

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE - 28 September 2010

Agenda Item	
Report No	

**10/01838/LBC : Miss Alice Morgan
1 Shandwick Street, Tain**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Replacement Windows

Recommendation - REFUSE

Ward : 08 – Tain and Easter Ross

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : Request of a majority of the ward members

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks permission to replace the four windows on the front elevation of 1 Shandwick Street, Tain.
- 1.2 The replacement windows will be doubled glazed timber framed reversible windows.
- 1.3 The applicant has submitted a statement in support of the application.
- 1.4 No variations made to application.

2. SITE DESCRIPTION

- 2.1 The house is a traditional style 1.5 storey cottage. It is a C listed building within the Tain Conservation Area.

3. PLANNING HISTORY

- 3.1 09/00501/LBCSU
Replacement windows and doors
Granted 8 January 2010

4. PUBLIC PARTICIPATION

4.1 Advertised : Listed Building and development affecting a Conservation Area

Representation deadline : 30.07.2010

Timeous representations : 0

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- None

4.3 The applicant has submitted a statement in support of the application making the following points:

- The existing windows are not original and are 'inadequate'
- The appearance of the currently proposed new windows will be little different from those already approved
- The currently proposed dormer windows would offer escape in the event of fire which the approved replacements would not

5. CONSULTATIONS

5.1 **Tain Community Council** : No response received.

5.2 **Conservation Officer** :

- Traditional windows are a fundamental element of the historic environment and are a significant feature of the special architectural interest of historic buildings and areas.
- The proposal is not in line with best practice guidance and therefore does not meet the requirements of nationally and locally adopted policy for the historic environment.

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 Buildings and Conservation Areas

6.2 **Ross and Cromarty East Local Plan**

Tain Town/Village Centre – Policy 27

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (SPP)

Scottish Historic Environment Policy (SHEP)

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.

Furthermore, section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 requires the Council to seek to preserve buildings and groups of buildings of historical and architectural interest. Furthermore, it fails to demonstrate high quality design in keeping with the historic environment as required by Structure Plan policy G2. In addition the proposal fails to accord with Local Plan policy Tain (27) which requires that development within the Conservation Area should be carried out in accordance with the established character of the area. The proposal is therefore considered to be contrary to the Development Plan.

8.4 The proposal is also considered to be contrary to the provisions of the SPP and the SHEP which require that proposals have regard for the special interest of a listed building and preserve or enhance the character and appearance of a Conservation Area.

8.5 **Material Considerations**

8.6 Listed Building Consent was granted in January of this year to replace these windows and the front and back doors. This consent remains live. The approved windows are double glazed timber framed sash and case windows.

8.7 The principle of replacing the existing windows which are in poor condition has been established but the current proposals are not considered to be acceptable. The proposed method of opening is not traditional and it is considered that it would detract from the appearance of the house and the Conservation Area generally.

8.8 In response to the applicant's comments regarding the similarity of the currently proposed windows to those previously approved it should be noted that the method of opening – sash and case against reversible – is completely different. The difference would be striking when the windows were open and it is considered that this would detract from the special interest of the building and the character of the wider Conservation Area.

8.9 The question of fire escape is an understandable concern but it is only pertinent in relation to the dormers windows as there are front and rear doors on the ground floor. Furthermore the approved replacements would not be any less effective as a means of escape than the existing windows and the applicant was happy with this at the time of the original application.

8.10 **Other Considerations – not material**

None

8.11 **Matters to be secured by Section 75 Agreement**

None

9. CONCLUSION

9.1 The case for replacing the existing windows has been made but the current proposals are not considered to be appropriate. The development, if approved, would detract from the special interest of the Listed Building and the Conservation Area and as such the proposal does not accord with policy. The application is therefore recommended for refusal.

10. RECOMMENDATION

Action required before decision issued n

Notification to Scottish Ministers n

Notification to Historic Scotland n

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 terms of their method of opening and as such are detrimental to the special interest of the Category C Listed Building contrary to Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP).
2. The proposed replacement windows are inappropriate in terms of their method of opening and as such fail to preserve or enhance the character or appearance of the Conservation Area contrary to SPP and SHEP.

3. The proposed replacement windows are inappropriate in terms of their method of opening and as such do not demonstrate high quality design in keeping with the historic environment contrary to Highland Structure Plan Policy G2 Design for Sustainability.
4. The proposed replacement windows are inappropriate in terms of their method of opening and as such do not preserve the special historical and architectural interest of the building or the Conservation Area contrary to Highland Structure Plan Policy BC5 Listed Buildings and Conservation Areas.
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.

Relevant Plans: Plan 1 – Location / Site plan
Plan 2 – Details of windows
Plan 3 – Photograph



10/01838/LBC
 Replace windows - double glazing at
 1 Shandwick Street, Tain IV19 1BQ

Miss A Morgan
 1 Shandwick Street
 Tain
 IV19 1BQ