

APPENDIX V

**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: 16/00019/RREF

Planning Application Reference: 16/00126/FUL

Development Proposal: Replacement Windows

Location: 62 Castle Street, Duns

Applicant: AJ Redpath

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 and installing a replacement timber door at 62 Castle Street, Duns. The application drawings consist of the following:

Plan Type	Plan Reference No.
Location Plan	
Brochures	Renaissance
Photos	
Photos	
Photos	
Photos	

PRELIMINARY MATTERS

The LRB first considered this review at its meeting on 15th August 2016, when it determined 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) Additional Information Requested; b) Notice of Review; c) the Decision Notice; d) Officer's Report; e) Consultation and f) List of Policies, the LRB considered they could not determine the review without further procedures as they wished to confirm whether the windows could be repaired as opposed to being replaced. Consequently they requested the applicant should give details of the condition of the existing windows and the door from an accredited source.

This information was provided by the Appellant and was presented to the LRB at its meeting of 19th September 2016. At that time the LRB determined that it 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 property is a B listed building and located within the Duns Conservation Area, although it is outwith the identified core area / prime frontage. The proposal was to replace 7no sash and case windows with a six over six glazing pattern on the front elevation (including the 2 no dormer windows) with wood effect uPVC windows and install a new oak boarded front door. The proposed windows would be UPVC double glazed frames with a sliding sash opening mechanism.

Members acknowledged that although the building was B listed, a separate appeal against the refusal of listed building consent was being considered by Historic Environment Scotland and consideration of any impacts on the property from a listed building perspective was not a matter for the LRB. This LRB appeal was against the refusal of the application for full planning consent which required cognisance of the LDP's policies PMD2 and ED9.

In considering the conditions survey, Members noted the condition of the door and the window and did feel these were predominantly beyond repair.

Reference was made to page 8 of the Council's Supplementary Planning Guidance on Replacement Doors and Windows which states guidance regarding replacement windows within conservation areas but outwith prime frontage / core areas. Members noted that appropriately designed and proportioned UPVC could be permissible and it was agreed that the windows proposed complied with the criteria tests within the Guidance.

CONCLUSION

After considering all relevant information, the Local Review Body considered the proposed replacement windows and door were appropriate for this property within this part of the Duns Conservation Area and approved the application. In order to ensure the windows best matched those of adjoining properties members requested that further discussion is had with the planning case officer with regards to whether external horns should be applied to any of the windows.

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

INFORMATIVE

As requested by the Local Review Body, in order to ensure the windows best matched those of adjoining properties the applicant should contact the planning case officer as to whether external horns should be applied to any of the proposed windows.

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