

## **REVIEW DECISION NOTICE**

Decision by East Lothian Local Review Body (the “**ELLRB**”)

---

Application for Review by John Gordon Associates on behalf of Mr Brown at 57A High Street, Tranent for refusal of Planning Permission for replacement windows at 57A High Street, Tranent, EH33 1LN.

Site Address: 57A High Street, Tranent, EH33 1LN

Application Ref: 19/01043/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 10 August 2021

---

### **Decision**

The ELLRB agreed by majority to overturn the Planning Officer’s decision and grant planning permission for the reasons given below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

#### **1. Introduction**

1.1. The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 20 February 2020. The Review Body was constituted by Councillor F O’Donnell (Chair), Councillor J Findlay, Councillor N Gilbert and Councillor J Williamson. All four members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

1.2. The following persons were also present at the meeting of the ELLRB:-

Mr M. Mackowiak, Planning Adviser to the LRB  
Mr C Grilli, Legal Adviser/Clerk to the LRB  
Ms F Currie, Clerk

#### **2. Proposal**

- 2.1. The planning application is for refusal of Planning Permission for the replacement windows, 57A High Street, Tranent, EH33 1LN.
- 2.2. The planning application was registered on 17 October 2019 and the decision notice refusing the application is dated 5 December 2019.
- 2.3. The reasons for refusal are more particularly set out in the Decision Notice but are summarized below as follows:

**REASONS FOR REFUSAL:**

- 1 *The proposed UPVC frames of the replacement windows on the publicly visible front (north) and side (east) elevations of the flat would be harmful to the character and appearance of the flat, to the building of which it is a part, the streetscape and to the character and appearance of the Conservation Area. In this they are contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018, the Council's supplementary Planning Guidance on 'Cultural Heritage and the Built Environment' and with Scottish Planning Policy: June 2014.*
  
- 2 *If approved the proposed replacement 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 character and appearance of the Tranent Conservation Area.*

2.4. The notice for review is dated 12 December 2019.

**3. Preliminaries**

3.1. The ELLRB members were provided with copies of the following:-

|      |  |
|------|--|
| i.   | The drawings/plans set out below   |
| ii.  | The Application for planning permission registered on 17 October 2019  |
| iii. | The Appointed Officer's Submission   |
| iv.  | <p>Policy and Legislation</p> <ul style="list-style-type: none"> <li>- Section 25 of the Town and Country Planning (Scotland) Act 1997,</li> <li>- Policy CH2 (Development Affecting Conservation Areas) of the adopted East Lothian Local Development Plan 2018,</li> <li>- Scottish Planning Policy 2014 and Supplementary Planning Guidance on 'Cultural Heritage and the Built Environment' adopted by the Council in October 2018.</li> </ul> |
| v.   | Notice of Review dated 12 December 2019 together with Applicant's Submission with supporting statement and associated documents.   |

**4. Findings and Conclusions**

4.1. The ELLRB confirmed that the application for a review due to non-determination of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to grant planning permission subject to the condition, including all drawings and copies of all representations and objections received in respect of the original application.

4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser gave a brief presentation to Members. 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 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. 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.

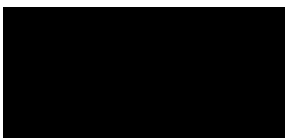
4.3. The Members then questioned the planning advisor. There questions included clarification on the difference between wooden and UPVC window frames and the age of the building. These were answered by the Planning Advisor.

4.4. The Chair asked her colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

- 4.5. Councillor Williamson stated that 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 was of the opinion that in considering climate change, he felt that the Council should be encouraging people to reduce their carbon footprint. He would therefore be minded to overturn the case officer's original decision and to grant planning permission.
- 4.6. Councillor Gilbert agreed with 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.
- 4.7. 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.
- 4.8. The Chair said that there were a number of buildings of a similar age; some of which were of note architecturally and had been sympathetically renovated in the Tranent High Street. 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.

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

Planning Permission is accordingly granted.



Carlo Grilli  
Legal Adviser to ELLRB

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
- 2 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 V of the Town and Country Planning (Scotland ) Act 1997.