

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
15 JULY 2008

Agenda Item	2.6
Report No	38/08

**08/00151/FULCA: INSTALLATION OF UPVC WINDOWS AND FRONT DOOR AT 10
DEMPSTER STREET, WICK**

**08/00152/LBCCA: INSTALLATION OF UPVC WINDOWS AND FRONT DOOR AT 10
DEMPSTER STREET, WICK**

Report by Area Planning and Building Standards Manager

SUMMARY

Application is made for Planning Permission and for Listed Building Consent to install new uPVC windows and front door to the existing corner terraced Listed Building at 10 Dempster Street, Wick. Planning Permission is also required because the property is situated within the Pulteneytown Conservation Area which is subject to an Article 4 Direction. The double glazed timber windows which currently exist at the property do not comply with the design guidance of Historic Scotland or with the advice which would be given by the Council's Conservation Architect. Similarly neither do the proposed uPVC replacements. I am, however, of the opinion that due to various reasons outlined in the report below, Planning Permission and Listed Building Consent should be granted for this proposal.

The recommendation is to GRANT planning permission and listed building consent.

Ward Number 3 – Wick

Applicant: Miss Treasa Hamilton, 10 Dempster Street, Wick

1. PROPOSAL

- 1.1 It is proposed to replace five windows in the front and side elevations of the two storey terraced property at the corner of Dempster Street and Malcolm Street, Wick. It is also proposed to replace the existing front door which faces Dempster Street. The property is a Category C Listed Building and it also lies within the Pulteneytown Conservation Area which is the subject of an Article 4 Direction which removes permitted development rights for such developments at that locus.
- 1.2 The existing windows and door, whilst being constructed of timber, do not comply with the design guidance for such listed buildings as issued by Historic Scotland.

1.3 The proposed windows and door, whilst constructed with uPVC frames, would virtually match the appearance of the existing windows and door at the property.

2. PLANNING HISTORY

2.1 None on file.

3. PUBLIC PARTICIPATION

3.1 The application was advertised as one for Listed Building Consent on 18 April 2008, the period for representations expiring on 9 May.

3.2 One letter of objection has been received recommending that the proposal to replace the windows in this instance be refused due to using the wrong materials.

4. CONSULTATIONS

4.1 **Highland Council Conservation Architect:** Can not lend his support to the replacement windows or door being constructed of uPVC nor does he consider that the design of the windows being top hung swing windows are particularly appropriate to a listed building within a conservation area.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal:

Highland Structure Plan:

- G2 Design for Sustainability
- BC5 Listed Buildings and Conservation Areas

Caithness Local Plan (Adopted September 2002):

- General Policy H - The Council will seek to maintain and enhance the established character of residential areas and will encourage appropriate development.
- Appendix VII Design Guidelines for Wick Pulteneytown and Harbour Area – these state that “uPVC windows or similar artificial materials should not be used.”

5.2 The proposal also requires to be assessed against the guidance given in the Memorandum of Guidance issued by Historic Scotland on Listed Buildings and Conservation Areas dated 1998.

6. PLANNING APPRAISAL

6.1 **Determining issues** – Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

- 6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines, as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:
- whether the principle of development is appropriate in terms of policy
 - whether the layout of development is appropriate
 - the impact on the amenity of the area and residents
 - other material issues raised by the applicant and objectors
- 6.3 Following correspondence with the applicant the following matters have come to light. When the applicant purchased her property her Solicitors did not advise her that the dwellinghouse was either a Listed Building or that it was within a Conservation Area. This has been confirmed by the Solicitors involved. As she was unaware that either planning permission or listed building consent would be required, she ordered and paid for the windows which were then on offer from a local double glazing company. It was not until the windows were about to be installed that she was advised by a neighbour that her property actually lay within a conservation area and was a listed building. This has obviously given her cause for great concern.
- 6.4 When she did however find out that the property was within a Conservation Area and was a Listed Building she submitted the necessary planning and listed building consent applications and these are the two applications which are the subject of this report.
- 6.5 Obviously the applicant is in an invidious position. However I would refer the Committee to two previous applications, one for Listed Building Consent and one for planning permission for the installation of white uPVC windows at 9 Malcolm Street, Wick, a dwellinghouse which is 2 doors from the property which is the subject of these particular applications. Those applications were referred to the Caithness Planning, Europe and Tourism Committee of 15 November, 2004 with the recommendation that they be refused. Committee agreed to this and both applications were refused. The applicant appealed against the Council's decision to the Scottish Executive and the decision of the Reporter was that planning permission and Listed Building Consent be granted on the basis that whilst the replacement of traditional timber sash and case windows with non-traditional windows would be detrimental to the preservation or enhancement of the conservation area, the impact of that proposal upon the character or appearance of the conservation area would be likely to be neutral in as much as the new windows would be visually similar and no more unacceptable than those – white painted metal – which they would replace. On that basis the Reporter upheld the appeal and granted planning permission and Listed Building Consent for those windows.
- 6.6 In the light of this recent decision, and in view of the very particular circumstances detailed at paragraph 6.3 above, Members may wish to consider making an exception and relaxing the strict Design Guidelines which seek to resist the use of uPVC windows in the conservation area. To do so should not be seen, however, as creating a precedent.

RECOMMENDATION

Grant planning permission and listed building consent.

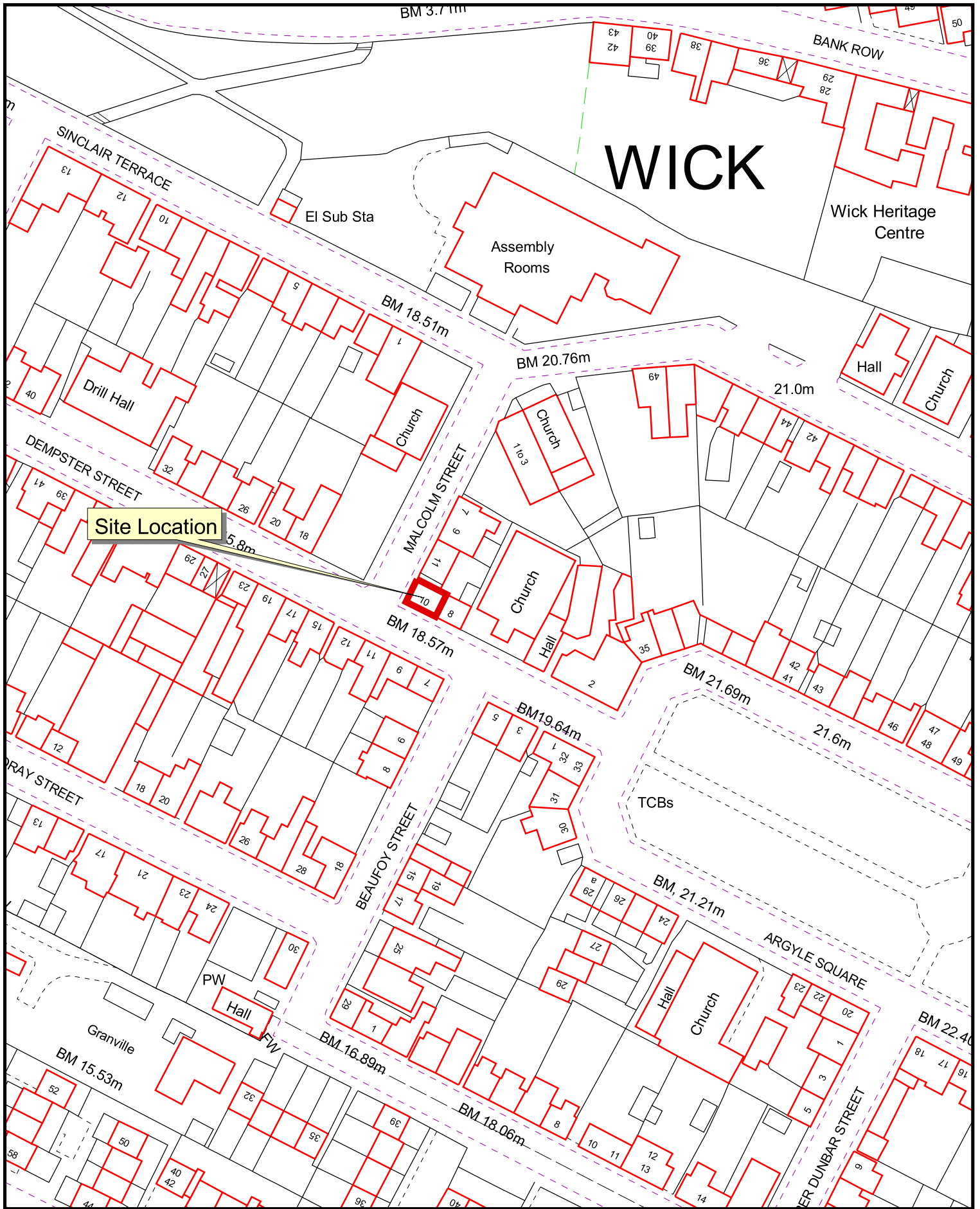
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart 01955 607751

Background Papers: As referred to in the report above

Date: 7 July 2008



08/00151/FULCA & 08/00152/LBCCA
 Installation of UPVC windows and front door at
 10 Dempster Street, Wick, KW1 5QB

Ms. Treasa Hamilton
 10 Dempster Street
 Wick
 KW1 5QB

Date: 08 July 2008

SUPPLIED BY THE HIGHLAND COUNCIL

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