

REVIEW DECISION NOTICE

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

Application for Review by Mr Stuart Durie c/o Alan Wood, 6 Lauder Rambling, North Berwick EH39 5PU of decision to refuse Planning Permission for replacement windows and door at 22 Hopetoun Terrace, Gullane EH31 2DE.

Site Address: 22 Hopetoun Terrace, Gullane EH31 2DE

Application Ref: 22/00750/P

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

Date of Review Decision Notice: 16 Dec 2022

Decision

The ELLRB agreed by majority to uphold the appeal in part and to grant planning permission only in respect of the replacement windows for the reasons more particularly set out 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

The above application for Planning Permission was considered by the ELLRB, at a meeting held on Thursday, 15 December 2022. The Review Body was constituted by Councillor J Findlay (Chair), Councillor A Forrest, and Councillor C Cassini. All three members of the ELLRB had attended a site visit accompanied by the Planning Adviser in respect of this application prior to the meeting.

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

Mr P Zochowski, 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 review of decision to refuse Planning Permission for replacement windows and door at 22 Hopetoun Terrace, Gullane EH31 2DE.

2.2. The planning application was registered on 18 July 2022 and the Decision Notice refusing the application is dated 2 September 2022.

2.3. The condition and the reason for the condition is more particularly set out in full in the said Decision Notice dated 2 September 2022. The reasons for refusal are set out as follows:

1. *The proposed white coloured, non-traditional UPVC framed windows and, where proposed, their unauthentic and contrived 'plant-on' type astragals on the publicly visible front (southwest) elevation of the house would, by their different construction material of frames and profiles, neither preserve nor enhance, but instead would be harmful to, the character and appearance of the house, the terrace of houses to which it forms a part and to the character and appearance of this part of the Gullane Conservation Area contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018, the Council's 11 supplementary Planning Guidance on 'Cultural Heritage and the Built Environment' and with Scottish Planning Policy: June 2014.*
2. *The proposed replacement entrance door in the front (southwest) elevation of the house would, by its different non traditional materials, be harmful to the character and appearance of the house, the terrace of houses to which it forms a part and to the character and appearance of this part of the Gullane Conservation Area contrary to Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014.*
3. *If approved the proposed replacement front windows and entrance door would set an undesirable precedent for the installation of similarly designed UPVC framed windows and composite doors within the front elevations of other houses 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 this part of the Gullane Conservation Area.*

2.4. The notice of review is dated 20 October 2022

3. Preliminaries

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

i.	<p>The drawings accompanying this application are referenced and numbered as follows:</p> <table border="1"> <thead> <tr> <th>Drawing No.</th> <th>Revision No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>DWG 01</td> <td>-</td> <td>04.07.2022</td> </tr> <tr> <td>DWG 02</td> <td>-</td> <td>04.07.2022</td> </tr> <tr> <td>DWG 03</td> <td>-</td> <td>18.07.2022</td> </tr> <tr> <td>MANU LITERATURE 01</td> <td>-</td> <td>18.07.2022</td> </tr> <tr> <td>MANU LITERATURE 02</td> <td>-</td> <td>18.07.2022</td> </tr> <tr> <td>MANU LITERATURE 03</td> <td>-</td> <td>18.07.2022</td> </tr> <tr> <td>MANU LITERATURE 04</td> <td>-</td> <td>18.07.2022</td> </tr> <tr> <td>7411</td> <td>A</td> <td>18.07.2022</td> </tr> </tbody> </table>	Drawing No.	Revision No.	Date Received	DWG 01	-	04.07.2022	DWG 02	-	04.07.2022	DWG 03	-	18.07.2022	MANU LITERATURE 01	-	18.07.2022	MANU LITERATURE 02	-	18.07.2022	MANU LITERATURE 03	-	18.07.2022	MANU LITERATURE 04	-	18.07.2022	7411	A	18.07.2022
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ii.	The Application for planning permission registered on 18 July 2022																											
iii.	The Appointed Officer's Submission																											

iv.	<p>Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application:</p> <ul style="list-style-type: none"> - DP5 (Extensions and Alterations to Existing Buildings) - CH2 (Development Affecting Conservation Areas) <p>In addition the following provisions are also relevant to the determination of the application, namely:-</p> <ul style="list-style-type: none"> - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and - Scottish Planning Policy (June 2014).
v.	<p>Notice of Review dated 20 October 2022 together with Applicant's Submission with supporting statement and associated documents.</p>

4. Findings and Conclusions

- 4.1. The ELLRB confirmed that the application for a review 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 conditions, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.
- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser confirmed that 22 Hopetoun Terrace is not a listed building but lies within the designated Gullane Conservation Area where it is part of a short terrace of late Victorian two storey houses with two storey bay windows. Hopetoun Terrace has several such short terraces of houses each being uniform in appearance but quite different from other short terraces or rows of houses in the street. The existing windows in the house appear to be original windows and are timber single glazed units. The front door is a six recessed panel timber door with original or similar to original ironmongery and fanlight window above. It matches the adjacent door that serves number 20 Hopetoun Terrace.

The proposed windows are proposed to be constructed of uPVC material, double glazed and white in colour. Whilst they broadly match the existing fenestration pattern, there are some variations including the profile of central astragal in the forwardmost window of each bay and the window at first floor above the door. The proposed astragals are not through astragals but placed on each outward pane of the glass, referred to in the report of handling as 'plant on' astragals. Vents would be visible on the top rail of each window.

The proposed door would be different from the existing door in that, as noted in the Notes submitted to the application, it would be constructed as a one-piece composite unit with glass reinforced polyester to the outside. While it has six panels within it in similar areas to the original these would not be wholly recessed as in the original but instead project forwards from each panel in line with the plane of the door thus effectively there would be a cut groove around the edge of each panel. The ironmongery (handle, letterbox) is

proposed to be in brushed stainless steel which in the opinion of the Planning Adviser would have a modern finish but it is noted that the applicant is willing to agree these details along with the final colour of the door with the Planning Service.

The Planning Adviser confirmed that, as set out in the Report of Handling, relevant to the determination of this planning application is policy CH2 – Development Affecting Conservation Areas and material to the determination of the application is Supplementary Planning Guidance on Cultural Heritage and the Built Environment approved by Council in 2018. Section 8.0 Replacement Windows explains that for replacement windows in a conservation area to preserve or enhance that area normally means the proportions of the window opening, its opening method, colour, construction material of frames and glazing pattern should be retained. Circumstances where exceptions might apply are outlined. These include where a change in window design would have no impact on the character of an area.

The Planning Adviser noted that one letter of objection was received from the Architectural Heritage Society of Scotland who opposed the proposed development as the proposed windows and door would be of different material that would neither preserve or enhance the special architectural or historical character of this part of Gullane Conservation Area.

The Planning Adviser then advised that the planning officer in their report concluded that the proposed changes to the windows and door on a prominent front elevation of a building were harmful to the character and appearance of the Gullane Conservation Area. This was because the change in construction material of the window frames, the profiles of elements of the design and the 'plant on' astragals would be significant, as would the replacement of the timber door with a composite material and both would be harmful to the character and appearance of the house, the terrace of houses of which it is part and this part of the conservation area. The Planning Adviser agreed with the planning officer's conclusions though added that the change in the appearance of the door panels would also be significant.

The Planning Adviser then moved to the appellant's appeal submission which outlines a case for the replacement windows on doors. This can be summarised as follows:

- The proposed changes would result in significant energy efficiency benefits to the householder;
- That uPVC is a good material to use for replacement windows and doors with their a case made that concludes that in their experience they offer benefits above and beyond those of timber windows;
- That there is no discernible difference in the proposed changes as viewed from a public place, the proposed design would not be widely visible in the appearance of the windows and door such that would harm the character of the house; and
- It is understood that other owners adjoining the site have commented that they want to do exactly the same replacements as the applicant

The Planning Adviser concluded and commented that the planning officer has also submitted a suggested condition should the members wish to grant planning permission.

4.3. The Planning Adviser replied to questions from Councillor Forrest and the Legal Adviser responded to question raised by the Chair.

4.4. The Chair asked his 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 Forrest commented that the site visit was helpful and noted that the street appeared to have a unified form and while the materials in buildings looked different the overall look of the area was the same. He then commented that he was minded to support the Planning Officer's decision and to refuse this appeal.
- 4.6. Councillor Cassini commented that she had noted that there appeared to be another property on the street that had altered windows although this was not within the current block. She further commented that in respect of the door itself she felt that to change the materials would go against the design and be harmful to the character of the area but in relation to the proposal for the windows she was more in favour. She summarised that she was minded to refuse the application in part supporting the Planning Officer's decision in relation to the replacement door but overturning the officer's decision in relation to the replacement windows.
- 4.7. The Chair agreed with the position taken by Councillor Cassini noting that there were several options available to the applicant for materials and design. However, he was reluctant to accept change to modern materials in relation to the door and was more sympathetic with the application relating to the windows. Accordingly, the Chair was also minded to support the application in part supporting the Planning Officer's decision in relation to the replacement door but overturning the officer's decision in relation to the replacement windows.

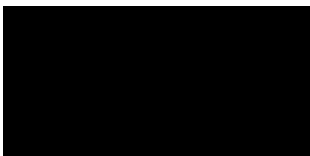
Accordingly, the ELLRB by majority decided to uphold the appeal in part refusing the application in relation to the replacement door for the reasons set out above and within the Planning Officer's report and to grant planning permission in relation to the replacement windows and subject to the following condition:

1. The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

Planning Permission is granted in part for the replacement of the windows only.



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.