

Application No: 20/00883/P

**1 Wedderburn Terrace, Inveresk,  
Musselburgh EH21 7TJ**

Applicant's Supporting Information





**APPLICATION – 20/00883/P**

**Local Review Body Appeal**

**Mr J Marshall/CR SMITH**



**Replacement windows and doors (Retrospective)**

**1 Wedderburn Terrace, Inveresk, EH21 7TJ**

**REVIEW STATEMENT**

**January 2021**

apt planning &  
development

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East Lothian

EH40 3AB

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## EXECUTIVE SUMMARY

- a. This appeal to the **East Lothian Council Local Review Body** is lodged following the refusal of application **20/00883/P** on 30<sup>th</sup> October, 2020. The applicant had retrospectively applied for planning permission for replacement doors and windows at No.1 Wedderburn Terrace, Inveresk. The property is located within the Inveresk Conservation Area.
- b. This application was refused on the basis that six of the windows (one in the north-east elevation, four in the north-west elevation and one in the south-west elevation) are visible from Wedderburn Terrace and are visibly different to the traditional timber framed sash and case windows they replaced and are therefore harmful to the character and appearance of the Conservation Area.
- c. The Local Review Panel has the advantage of looking at the application afresh and is not bound by the decision taken via delegated powers. We contend that given the site-specific characteristics of the property and its setting, **a reasonable assessment** of the application would conclude that the replacement windows and doors represent acceptable and appropriate alterations and would ask that you consider the following key points;
  - i. the replacement casement style PVC windows have been chosen to respect the original timber windows with the equivalent horizontal split;
  - ii. the application represents a proposal that is in-keeping with and preserves the appearance of, the existing house. We would argue that the visual appearance of the PVC alternative is comparable and that there are a number of significant benefits to upgrading the windows in this way;
  - iii. the windows replicates the form, size and general design of the original windows. It not only maintains a traditional appearance but offers far greater environmental performance/efficiency, whilst providing enhanced security and lower maintenance costs and requirements;
  - iv. in August 2019, East Lothian Council declared a **Climate Emergency** and has made a significant commitment to tackling the causes of climate change as outlined in the **East Lothian Climate Change Strategy 2020-2025**. This application represents an opportunity to support an individual who is upgrading their property in a way that contributes to achieving a more sustainable home with lower running and maintenance costs.
  - v. following a number of house burglaries in the area, the applicant was also seeking to improve their home security. Recent advancements in window design and technology have produced windows that are not only more energy efficient but also more secure;

- vi. as the montage on the front page of this submission illustrates, there is already a mix of residential dwellings in the Inveresk Conservation Area with a wide variety of window styles and using different materials. More specifically in the immediate vicinity and In Wedderburn Terrace there are properties;
- with PVC casement windows (including the next door property).
  - with astragals top and bottom;
  - with astragals on the top half, no astragals on the bottom;
  - no astragals at all;
  - those that have astragals, there is a variety in the thickness of the astragals themselves;
- vii. the character and appearance of the property makes a negligible contribution to the Conservation Area. The visual impact of the property is entirely restricted to its immediate vicinity and the immediate roadside. It is not a listed building (nor are there any listed buildings close by) and due to the established mature trees on the opposite side of the road there are no long distance views to the property. It sits on a narrow one-sided road, amongst a wider variety of house types.
- viii. accordingly, its role in the setting and character of the Conservation Area has been significantly overstated in the officer report and reasons for refusal;
- ix. there are no damaging impacts or precedents to be concerned about with this application. It is a reasonable attempt by a homeowner to improve the energy efficiency and security of his modest and unremarkable home.
- x. in addition, Condition 2 states a concern for setting a precedent '***within this part of the streetscape***'. Due to the one sided and narrow nature of Wedderburn Terrace, properties are seen in their individual setting with a very limited wider streetscape context.
- xi. the property next door is a relatively modern and modest bungalow with UPVC windows, whilst there is a 30 metre long blank elevation along the roadside to the north of the application property. We are therefore unsure which part of the nearby streetscape an undesirable precedent could possibly relate to;
- xii. if the Panel thought it helpful, a potential solution would be to match the glazing pattern by replacing the bottom sash glass so that it replicates the astragal design glazing in the top half of the sash window. This would mean that the replacement windows would be entirely consistent with what they replaced in terms of form, size, glazing pattern and general design. This could have been discussed and offered as part of the determination of the application (and covered by a planning condition) but there was no case officer discussion prior to the refusal being issued.

## INTRODUCTION

1. **APT Planning & Development** has prepared this Review Statement on behalf of **CR Smith Glaziers** (and the property owner Mr J Marshall) with regards to application **20/00883/P** seeking planning permission for replacement windows and doors (retrospective) at 1 Wedderburn Terrace, Inveresk, Musselburgh, EH21 7TJ. **The application was refused via delegated powers on 30<sup>th</sup> October, 2020.**
2. As a business, **APT** consistently promotes high quality development in East Lothian, seeking to protect many aspects of the natural and built environment. This appeal does not run contrary to those principles. We are not seeking to undermine Conservation Area policies but agree with the applicant in that in this specific instance, the characteristics of the property and its setting lend themselves to the granting of planning permission for the replacement windows and doors without causing unacceptable impacts to the character and setting of the Inveresk Conservation Area.
3. The respective architectural and visual importance of the property has been greatly overstated in the refusal of the application. **Any reasonable appraisal of the proposals must surely conclude that these changes, and the environmental and amenity benefits they bring, are, on balance, perfectly acceptable.**

## SITE CHARACTERISTICS, BACKGROUND AND PLANNING HISTORY

4. Constructed in the 1980's, No. 1 Wedderburn Terrace is a single storey, detached house with associated garden. It is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018 and is also situated within the Inveresk Conservation Area.



5. The property is bounded to the north, east and south by neighbouring residential properties and to the west by the public road of Wedderburn Terrace beyond which are the grounds of Inveresk Lodge Gardens. The neighbouring properties are a mix of relatively modern (1970's) single storey bungalows to the south and large traditional two-storey stone villas fronting Carberry Road to the rear/east of the property. This variety in house type and materials is acknowledged in the 2018 Inveresk Conservation Area Character Appraisal which, when looking at The Victorian Suburb part of the Conservation Area, states at paragraph 5.25;

*“The original street pattern of houses facing the street within generous plots bounded by stone walls has been compromised by some of these later houses, which generally have smaller plots, have a different orientation and are constructed in a variety of different materials.”*

6. Whilst this appeal seeks to secure permission for all the changes made to the property, it has been established that there are six windows in particular that led to the refusal of the application. The officer report states that the three windows installed on the rear of the property (south-east) and the window on the rear part of the south-west elevation are not readily visible and therefore do not have a noticeable impact on the character and appearance of the house or the Conservation Area.
7. The report also states that the replacement doors are sufficiently distanced from the public road and are therefore not seen to harm the integrity of the Conservation Area.
8. It is therefore the 6 identified windows in the south-west, north-east and north-west elevations that we are seeking permission for (whilst being wrapped up in the more comprehensive application).
9. **There were no objections** to the application for retrospective planning permission.
10. The application site has a limited planning history outlined below;

<b>20/00876/P</b>	2020	Planning permission secured for new fence and gate and repainting of window and door bands	1.3 mere fence	Fence built too high and Local Review Body appeal unsuccessful.
<b>20/00883/P</b>	2020	Application for retrospective planning permission refused for replacement windows and doors (this application)		Detrimental impact on the character and appearance of the Inveresk Conservation Area.



## APPLICATION 20/00883/P - REASONS FOR REFUSAL

11. This Review Statement will concentrate on the two reasons for refusal given when the application was refused via delegated powers in October. We address each in turn below:

### Reason 1

The replacement windows, due to their different framing material, glazing pattern, opening mechanism and use of plant on astragals are visibly different to the timber framed sash and case windows they replaced.

This difference neither preserves nor enhances but is harmful to the character and appearance of the house and the character and appearance of this part of the Inveresk Conservation Area. Therefore the replacement windows are contrary to Policy CH2 and DP5 of the adopted East Lothian Local Development Plan, its Cultural Heritage and Built Environment SPG and to SPP: June 2014.

12. **Policy CH2** states that '*All development proposals within or affecting a Conservation Area or its setting must be...designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area*'.
13. **Policy DP5** seeks to ensure extensions and alterations to existing properties are well integrated and in keeping with the original building, being of a **size, form, proportion and scale** appropriate to the existing house.
14. The Cultural Heritage and Built Environment SPG states: '*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 will 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 will 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 windows cannot be seen from a public place*'.

15. The application sought retrospective planning permission for replacement windows, the unintended consequence being that we are able to see the windows in-situ.

16. Whilst the Inveresk Conservation Area in its entirety is undoubtedly worthy of its Conservation Area status, this stretch of Wedderburn Terrace is comparably unremarkable, without any buildings or vistas that would warrant protection in their own right.



17. It is a minor part of the Conservation Area when compared to some far more significant buildings and areas of Inveresk that have a plethora of listed buildings and small neighbourhoods worthy of the status.
18. There are no listed buildings in or around Wedderburn Terrace and Carberry Road in the immediate vicinity of the application site nor are there any long-views towards the property due to the narrow street and mature landscaping on the opposite side of the road. You are not aware of the property until you are standing beside it, and it makes a negligible contribution to the overall character and appearance of the Conservation Area.
19. **For the purpose of this appeal therefore, we would state that the site and immediate vicinity do not display the special architectural or historical character or appearance seen elsewhere in Inveresk.**
20. Looking at **Policy DP5**, the windows are the same colour as the original, the same sizes as the original (even including the proportions of the divisions within the windows) and are appropriate within the general design and appearance of the building. The change in material will not be obvious to the casual passer-by, the untrained eye and we also feel that the change in astragal pattern (to leave the lower half of the windows without astragals) is also acceptable and has no significant detrimental impacts.
21. **The proposals clearly accord with Policy DP5.**
22. Looking at the Cultural Heritage SPG, we fully acknowledge that in many circumstances it is necessary and appropriate to replace timber sash and case windows with exact replicas. Many will be positioned on prominent roads and involve historic buildings with clear design identity which **normally means** that new windows must be the same size, style, colour and materials as the originals.
23. The property is not at a prominent location, has very limited public exposure, is not of high architectural or visual quality in its own right, has other unremarkable properties close by with simple UPVC windows and where changes to the property will not have any far reaching impacts in its streetscape or wider Conservation Area.



24. It is clear that the application meets the stipulation of point (ii) of the SPG in that No.1 Wedderburn Terrace *“does not contribute positively to the character of the conservation area and **a change in window design has no impact on the character of the conservation area**”*; Fundamentally the replaced windows do not represent a change in window design.
25. In more general terms, the new windows meet modern energy efficiency and security aspirations. It was felt that the building and previous windows were sufficiently unremarkable in their immediate and limited wider context that the slight change to a lower half without astragals was acceptable.
26. The astragals are not ‘painted’ as was detailed in the Officer report, but instead run through the glazed unit. These are higher quality, lower maintenance and environmentally friendly window installations and **given the situation with regards to East Lothian Council declaring a climate emergency these changes (in their site-specific context) should be encouraged.**
27. The replacement windows are consistent with the original windows in terms of form, size and general design. To the ‘*untrained eye*’ the use of PVC is not detectable and we are of the opinion that they maintain the standard of the property.



28. There is an eclectic mix of housing and window design in the surrounding area. The **same window design** is present in one of the neighbouring properties to the south (19 Wedderburn Terrace) where two of the principle windows have astragals in the upper portion of the window with clear glass below.
29. We therefore do not agree that the property makes a ‘*a positive contribution to the character and appearance of the conservation area and its traditional timber framed sash and case windows were a significant component of the house and the positive contribution it made to the character and appearance of the Inveresk Conservation Area*’. The property is not listed and is of no significant architectural merit (being a modest infill development of indeterminate but relatively modern vintage). There are no long distance views to the property and it is insignificant in terms of its setting within the village.
30. Whilst the benefits of the replacement windows are easily identified (energy efficiency, ease of maintenance and improved security), it is difficult to understand what possible negative impacts have arisen from their installation. They are similar in general character and have no detrimental impact on the immediate or wider Conservation Area.

## Reason 2

If approved the windows would set an undesirable 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 special character and appearance of the Inveresk Conservation Area.

31. One of the cornerstones of the planning system is that **each** planning application must be considered on its **individual merits**, that every application has specific circumstances that are to be taken into consideration and decisions are reached based on a full and thorough review.
32. Indeed this underlying message is reiterated and reinforced on a regular basis by planning authorities making a variety of planning decisions.
33. This reason for refusal goes further in stating:
34. *“If approved, the window would set an undesirable precedent for the installation of similarly designed UPVC framed windows within the publicly visible elevations of **other properties within this part of the streetscape.**”*



35. As we show above, the setting of No.1 Wedderburn Terrace is characterised by a narrow one-sided street, mature and established trees and landscaping on the opposite side and an irrelevant relationship with neighbouring properties. The property to the south is a relatively modern bungalow with UPVC plain windows. This is followed by a cul-de-sac of similar bungalows.





36. To the north, is a blank elevation of a house that faces to the north and east, away from Wedderburn Terrace, facing, and being accessed from, Carberry Road. It does not relate to the application property or Wedderburn Terrace having just three minor windows facing the road and 30 metres away from No. 1. The properties do not relate to each other.



37. We do not accept that by granting planning permission in this instance it will set an *'undesirable precedent'* for how future applications are decided. It is our repeated observation that the replacement windows have no detrimental impact on the appearance of the property or the wider character and setting of the Conservation Area.
38. **In assessing this application on its individual, site-specific merits, the proposals do not undermine the aims and objectives of planning policy or the designation of the Inveresk Conservation Area.**

## MATERIAL CONSIDERATIONS

39. **In August 2019, East Lothian Council's Elected Members unanimously agreed to declare a Climate Emergency** stating that the Council will work with our communities and partners towards making East Lothian a carbon neutral county, enabling the county to deliver its part of wider national and international commitments, and to prepare for the impacts of climate change.
40. This Climate Change Strategy sets out how East Lothian Council will work in partnership with our local communities, businesses, organisations and individuals to tackle climate change.
41. The aim is that East Lothian's homes and buildings will be Net Zero and energy efficient, enabling us to achieve Fuel Poverty targets, will use low carbon and renewable heat and energy sources, and will be adapted for future climate change impacts.
42. East Lothian Council is committed to a Local Housing Strategy which sets a target for improving the conditions and energy efficiency of stock across all tenures.
43. The installation of UPVC windows at Wedderburn Terrace is a small measure to help East Lothian achieve these aims. This is not a sensitive property, it does not make a significant contribution to the wider Inveresk Conservation Area whilst the changes will improve the efficiency of the building, requiring less heat and being constructed from a more robust material.
44. Whilst the windows retain the 50/50 horizontal split, the windows do not have a sash and case opening mechanism as would lead to unavoidable draughts (to the point that where these are installed, CR Smith customers have to sign a waiver stating that they cannot expect sash and case windows to be draught free). This immediately defeats at least part of the purpose of the switch. The CR Smith casement style window is an energy A rated product, highlighting the environmental benefits of the installation.
45. In addition there is a significant reduction in the longer-term cost of maintenance whilst the UPVC windows offer much-improved security. CR Smith offer a 10 year security guarantee offering to replace the window free of charge if someone is able to break in through it.
46. Whilst this appeal seeks permission for the windows as installed (and we believe that there is ample justification for this appeal to be allowed), CR Smith has confirmed that should the Local Review Panel think it beneficial, the lower half of the windows can be fitted with astragalled glazed units to match the upper half of each unit. These astragals are currently, and would be, integral to the unit and not painted on as the committee report inaccurately states.

47. If this was done, the new windows would, in all reasonableness, be indistinguishable from their predecessors.



## SUMMARY

48. This LRB Appeal is made following the refusal of application **20/00883/P** for replacement doors and windows at 1 Wedderburn Terrace, Inveresk.
49. We challenge the two reasons for refusal in that they significantly overstate both the quality and character of the existing house and its contribution to the setting and character of the Inveresk Conservation Area.
50. This appeal does not seek to undermine planning policy and other guidance seeking to protect and enhance Conservation Areas. The crux of this entirely site-specific argument is that the proposed changes do not result in any unacceptable impacts on the character or setting of the Conservation Area and as such planning policy should be interpreted as such. Given the site-specific nature of our response to planning policy and guidance, there is no risk that a granting of permission will create a damaging precedent.
51. Moreover, in August 2019, East Lothian Council declared a Climate Emergency and now has stated policies and aspirations to reduce the County's carbon footprint. In promoting new windows that will increase energy efficiency, reducing both the energy needs and carbon footprint of the property and its owner, these proposals will reflect the Council's aims and objectives in tackling climate change.

52. The officer report states that the two replacement door and a number of the replacement windows are acceptable. Whilst the appeal is against the refusal of the whole application, it has been reasonable to concentrate on those windows that can be seen from Wedderburn Terrace.
53. It is our opinion that in the context of an existing property that plays a negligible role in establishing the character and appearance of the wider streetscape and Inveresk Conservation Area, the replacement windows do not detract from the house, therefore preserving the Conservation Area at this specific location.
54. The replacement doors and windows do not change (negatively or positively) its impact on the surrounding area. If there are no detrimental impacts, it is deemed that the proposals preserve the character and setting of a conservation area.
55. Inveresk comprises of a rich mix of houses and respective window styles, types, sizes colours and materials. The replacement doors and windows at this property will merely be a further example of this mix, especially at this less sensitive location.
56. We trust that this Review Statement has addressed the stated reasons for refusal, are happy to address any further questions and respectfully request that the initial refusal of planning permission be overturned.





# OFFICER REPORT

**30th October 2020**

App No. **20/00883/P**

Application registered on **11th September 2020**

Target Date **10th November 2020**

Proposal	<b>Replacement windows and doors (Retrospective)</b>	SDELL	N
		CDEL	N
Location	<b>1 Wedderburn Terrace Inveresk Musselburgh EH21 7TJ</b>	Bad Neighbour Development	N

APPLICANT: **Mr J Marshall**

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

**c/o CR Smith Glaziers (Dunfermline) Ltd  
Per Mahfooz Ahmed  
CR Smith Glaziers  
Gardeners Street  
Dunfermline  
KY12 0RN**

DECISION TYPE:

**Application Refused**

## PLANNING ASSESSMENT

The property to which this application relates is a single storey, detached house with associated garden. It is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The property is also situated within the Inveresk Conservation Area and within the Battle of Pinkie Cleugh Historic Battlefield Site.

The property is bounded to the north, east and south by neighbouring residential properties and to the west by the public road of Wedderburn Terrace.

In October 2020 retrospective planning application 20/00876/P was submitted for the 1.79m high fence and gate that presently enclose the front roadside (northwest) boundary of the front garden of the house. Through the determination of that application it was concluded that due to their height and their close boarded form that the fence and gate were harmful to the character and appearance of the conservation. Therefore to safeguard the character and appearance of the conservation area, a condition has been imposed on that grant of planning permission 20/00876/P that requires the fence and gate to be reduced to 1.3m in height.

Planning permission is sought retrospectively for the replacement of the windows and doors of the house.

The windows that have been replaced were largely single glazed sash and case windows with astragals that had white painted, timber frames. The glazing pattern of the windows were largely either a six over six or an eight over eight glazing pattern. However the two first floor windows on the front northwest elevation of the house were casement windows with top opening hoppers with a 3 over 6 glazing pattern. The doors that have been replaced were of timber construction.

The replacement windows are all white uPVC framed, double glazed casement windows with a hop opening hopper. They each have plant-on astragals to the top opening hopper section of the windows. The window that has been installed adjacent to the door in the side (northeast) elevation of the house does not have any astragals.

The replacement doors are of uPVC construction and are grey in colour. The door installed in the side (southwest) elevation of the house has a full height glazed panel with astragals adjacent to it.

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 Development Plan 2018.

There are no relevant policies of the South East Scotland Strategic Development Plan (SESplan). Policies CH2 (Development Conservation Areas), CH5 (Battlefields) and DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application in 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 within conservation areas and proposals out with which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30th October 2018. The SPG expands on policies that are set out in the East Lothian Local Development Plan 2018 and provides policy guidance on replacement windows in buildings which are in a conservation area.

The policy guidance set out in the SPG states 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 will 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 will 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 windows cannot be seen from a public place.

No public letters of objection have been received in relation to the application.

The Cultural Heritage and the Built Environment SPG of the ELLDP 2018 contains within it the Inveresk Conservation Area Character Appraisal. It informs that Wedderburn Terrace is within a part of the Inveresk Conservation which expanded in the late 19th Century with residential development to the south up to and beyond the railway line. This part of the conservation area including Wedderburn Terrace contains large sandstone villas with individual or small groups of 20th Century houses interspersed in this area. Despite post Victorian houses comprising almost half of all houses in this part of Inveresk, their individual variety and visible difference only serve to emphasise the overall domination of the Victorian buildings with their generous proportions and uniformity of design and materials.

It is acknowledged that there has been more modern infill development within Wedderburn Terrace, including a group of 5 houses built circa 1970 to the south of the applicant's house. However those 5 houses form a distinctive group of houses of a more modern architectural character including the use of UPVC, that are distinctively different to and do not reflect the traditional character of the built form of the majority of the house in this part of the conservation area.

Whilst the applicant's house may also be a more modern addition to the conservation area, unlike the grouping of 5 houses to the south, it displays a traditional architectural style, with a pitched pantiled roof, rendered walls and formally timber framed sash and case windows. It makes a positive contribution to the character and appearance of the conservation area and its traditional timber framed sash and case windows were a significant component of the house and the positive contribution it made to the character and appearance of the Inveresk Conservation Area.

The replacement doors that have been installed due to their positioning on the side elevations of the house and of the form and appearance are sufficiently far removed from the public road to ensure that their uPVC construction is not easily discernible. They are not seen to harm the character and appearance of the conservation area.

The replacement windows, due to their different framing material, glazing pattern, opening mechanism and use of plant on astragals are visibly different to the timber framed sash and case windows they replaced.

The 3 replacement windows that have been installed on the rear (southeast) and the window that has been installed on the rear part of the southwest elevation of the house are not readily

visible from any public place, they do not have a discernible impact on the character and appearance of the house or on the conservation area.

In contrast, due to the positioning of the applicant's house in relation to the public road of Wedderburn Terrace and notwithstanding the existing unauthorised fence and gate which is to be reduced in height, the 2 windows that have been installed in its northeast (side) elevation, the 4 windows that have been installed in its northwest (front) elevation and the window in its southwest (side) elevation are, or will be, readily visible from Wedderburn Terrace. In those views the replacement casement windows with their modern uPVC framing, different opening mechanism, different glazing pattern, and use of plant on astragals appear visibly different to the traditional timber framed sash and case windows and doors they have replaced. This change in window style, opening method, construction material of frames and glazing pattern neither preserves nor enhances but is harmful to the character and appearance of the existing house and to the character and appearance of this part of the Inveresk Conservation Area.

The windows that have been installed on the rear elevation of the house are not readily visible from public views and the replacement doors are not seen to harm the character and appearance of the conservation area. However, as the bulk of the uPVC framed windows installed are readily visible from public views the application as a whole should be refused. Therefore the replacement windows are contrary to Policy CH2 and DP5 of the adopted East Lothian Local Development Plan, its Cultural Heritage and Built Environment SPG and to SPP: June 2014.

In addition, if approved, the uPVC framed replacement windows would set an undesirable precedent for the installation of modern style uPVC framed windows and doors within the publicly visible elevations of other buildings within the Inveresk Conservation Area. Over time, such change would be collectively out of keeping with, and harmful to, the character and appearance of the Inveresk Conservation Area.

The development does not have a significant adverse effect on the key features of the Battle of Pinkie Cleugh Historic Battlefield Site.

The windows are unauthorised and a breach of planning control. If within 2 months of the date of the refusal of planning permission for the windows and doors, steps have not been taken to remove these uPVC framed windows enforcement action will be taken to secure their removal with the period for compliance with the enforcement notice being 2 months.

#### REASONS FOR REFUSAL:

- 1 The replacement windows, due to their different framing material, glazing pattern, opening mechanism and use of plant on astragals are visibly different to the timber framed sash and case windows they replaced.

This difference neither preserves nor enhances but is harmful to the character and appearance of the house and the character and appearance of this part of the Inveresk Conservation Area. Therefore the replacement windows are contrary to Policy CH2 and DP5 of the adopted East Lothian Local Development Plan, its Cultural Heritage and Built Environment SPG and to SPP: June 2014.

- 2 If approved the windows would set an undesirable 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 special character and appearance of the Inveresk Conservation Area.

LETTERS FROM

30th October 2020





App No. 20/00883/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

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

**Mr J Marshall  
c/o CR Smith Glaziers (Dunfermline) Ltd  
Per Mahfooz Ahmed  
CR Smith Glaziers  
Gardeners Street  
Dunfermline  
KY12 0RN**

**APPLICANT: Mr J Marshall**

With reference to your application registered on 11th September 2020 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Replacement windows and doors (Retrospective)**

**at  
1 Wedderburn Terrace  
Inveresk  
Musselburgh  
EH21 7TJ**

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 replacement windows, due to their different framing material, glazing pattern, opening mechanism and use of plant on astragals are visibly different to the timber framed sash and case windows they replaced.  
This difference neither preserves nor enhances but is harmful to the character and appearance of the house and the character and appearance of this part of the Inveresk Conservation Area. Therefore the replacement windows are contrary to Policy CH2 and

DP5 of the adopted East Lothian Local Development Plan, its Cultural Heritage and Built Environment SPG and to SPP: June 2014.

- 2 If approved the windows would set an undesirable 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 special character and appearance of the Inveresk Conservation Area.

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>
PHOTOS 1	-	26.08.2020
PHOTOS 2	-	26.08.2020
LOCATION/SITE PLAN	-	04.09.2020
PHOTO 3	-	04.09.2020
PHOTO 4	-	04.09.2020
DWG001	-	04.09.2020
DWG002	-	04.09.2020
DWG003	-	04.09.2020
DWG004	-	04.09.2020
DWG005	-	04.09.2020
MANU LITERATURE 1	-	11.09.2020

**30th October 2020**



Keith Dingwall  
Service Manager - Planning

## NOTES

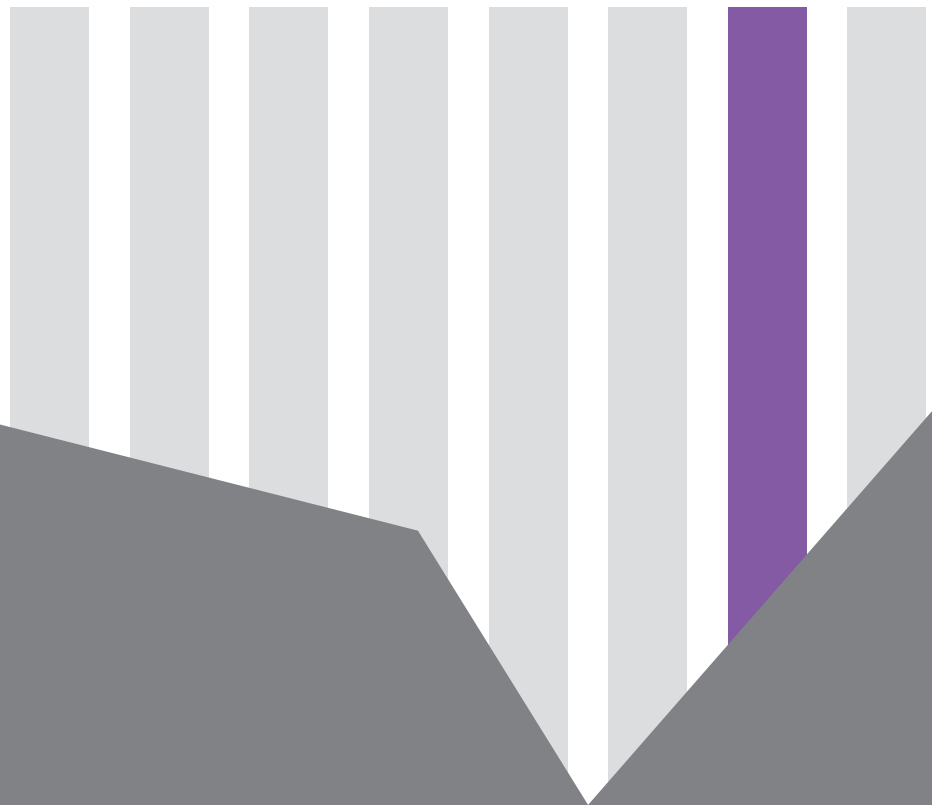
If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review 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.

local development plan

# cultural heritage and the built environment

proposed supplementary  
planning guidance 2018



**East Lothian Local Development Plan 2018**  
**Proposed Supplementary Planning Guidance 2018**  
**Cultural Heritage and the Built Environment**

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Appendix 1: Conservation Area Character Statements

Appendix 2: Inveresk Conservation Area Appraisal

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**1.0 Introduction**

- 1.1 This supplementary planning guidance on Cultural Heritage and the Built Environment is that which is referred to in para 6.44 of section 6, Our Natural Environment and Cultural Heritage of the East Lothian Local Development Plan 2018 (ELLDP 2018). It expands on the Policies of the ELLDP 2018 by offering an introductory explanation of the Cultural Heritage matters listed above followed by policy guidance that should be followed by applicants applying for planning permission, listed building consent and advertisement consent as appropriate.
- 1.2 Local Development Plan Policy CH2: Development Affecting Conservation Areas outlines the requirements that development proposals must satisfy if they are located within a designated conservation area. Policy CH2 was carried forward from the 2008 East Lothian Local Plan. However, the additional policy guidance on shop frontages, external security, external wall treatment and the display of advertisements in conservation areas that was included in the policy in the 2008 Local Plan is now included in this supplementary planning guidance to the East Lothian Local Development Plan.
- 1.3 This supplementary planning guidance (SPG) outlines the Council's design guidelines and advice for shop owners, shop tenants, architects and developers considering development proposals within conservation areas in East Lothian. It promotes high standards of design and the use of appropriate materials which will help preserve or enhance the special architectural or historic character or appearance of East Lothian's conservation areas. It also

includes the Conservation Area Character Statements for each of East Lothian's designated conservation areas that were included within the East Lothian Local Plan 2008 and the more comprehensive Conservation Area Character Appraisal for Inveresk Conservation Area, prepared in 2011 and updated to include reference to the policies of the ELLDP 2018.

## **2.0 Conservation Areas**

- 2.1 Policy CH2: Development Affecting Conservation Areas of the proposed LDP outlines the requirements that development proposals must satisfy if for a location within a designated conservation area.
- 2.2 Most, but not all of, East Lothian's conservation areas have an approved Article 4 direction dating from 1981 which removes permitted development rights appropriate to that particular conservation area. These directions were put in place to protect the conservation area from potentially adverse effects of cumulative changes that might not otherwise have required planning permission.
- 2.3 In 2012 the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 came into force that has restricted permitted development rights for householder development in all designated conservation areas. The Scottish Government is likely to extend this to include non-residential properties after which all Article 4 Directions in East Lothian will be reviewed.
- 2.4 When assessing a planning application for Planning Permission in Principle in a conservation area the Planning Authority needs to be able to understand the proposal and how it will affect the conservation area. Accordingly, the following detail is required.
- 2.5 **Applications for Planning Permission in Principle within a designated Conservation Area**
- 2.6 **Policy Guidance: Applications for planning permission in principle for a location within a designated conservation area should always be accompanied by sketch plans and elevations that give sufficient information to show the proposed development in relation to its surroundings.**

## **3.0 External Wall Treatment**

- 3.1 Proposals to clean the stonework of a building in a conservation area must ensure that the resultant appearance of the building is not harmed, for example by resulting in a patchy or varied appearance to the stonework or by its erosion or other damage through the cleaning process. Cleaning may take place to remove paint on a building prior to repainting and should always be the subject of prior discussion with the Planning Service beforehand. Listed building consent is required to clean listed buildings. Planning permission is also required for the stonecleaning of any building within a conservation area.
- 3.2 **Policy Guidance: (i) Stonecleaning will only be permitted where it involves the whole building or all its public elevations and it preserves or enhances the appearance of an individual building or a group with a uniform facade. Applicants must demonstrate that the proposed method will not harm the appearance and structure of the stonework.**



## 8.0 Replacement Windows

- 8.1 Planning permission may be required to replace windows in buildings in a Conservation Area unless the replacement window matches exactly the existing window. If a building is listed, Listed Building Consent will be required.
- 8.2 Windows form an important part of the appearance of a building and therefore contribute significantly to the character and interest of conservation areas. Replacing windows in a style unsuited to the building can have a damaging impact on both the individual building and that of the immediate area.
- 8.3 Permission to replace a window will only be granted where the design and construction of the window does not harm the character and appearance of the building or its surroundings.
- 8.4 Timber framed windows in older properties can be repaired rather than requiring complete replacement. Historic Environment Scotland guidance for windows<sup>1</sup> that are of historic interest is that the repair of their components is preferable to replacement. Repair should therefore always be considered before, and is preferable to, replacement. This approach not only retains historically-important fabric and character, but is sustainable. Repair of existing windows does not require consent.
- 8.5 Where a replacement historic window is shown to be necessary and double glazing is required Historic Environment Scotland guidance notes that slim, thin or narrow-profile/section double-glazing allows more accurate replication of historic window patterns. In such windows, sections of sash meeting rails and astragal profiles should match the original as closely as possible, horns should only be provided if there is historical evidence for their use and through astragals should be provided. It is customary for window frames to be painted white or cream in East Lothian for consistency, any proposed exception to this will require to be justified.
- 8.6 The following applies to the different situations where window replacement is required:
- Replacement Windows in a Conservation Area:**
- 8.7 Planning permission is required to replace windows in all buildings in a Conservation Area, unless the replacement window matches exactly the existing window. If a building is also listed, Listed Building Consent will also be required.
- 8.8 Where windows are of historic interest, repair of their components is preferable to replacement and does not require planning permission. Permission to replace windows will only be granted where the design and construction of the windows does not harm the character and appearance of the building or its surroundings.
- 8.9 **Policy Guidance: 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 will 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 will be:**

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<sup>1</sup> Managing Change in the Historic Environment: Windows, Historic Environment Scotland, January 2018

- 1) Multiple glazing where there is no visible difference between that proposed and the original style of window.
- 2) 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;
- 3) If the window cannot be seen from a public place.

#### **Replacement Windows in a Listed Building:**

- 8.10 In line with Policy CH1 Listed Buildings, in the case of any Listed Building, Listed Building Consent will be required for the replacement or alteration of an existing window and will only be permitted where they do not harm the architectural or historic character of the building. Repairs to original or historic windows using the original materials ("like for like") do not require either Planning Permission or Listed Building Consent. Where a window is proposed for replacement a survey report of the window must be submitted that demonstrates that the window cannot be repaired. The guidance box gives further information about the survey.
- 8.11 **Policy Guidance: Original windows in a listed building should be retained and, where necessary, repaired. Only where repair is shown to be impossible should replacement be accepted. Replacement windows will normally be required to exactly match the original window in all respects, including proportions of the window opening, opening methods, materials, colour, astragal profile if appropriate, and glazing. Permission will not be granted for a replacement window that is visibly different to an existing original window.**

#### *GUIDANCE BOX:*

##### **Window Condition Survey: what should be in a survey?**

It is recommended that a window condition survey be conducted and completed by someone who is knowledgeable in the field of architectural or building conservation e.g. a joiner.

The survey should include:

- each individual window;
- elevation drawings with the windows numbered;
- an accompanying proportionate amount of information about the type, age and condition of each window;
- photographs of each window that highlight areas of deterioration;

Additional information may be required for a more complex building or where significant historic windows are involved. For a straightforward residential property an annotated photo with the windows numbered and a short description of the window condition may be acceptable.

## **9.0 Development Affecting Trees in Conservation Areas**

- 9.1 Trees have particular biodiversity, landscape and cultural value. The visual impact of trees within our conservation areas is often an important part of the overall quality of the

