

APPENDIX IV

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00009/RREF

Planning Application Reference: 15/01484/FUL

Development Proposal: Replacement Windows

Location: 5 East High Street, Lauder

Applicant: Mrs M Dick

DECISION

The Local Review Body (LRB) reverses the decision of the appointed planning officer and grants planning permission as set out in the decision notice.

DEVELOPMENT PROPOSAL

The application relates to replacing timber sash and case windows with UPVC sliding sash windows at 5 East High Street, Lauder. The application drawings consist of the following :

Plan Type	Plan Reference No.
Location Plan	
Specifications	SPECTUS
Elevations	P37845

PRELIMINARY MATTERS

The LRB first considered this review at its meeting on 16th May 2016, when it determined that that the review had competently been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included a) the Decision Notice; b) Notice of Review; c) Officer's Report; d) Drawings and e) List of Policies, the LRB

considered they required further procedure to enable them to determine the review. They therefore requested the appellant to provide a sample of the proposed uPVC window frame and stick-on astragals for examination by the Local Review Body.

This sample was produced and the LRB considered the matter once more at its meeting of 19th September 2016. At that time they considered that they now had enough information to determine the review and proceeded to consider the case. In coming to the conclusion, the LRB noted the request from the appellant for a site inspection and one or more hearing sessions.

REASONING

The determining issues in this review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the adopted Local Development Plan 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

- Local Development Plan policies : PMD2 & EP9

Another material document the LRB referred to was:

- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

Members noted that the proposal was an end terraced property within the prime frontage / core area of the Lauder conservation area. The plans proposed to install 7no replacement windows. The existing windows are traditional single glazed sliding sashes in white-painted timber frames with astragals. The proposed replacements are described as replicating exactly the external appearance (glazing pattern) and opening mechanism (sash and case) of the existing windows, but these would be double-glazed white-coloured uPVC units. An accompanying 'Spectus VS' brochure offers generic descriptions of windows and the final page describes the use of 'stick-on' Georgian glazing bars.

The Council's approved SPG on Replacement Windows and Doors states that (para 3.28) the principle of the replacement of timber units in uPVC is acceptable where the design pattern, dimensions and method of opening are retained within the new windows and where the proposals address the 'General Principles' set out in Section 3.7 of the same SPG. The General principles require that consideration be given to: (i) the position of the window(s) proposed for replacement, specifically whether or not these are publically visible and/or relate to more modern extensions; (ii) whether or not these windows are originals; (iii) the predominant character of surrounding properties; and (iv) whether or not the proposals maintain or improve the current position. The SPG also states (para 3.29) that within prime frontage / core areas of Conservation Areas the use of stick-on astragals will not be permitted.

Members considered that 3no of the windows were located to the rear of the property and that as these were most inconspicuous from public view they had no objections to replacing those. Members also discussed that there was a range of existing types within the Lauder Conservation Area.

On examining the sample window which was presented to the LRB at the meeting on 19th September, Members considered that the window proportions, the sliding sash appearance and opening mechanism were an acceptable replica of the original windows. In terms of the astragals it was considered that as there was a mid bar between panes of glass the astragals did appear to be an integral part of the window and that the astragals were well fitted and it appeared they would be a permanent fixture within the double glazed unit. Members further considered that the astragal was of the same proportion and design as the existing windows astragal.

CONCLUSION

After considering all relevant information, the Local Review Body considered that the proposed windows were appropriate in this part of the Lauder Conservation Area and consequently approved the plans.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

Notice Under Section 21 of the Town & 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 for 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.

Signed.....Councillor R. Smith
Chairman of the Local Review Body

Date.....29 September 2016