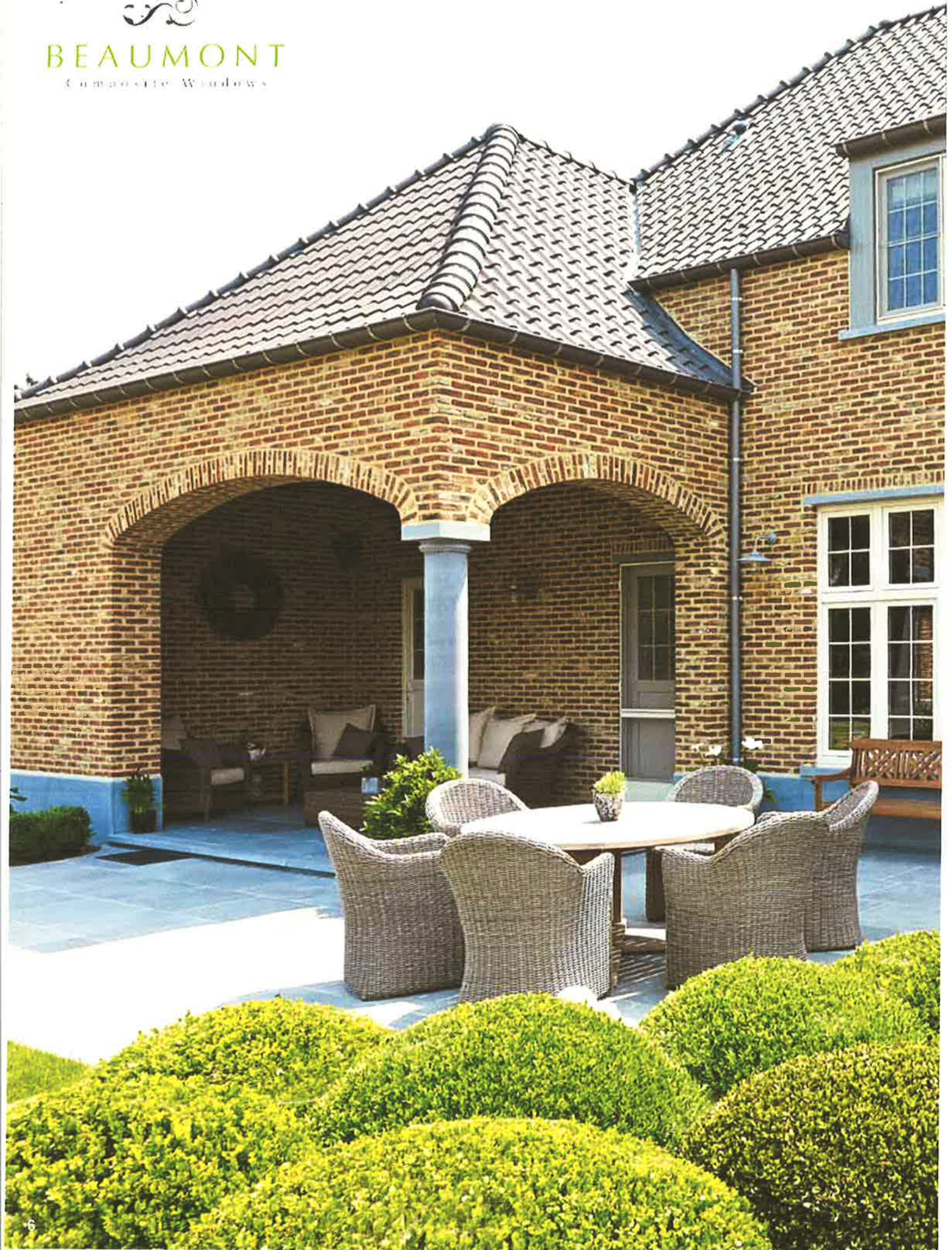
1012
black ash





BEAUMONT

Compassionate Windows

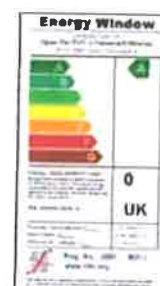


thermal performance & ironmongery



Window Energy Ratings

In the same way boilers and fridges are rated according to their thermal efficiency, Window Energy Ratings (WERs) provide a way to compare the thermal performance of a window. You will be pleased to learn the Beaumont window is 'A' rated as standard, meaning you will lower your heating bills and reduce your carbon footprint.



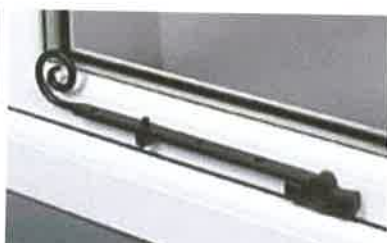
Ironmongery Options

Choose from our contemporary and traditional collection to complete your design choice.



Contemporary

A vast array of finishes are available in this sleek design to suite with your choice of door hardware.



Traditional

Monkey-tail handles are available together with casement stays to complete the heritage appeal of your Beaumont windows.



hand crafted using traditional
jointing methods



every detail considered to give
complete timber aesthetics



traditional monkey-tail
ironmongery as standard



consistent glass sightlines
throughout



high security ironmongery used
throughout

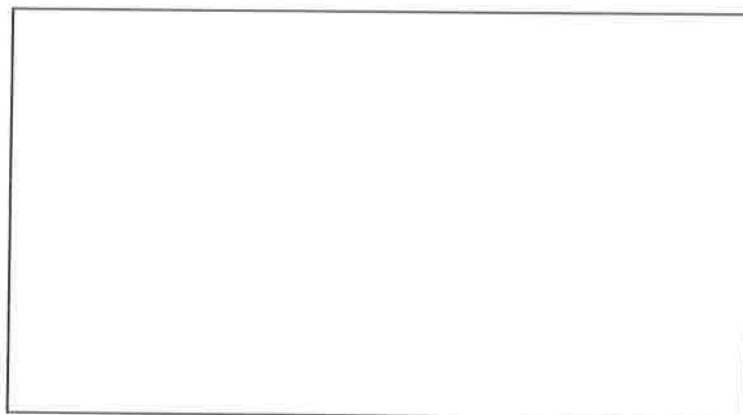


available in a variety of
traditional finishes



BEAUMONT

Composite Windows



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No.9 Creel Court, North Berwick – UPVC Front Door Installed.



EAST LOTHIAN COUNCIL
 Plan/Drawing listed on the
 Decision Notice of 02 AUG 2017
 refusing a grant of planning
 permission

DWG2
 (8)

App No. 17/00490/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Ms Dot Danks
c/o Saltire Drawing Services
Per Andrew Fairgrieve
Athelmead
20 East Fortune
North Berwick
East Lothian
EH39 5LG**

APPLICANT: Ms Dot Danks

With reference to your application registered on 15th June 2017 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Replacement windows
at
15 Creel Court
North Berwick
East Lothian
EH39 4LJ**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The proposed windows to be installed in the prominent east elevation of the property, due to their framing material would neither preserve nor enhance, but would be harmful to the character and appearance of the flatted property, the block of flats and row of terraced properties of which it is a part, and the character and appearance of the Conservation Area, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan,

Policies ENV4 and DP8 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DWG1	-	31.05.2017
ES-02	-	31.05.2017
ES-03	A	31.05.2017
ES-04	A	31.05.2017
ES-01	-	31.05.2017
DWG2	-	15.06.2017

2nd August 2017



Iain McFarlane
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.