



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

**THURSDAY 20 FEBRUARY 2020
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor F O'Donnell (Chair)
Councillor J Findlay
Councillor N Gilbert
Councillor J Williamson

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr M Mackowiak, Planning Adviser to the LRB

Other Officers Present:

Mr N Millar, Planner

Clerk:

Ms F Currie, Committees Officer

Apologies:

None

Declarations of Interest

None

Introductory Statement by the Legal Adviser

The Legal Adviser welcomed everyone and invited nominations to chair the meeting. Councillor Gilbert nominated Councillor O'Donnell and this was seconded by Councillor Williamson. The Legal Adviser confirmed that Councillor O'Donnell would chair the Local Review Body (LRB) on this occasion.

1. PLANNING APPLICATION NO. 19/01043/P: REPLACEMENT WINDOWS, 57A HIGH STREET, TRANENT, EH33 1LN

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.

The Planning Adviser outlined the background to planning application 19/01043/P which related to a first floor flat within a two storey, end-terrace, building situated on the south side of the High Street within Tranent Conservation Area. It had sought permission for the replacement of three windows in the front (north) elevation of the flat; one window in the north end of the side (east) elevation of the flat; and one window in the west end of the rear (south) elevation of the flat. The existing windows were all single glazed, white painted, timber framed windows of a sash and case opening method. The planning application had proposed to replace them with double glazed, white coloured, UPVC framed windows of a sash and case style. The application had been refused.

The Planning Adviser drew Members' attention to the planning legislation, policies and guidance relevant to the determination of the application. These were section 25 of the Town and Country Planning (Scotland) Act 1997, Policy CH2 (Development Affecting Conservation Areas) of the adopted East Lothian Local Development Plan (LDP) 2018, Scottish Planning Policy 2014 and Supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council in October 2018.

He advised that the SPG expanded on policies that were set out in the East Lothian LDP and provided policy guidance on replacement windows in buildings which were in a conservation area. The SPG's guidance stated that the replacement of a window in a building in a conservation area must preserve or enhance the area's special architectural or historic character. This would normally mean that the proportions of the window opening, the opening method, colour, construction material of frames and glazing pattern should be retained. The only exceptions to this would be:

- i) Multiple glazing where there is no visible difference between that proposed and the original style of window;
- ii) If the building itself does not contribute positively to the character of the Conservation Area and where a change in window design would have no impact on the character of the Conservation Area; and
- iii) If the window cannot be seen from a public place.

The Planning Adviser confirmed that no public letters of objection or any other comments were received in relation to the application. He then summarised the planning case officer's assessment which had noted that the existing white painted timber framed sash and case windows in the front and side elevations of the applicant's flat were an intrinsic part of the character of the flatted building. Such characteristics were a significant component of the positive contribution the flatted building made to

the special architectural or historic interest of the Conservation Area. It also recorded that due to the positioning and orientation of the applicant's flat, the existing windows in the front elevation and the window in the side elevation were readily visible from the public footpath and the High Street to the north. The proposed white coloured UPVC windows would appear significantly different compared to the existing windows, and when seen in relation to the majority of the other timber framed sash and case windows that remained in the front elevations of the other flatted buildings on the north and south sides of the High Street.

The planning case officer had concluded that these differences would not preserve the positive contribution the traditional timber framed sash and case windows made to the character and appearance of the flat, to the building of which it was a part, the streetscape and to the special architectural or historic interest of the Conservation Area. Consequently, the replacement windows proposed for the front and side elevations of the applicant's flat would neither preserve nor enhance, but would be harmful to, the character and appearance of the flatted building and the character and appearance of this part of the Tranent Conservation Area. The proposed replacement of the timber framed window that existed in the west end of the rear elevation of the flat was not visible to public view and, as such, the proposed replacement would not have a significant visual impact on, and thus would not be harmful to, the character and appearance of this part of the Tranent Conservation Area.

The Planning Adviser reported that the case officer had discussed with the agent the matter of the proposed use of UPVC framed windows within the front and side elevations of the applicant's flat but no changes to the application were made. In the circumstances, planning permission was refused as a whole on the consideration that, in being harmful to the character and appearance of the Tranent Conservation Area, the proposal was contrary to Policy CH2 of the adopted East Lothian LDP 2018, the Council's supplementary Planning Guidance on 'Cultural Heritage and the Built Environment' and with the SPG 2014. In addition, if approved, the replacement windows would set a precedent for the installation of similarly designed UPVC framed windows within the publicly visible elevations of other properties within this part of the streetscape. Over time, such change would be collectively out of keeping with, and detrimental to, the character and appearance of the Tranent Conservation Area.

The Planning Adviser concluded his presentation by summarising the submission from the applicant's agent which made the following points:

- The existing windows currently installed on 57A High Street appeared to be replacement windows; they lacked the vertical Georgian glazing bars (astragals) usually found in the original windows and they had been fitted with trickle vents, which was a modern feature.
- There was a wide variety of window types within High Street including timber sliding sash, timber casement, UPVC casement or UPVC sliding sash.
- The high number of UPVC windows in the area suggested the time for preservation had gone, and although many of them may have been unauthorised replacements, nothing had been done, or was likely to be done, to return these windows to timber construction.
- The proposal sought to replace all the existing windows with white UPVC, sliding sash windows in order to maintain a traditional appearance which was sympathetic to the property whilst achieving the higher construction quality and lowered maintenance offered by the UPVC construction.
- The windows would not look out of place in the street, instead they would appear as more traditional than many of the windows in some of the other properties.

The Chair thanked the Planning Adviser for his summary.

The Chair then asked whether it would be possible for the LRB to choose to grant planning permission solely for the window to the rear of the property. She also asked whether double glazing would be considered if a fresh planning application was to be submitted. The Planning Adviser said it would not be practical to grant planning permission for the single window as it was such a minor part of the application. He also confirmed that double glazing could be considered as part of a fresh application.

The Legal Adviser reminded Members that they had the option to grant consent for the application, to refuse it or to grant consent subject to conditions. While he supported the view of the Planning Adviser in relation to granting permission for the single rear window, he acknowledged that Members did have that option.

Councillor Gilbert asked about the differences between wood and UPVC frames. The Planning Adviser explained that the profile of a UPVC frame was thicker than that of a wooden frame and would therefore be more noticeable from the street.

Councillor Findlay asked about the age of the building and was advised that it had been built in the early 20th century.

In response to a final question from the Chair, the Planning Adviser said that the existence of other UPVC windows in nearby properties was not material to the current application. It was not possible to know how and when those other windows had been installed and whether planning permission had been sought. He added that, from a planning perspective, the position was that only timber frames were acceptable in a conservation area.

The Chair asked her colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case, that no further information or formal hearing was required. Members also confirmed that they had attended a site visit earlier that day.

The Chair then provided a brief assessment of the case and asked Members to give their opinions.

Councillor Williamson said he had walked around the area prior to the site visit and had noted several different styles of windows in the High Street. While he understood the relevant planning policies, he pointed to the exception allowed where a building did not contribute to the character of a conservation area. In his view, the building was of no architectural merit and furthermore was not listed. He recalled similar issues elsewhere with replacement windows but, given its recently declared position on climate change, he felt that the Council should be encouraging people to reduce their carbon footprint. He added that to the untutored eye there was little difference between the existing and proposed windows. He would therefore be minded to overturn the case officer's original decision and to grant planning permission.

Councillor Gilbert echoed Councillor Williamson's comments. In this particular case, he did not think that the conservation area was the main priority and therefore he did not consider the window frame material to be a priority. In his view the building was not significant within the High Street and many other buildings on the street had similar windows to those proposed in this application. He did not view the proposals as being detrimental to the High Street but rather of benefit to the building, the applicant, and the

climate by making the applicant's home cheaper to heat. He was minded to support the application.

In reply to a question from the Chair, Councillor Gilbert confirmed that he was assessing the impact on climate change as warranting a departure from planning policy. However, he did not see this as setting a precedent and he emphasised the importance of taking each application on its individual merits.

Councillor Findlay commented that conservation areas were important but that conservation did not always equal preservation. Referring to the exception included in the planning policy, he observed that this particular building did not, in his view, add to the character of conservation area. He agreed with Councillor Gilbert about the need to balance the impact on climate change against other factors. He also accepted Councillor Williamson's remark that there were already many other similar replacement windows in the area. He was therefore minded to go against the case officer's recommendation on this application but he reiterated the need to consider each case on its merits.

The Chair said that the High Street in Tranent was an area she knew well and that there were a number of buildings of a similar age; some of which were of note architecturally and had been sympathetically renovated. In her view, UPVC framed windows were likely to be more noticeable than timber framed windows and while she was concerned about climate change, she thought that there were other options available to the applicant for replacement windows. She also noted that the building's flat roof and insulation would help with the heating. She was therefore minded to support the case officer's original decision.

The Chair then asked Members to restate their opinion regarding the officer's original decision: Councillors Williamson, Gilbert and Findlay indicated that they would not uphold the case officer; and the Chair indicated that she would. It was therefore a majority vote in favour of overturning the case officer's decision.

Decision

The ELLRB agreed by majority to overturn the decision of the case officer and to grant planning permission.

Signed

Councillor F O'Donnell
Chair of Local Review Body (Planning)