

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 9 MARCH 2010**

Agenda Item	
Report No	

**09/00341/LBCCA : Fiona Polson  
Sunart, Latheron, KW5 6DG**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

**Description :** Replace 6 no windows on front elevation to white UPVC

**Recommendation - REFUSE**

**Ward :** Ward 4 – Landward Caithness

**Development category :** Local

**Pre-determination hearing :** None

**Reason referred to Committee :** Request of Ward Members

**1. PROPOSED DEVELOPMENT**

- 1.1 This application seeks Listed Building Consent to replace the existing single paned timber framed windows on the front elevation of a B Listed Building. The proposed replacements are twelve pane UPVC windows. The ground floor windows will open at the top while the first floor windows will open at both the top and bottom.
- 1.2 Supporting statement submitted (see 4.3).

**2. SITE DESCRIPTION**

- 2.1 The site forms the end of a terrace that sits above the junction of the A9 and A99 at Latheron. The overall building, which includes Latheron Post Office, is B listed.

**3. PLANNING HISTORY**

- 3.1 04/00492/LBCCA - Retrospective Listed Building Consent to paint gable end and rear of dwellinghouse white. Granted 13/04/05

Latheron Post Office

01/330/LBCCA - Install replacement UPVC windows. Refused 18/04/06

05/307/LBCCA - Replace existing timber sash and case windows with double glazed white UPVC look-alike windows with top hung opening hoppers. Granted at Committee 13/02/06

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Listed Building (expired 13/11/09)

Representation deadline : 13/11/09

Timeous representations : 1

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- These windows should be replaced with traditional design timber with either two, four or eight pane or whatever was there originally
- UPVC should not be used on a Listed Building

4.3 The applicant has submitted a statement in support of the application. The comments are summarised as follows:

- The application was lodged in September and no recommendation was made until January
- The existing windows are not original and are inadequate
- The cost of installing and maintaining timber sash and case windows is prohibitive
- A precedent for UPVC windows has been established
- Historic Scotland does not object
- The appearance of the new windows will be in keeping with the character of the building
- The comments of the Conservation Officer and the objector are objectionable to the applicant

4.4 All letters of representation can be viewed at the Area Planning Office.

#### **5. CONSULTATIONS**

5.1 **Conservation Officer** : Objects –

- The existing windows are not considered to contribute to the special architectural interest of the building.
- The new windows proposed are equally unlikely to make a positive contribution to the special architectural interest of either the individual building or the terrace as a whole.
- It is concluded that the proposed development to replace the existing windows with inappropriate UPVC replacements does not preserve the listed building or the setting of the other listed buildings within the terraced row.
- The proposal does not meet the requirements of the SHEP, SPP23 or the Highland Structure Plan.

5.2 **Historic Scotland** : Comment as follows –

- Are aware that replacement windows previously consented in the rest of this B listed terrace, and that the windows that are to be replaced in this particular dwelling are not original.
- Remind the Council of the importance of traditional glazing pattern, opening mechanism and construction material of replacement windows, and the cumulative impact such replacement windows could have on the overall historic character of the terrace.

**6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **Highland Structure Plan 2001**

G2 Design for Sustainability

BC5 Listed Building and Conservation Areas

6.2 **Caithness Local Plan**

PP2 Primary Policy Two

**7. OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

N/A

7.2 **Highland Council Supplementary Planning Policy Guidance**

N/A

7.3 **Scottish Government Planning Policy and Guidance**

- Scottish Historic Environment Policy (SHEP)
- Scottish Planning Policy (SPP)
- Memorandum of Guidance on Listed Buildings and Conservation Areas, Appendix 1 Guidelines for the detailed consideration of Listed Building Consents and Conservation Area Consents
- Managing Change in the Historic Environment, Windows, Consultation Draft August 2009

**8. PLANNING APPRAISAL**

8.1 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.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 8.3 **Development Plan Policy Assessment**

The proposal is not considered to accord with Structure Plan policy BC5 which states that the Council will seek to preserve buildings of historical and architectural interest. Furthermore, it fails to demonstrate high quality design in keeping with historic environment and to make use of appropriate materials as required by Structure Plan policy G2. In addition, it is not considered to comply with Local Plan policy PP2 as, if approved, it would significantly affect a B Listed Building. The proposal is therefore considered to be contrary to the Development Plan.

The proposals are also considered to be contrary to the requirements of the SPP and the SHEP which require that proposals have regard for the special interest of a building.

Appendix 1 of the Memorandum of Guidance suggests that given the opportunity to replace inappropriate non-original windows the correct window pattern should be reinstated. The relevant consultation document on Managing Change in the Historic Environment which will supersede the Memorandum of Guidance notes that pattern of design, materials and the method of opening all contribute towards the character of an historic window. The detail of this proposal does not accord with this guidance and the proposal is therefore considered to be contrary to national policy.

### 8.4 **Material Considerations**

The existing windows are not original and there is general agreement from all parties that they add little to the special interest of the building. In addition, the applicant states that they are draughty, do not adequately block out road noise and are rotten in parts. The existing windows are double glazed but the applicant feels that the glazing is not up to modern standards.

8.5 It is recognised that whilst there may be a case for replacing the existing windows, the proposed replacements are not considered to be appropriate in terms of their materials, the glazing pattern or the method of opening.

8.6 The applicant has stated that UPVC windows have been chosen because the cost of installation and maintenance will be lower than associated timber windows. She has also stated that she believes that there is a historical precedent for twelve pane windows.

8.7 One letter of representation has been received from the Architectural Heritage Society of Scotland which states that the original style of windows should be reinstated and expresses the view that UPVC windows are not appropriate for a Listed Building. This echoes the views of the Council's Conservation Architect who advises that the proposed development would not contribute to the preservation of the Listed Building.

8.8 The proposed replacements would detract from the special interest of both the individual house and the wider terrace with which it is Listed. The applicant argues that a precedent has been established with the installation of UPVC windows in another part of the terrace.

However, Historic Scotland advises the Council to consider the cumulative impact of successive window replacements. If the current proposal were to proceed it would introduce a glazing pattern that is not currently found in the building. It would also be a further loss of timber framed windows and would represent a missed opportunity to re-instate traditional sash and case style windows. This development alone is sufficient to detract from the special interest of the Listed Building and taken cumulatively with the previous alterations, the impact is likely to be significant.

#### 8.9 **Other Considerations – not material**

In response to the applicant's comments regarding the handling of the application it should be noted that the application was invalid until 14 October and the applicant was advised in a letter of 28 October that the proposals were unlikely to be supported by the Planning Authority. The applicant was invited to substitute the proposals for a more sympathetic alternative but has chosen not to do so.

The correct procedures regarding public participation and consultation were followed.

#### 8.10 **Matters to be secured by Section 75 Agreement**

None

### 9. **CONCLUSION**

- 9.1 While there may be a case for replacing the existing windows, the current proposals are not considered to be appropriate in terms of materials, glazing pattern or methods of opening. The development, if approved, would detract from the special interest of the Listed Building and as such does not accord with the Development Plan or national policy. The proposal is therefore recommended for refusal.

### 10. **RECOMMENDATION**

<b>Action required before decision issued</b>	Y
Notification to Scottish Ministers	N
Notification to Historic Scotland	Y
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

**Subject to the above**, it is recommended the application be **REFUSED** for the following reasons:

1. The proposed replacement windows are inappropriate in their materials, glazing pattern and methods of opening and are detrimental to the special interest of the Category B Listed Building, contrary to Scottish Planning Policy (SPP), The Scottish Historic Environment Policy (SHEP), Memorandum of Guidance on Listed Buildings and Conservation Areas Appendix 1 and Managing Change in the Historic Environment, Windows, (Consultation Draft August 2009).
2. The proposed replacement windows are inappropriate in their materials, glazing pattern and methods of opening and do not demonstrate high quality design in keeping with the historic environment and fail to use appropriate materials, all contrary to Highland Structure Plan Policy G2 Design for Sustainability.
3. The proposed replacement windows are inappropriate in their materials, glazing pattern and methods of opening and do not preserve the special historical and architectural interest of the building, contrary to Highland Structure Plan Policy BC5 Listed Buildings and Conservation Areas.
4. The proposed replacement windows would have a significant impact on a B Listed Building contrary to Caithness Local Plan Policy PP2.
5. The proposal, if approved, would set an undesirable precedent making it difficult to refuse applications of a similar nature in the future.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager Caithness, Sutherland and Easter Ross

Author: Lisa MacKenzie

Background Papers: Documents referred to in report and in case file 09/00341/LBCCA

Relevant Plans: Plan 1 – Location Plan

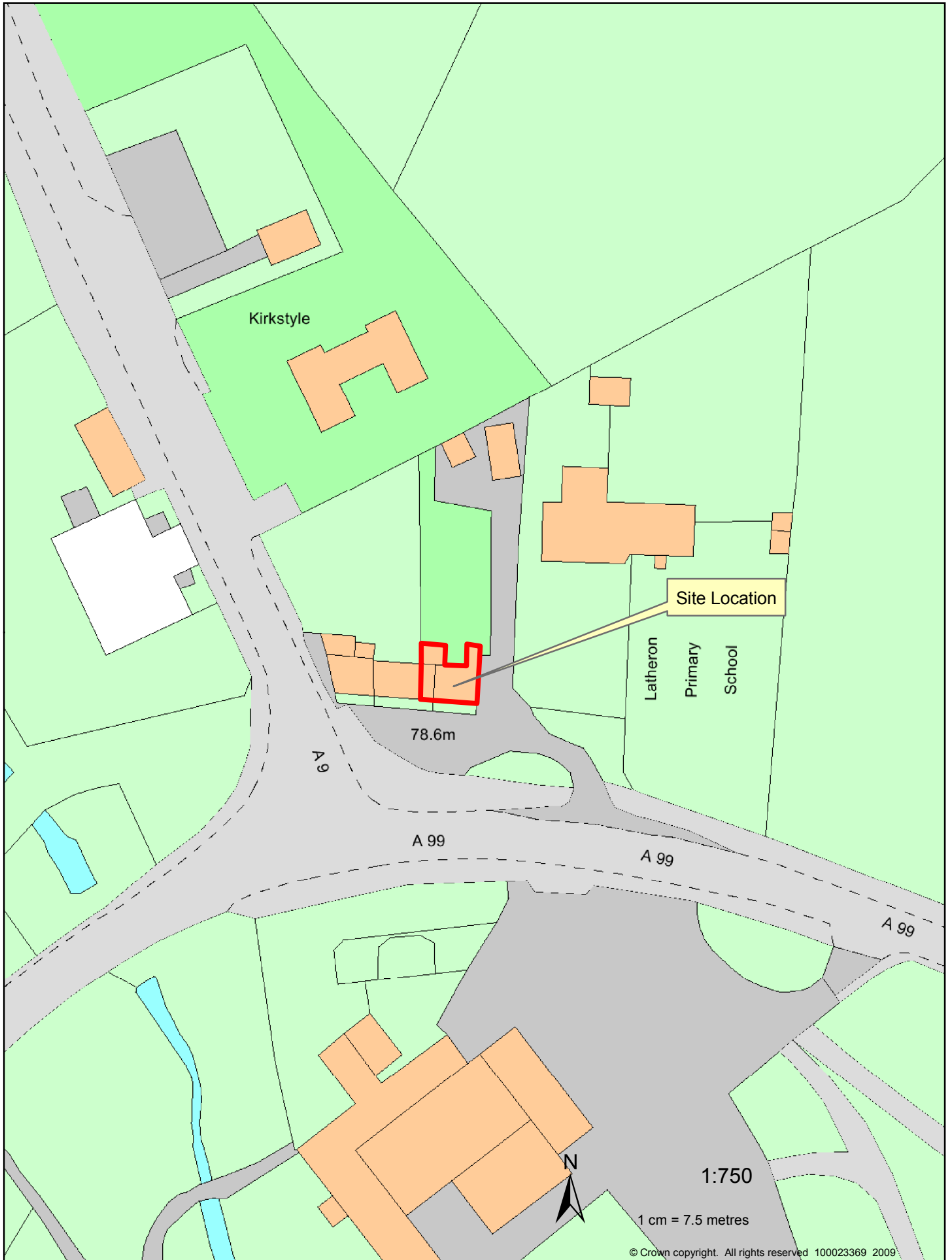
Plan 2 – Site Plan

Plan 3 – Details of replacement windows

Plan 4 – Photograph of existing windows

Plan 5 – Photograph of existing windows

Plan 6 - Elevations



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