

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/01039/FUL

**APPLICANT :** Mrs Laura Paterson

**AGENT :**

**DEVELOPMENT :** Replacement windows (revision to planning permission 18/00211/FUL)

**LOCATION:** 41 North Hermitage Street  
Newcastleton  
Scottish Borders  
TD9 0RA

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
	Photos	Approved
WORLD GROUP	Specifications	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations.

Community Council were consulted, but have not responded to the public consultation.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability  
Policy PMD2: Quality Standards  
Policy HD3: Residential Amenity  
Policy EP9: Conservation Areas

Replacement Windows and Doors SPG (2015)

**Recommendation by** - Stuart Herkes (Planning Officer) on 6th September 2018

This application is an alternative version of the replacement windows scheme that was approved under Planning Consent 18/00211/FUL. However, while the current proposal proposes top-hung windows; the previous approval was for sash-and-case units.

Essentially the same assessment of the context of the existing windows, site and surrounding area, remains valid within the consideration of this current proposal. Similarly, and in those aspects of the previously approved scheme which are the same, the same assessment is also reasonably applied, and the same view taken as before. Please refer to the assessment which informed the Report of Handling on Planning Application 18/00211/FUL. As such, within the context of the assessment of this current application then, it is only necessary to focus on the difference between the previous scheme and the current scheme, which is the substitution of top-hung casement windows for the previously approved sash-and-case units.

At the time of the determination of the previous planning application, it was considered that the aforementioned proposed sash-and-case windows were acceptable. While it was acknowledged that there was a variety of window-designs on the specific property and indeed, within the wider area, it was also observed of the replacement windows proposal itself, that: "the existing (and indeed proposed) windows are predominantly sash-and-case units. This at least, is a traditional opening mechanism, and as such a traditional characteristic (if the only remaining one) that can be conserved; and not otherwise lost through the installation of any more unsympathetic units, such as any unregulated installation of tilt-and-turn units etc". It was specifically noted as a positive point of support for that application, that the existing sash and case opening mechanism would be retained within the replacement units, and this was considered to be an acceptable position given the loss of timber. The Applicant is however now proposing the installation of non-traditional units; specifically, top-hung casement units. As such, it would essentially see the loss of the last traditional characteristic of the windows on this highly visible elevation. This then would - contrary to the above noted concern - result in the complete loss of any traditional character or appearance for the replacement window units in this elevation.

The matter before the Planning Authority then, is whether or not the complete loss of any traditional characteristics from these windows would be acceptable. In considering this point, I am content that there is no requirement to update or change my view of the site or surrounding area since my previous assessment, while nothing has changed in terms of policy or guidance in the short interim period since the time the first application was approved. As such, I am content that there are no new material considerations which would require me to take any revised or different view from that taken at the time of the assessment of the previous planning application.

As such, I would maintain a concern that the replacement windows are still reasonably required to conserve a traditional opening mechanism - which is currently conserved by the existing windows - to ensure an appropriate appearance that would be sympathetic to the character of the site and surrounding area, including the Conservation Area. On this basis, I consider that the loss of the traditional opening mechanism is not acceptable, and that the current application is not reasonably supported. It would only reasonably be refused on the basis that the current proposal would otherwise allow for a wholly modern type and character of window to be installed onto the highly visible principal elevation of this highly visible property within Newcastleton's Conservation Area. While the loss of timber units was previously accepted that was subject to the retention of the sash-and-case opening mechanism. As such, the current proposal would take the proposed replacement units a stage further, to a complete loss of any discernible traditional window-design characteristics and this is not reasonably supported in this context. On this point, I would add that the Replacement Windows SPG does explicitly state that: "white coated or painted dual swing and similar units which retain the distinct step of sash and case windows and which give the appearance of a sash and case window in all respects except when open, will also normally be acceptable". Accordingly, it is material that what is proposed in this specific case, would also not achieve any appropriate reproduction of the appearance of a traditional white-painted sash and case window in any terms that would accord with the advice of the SPG.

I would clarify that I am aware that there is already a top-hung casement window on the gable of the property concerned, and what appear to be two top-hung casements on the rear elevation. However, given the obvious and existing mismatch of window-types between the front, gable and rear elevations at present, I do not consider that this is a significant consideration, and one that does not justify the complete loss of any traditional character to the windows at the property. I would clarify that there is no record of any of the existing casements having had any planning approval prior to their installation. The two rear elevation windows were part of a scheme which was the subject of a planning condition attached to Planning Consent 07/00391/FUL, but there is no record of their prior approval as per the requirements of the aforesaid condition. There is no record of the gable casement window being approved under this or any other consent.

In the event of approval, equivalent conditions would reasonably be imposed upon any consent issued to address the concerns that previously required to be regulated under Planning Consent 18/00211/FUL for precisely the same reasons as before.

Also, as before, the Applicant's previously submitted photos which do not in fact describe the windows to be replaced, are not usefully included amongst the supporting details. As before, I have therefore included my own site photo to describe the existing appearance. Similarly, the "Casement Window Report" offers little by way of description of the proposal, and should therefore be omitted from the supporting details.

**REASON FOR DECISION :**

The planning application should be refused for the following reason:

The design of the replacement windows fails to comply with Policies PMD2 and EP9 of the Scottish Borders Council Local Development Plan 2016, and with the advice contained within the Replacement Windows and Doors SPG (2015), in that their appearance would result in an adverse visual impact on the character of the building and would be detrimental to the character and appearance of the Newcastleton Conservation Area.

**Recommendation:** Refused

- 1 The design of the replacement windows fails to comply with Policies PMD2 and EP9 of the Scottish Borders Council Local Development Plan 2016, and with the advice contained within the Replacement Windows and Doors SPG (2015), in that their appearance would result in an adverse visual impact on the character of the building and would be detrimental to the character and appearance of the Newcastleton Conservation Area

**"Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling".**