



# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

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

**IMPORTANT:** Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name Joan McKay

Address Sunnybrae, Midlem, Selkirk

Postcode TD7 4QB

Contact Telephone

Contact Telephone

E-mail\*

## Agent (if any)

Name Kevin Andison, R Mitchell (Glass) Ltd.

Address Currie Road, Galashiels

Postcode TD1 2BP

Contact Telephone 1 01896 752628

Contact Telephone 2 01896 757320

E-mail\* Kevin@mitchellglass.co.uk

Mark this box to confirm all contact should be through this representative:



Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail?



Planning authority Scottish Borders Council

Planning authority's application reference number 18/01462/FUL

Site address Sunnybrae, Midlem, Selkirk, TD7 4QB

Description of proposed development

Replacement of all windows to front of house and one to rear.  
The proposed new windows look identical to current windows and would be constructed from wood grain effect UPVC.

Date of application 18.10.2018

Date of decision (if any) 22.01.2019

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

### Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

### Reasons for seeking review (tick one box)

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

### Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

### Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |                                                                                      | Yes                                 | No                       |
|--------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:



**Statement**

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The planning permission for my replacement windows was refused on the following grounds -  
 '... 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 Midlem Conservation Area, including the Area of Prime Frontage'.  
 In order to support this submission I wish to make clear the following:  
 There is no appreciable difference between the look of my existing windows and the proposed windows in the planning application and therefore the visual impact would be the same. My proposed replacement windows are constructed from UPVC but look exactly like wooden windows, including having a very high quality wood grain effect. The shape and style of the windows is replacing like for like. I had in fact not considered UPVC replacement windows when I first started the process of looking into replacement windows because I want the appearance of my house to remain unchanged. During that process the standard and appearance of UPVC windows now available came as a complete surprise to me and made me realise that it could be possible to have UPVC windows fitted without compromising on the appearance of my house. The appearance of my home is of utmost importance to me as is energy usage and these new double UPVC windows would offer excellent energy efficiency.  
 I chose R Mitchell Glass Ltd., a local and well regarded Galashiels firm as I was very impressed with the high quality finish of their products and their understanding of the issues I was putting forward about the importance to me of the appearance of the windows and of my home.  
 Therefore because if the proposed UPVC windows were fitted they would look identical to what is currently in place I would like to ask you the following questions; how is it going to have an adverse visual impact on the character of the building and how is it going to be detrimental?  
 I have lived in Midlem for 35 years and the character and appearance of the Midlem Conservation Area are very important to me, however there are already several different styles of windows in the village, including those on Prime Frontage, including some UPVC windows and a house with windows made to look like sash and case but which hinge out from the side  
 Also almost directly opposite to my property is an extension built several years ago that is situated on Prime Frontage that is very different in character and visual impact from the rest of the village. The windows frames of this extension are made out of metal.  
 I would put the case that although Midlem is a very attractive village, there is already all of these differences in appearance, styles and materials to properties in the village, including on Prime Frontage. The addition of my UPVC windows, which will look identical

*\* Statement attached in full*

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

The new material in this submission is included because it is pertinent to the concerns raised in the planning refusal pertaining to the broader Midlem Conservation Area including Prime Frontage, and the reasons given for planning permission being refused.



**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

A document with photographs to illustrate the points raised in the above submission.

A sample of the wood grain effect UPVC from Mitchell's Glens

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

08/02/2019

**The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)**



## Reasons For Notice of Review

The planning permission for my replacement windows was refused on the following grounds –  
'... 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 Midlem Conservation Area, including the Area of Prime Frontage.'

In order to support this submission I would like to make clear the following:

There is no appreciable difference between the look of my existing windows and the proposed windows in the planning application and therefore the visual impact would be the same. My proposed replacement windows are constructed from UPVC but look exactly like wooden windows, including having a very high quality wood grain effect. The shape and style of the windows is replacing like for like. I had in fact not considered UPVC replacement windows when I first started the process of looking into replacement windows because I want the appearance of my house to remain unchanged. During that process the standard and appearance of UPVC windows now available came as a complete surprise to me and made me realise that it could be possible to have UPVC windows fitted without compromising on the appearance of my house. The appearance of my home is of utmost importance to me as is energy usage and these new double UPVC windows would offer excellent energy efficiency.

I chose R Mitchell Glass Ltd., a local and well regarded Galashiels firm as I was very impressed with the high quality finish of their products and their understanding of the issues I was putting forward about the importance to me of the appearance of the windows and of my home.

Therefore because if the proposed UPVC windows were fitted they would look identical to what is currently in place I would like to ask you the following questions; how is it going to have an adverse visual impact on the character of the building and how is it going to be detrimental?

I have lived in Midlem for 35 years and the character and appearance of the Midlem Conservation Area are very important to me, however there are already several different styles of windows in the village, including those on Prime Frontage, including some UPVC windows and a house with windows made to look like sash and case but which hinge out from the side

Also almost directly opposite to my property is an extension built several years ago that is situated on Prime Frontage that is very different in character and visual impact from the rest of the village. The windows frames of this extension are made out of metal. I would put the case that although Midlem is a very attractive village there is already all of these differences in appearance, styles and materials to properties in the village, including on the Prime Frontage. The addition of my UPVC windows which will look identical to the existing windows in terms of character and appearance (rails, astragals, sash) will not alter the character and appearance of either my house or the Midlem Conservation Area including the Prime Frontage.

Referring to the Scottish Borders Council's Planning Guidance: Replacement Windows and Doors I include the following

'3.28 In the consideration of proposals for the alteration of windows and doors in the Prime Frontage or Core Areas, the General Principles set out in Section 3.7 shall be taken into account. Following consideration of the General Principles to a particular proposal the outcome may be either:

- Replacement generally on a 'like for like' basis required as set out in this policy section. Or

- Replacement through the use of new materials (which may include UPVC for windows) but retaining the design pattern, dimensions and method of opening.

My proposed new windows do indeed retain the design pattern, dimensions and method of opening and would therefore comply to this principle.



Photographs to support Notice of Review for Planning Application 18/01462/FUL

Joan McKay, Sunnybrae, Midlem, Selkirk, TD7 4QB

Sunnybrae	
Examples of current UPVC windows in Midlem	<div></div> <div></div>
The extension of the house opposite and the metal windows	<div></div>
The window in Midlem made to look like sash and case but which hinges open from the side	



Examples of other types and styles of windows on Midlem Prime Frontage



Photos from R Mitchell of the type of wood grain effect windows that are in the planning application (obviously the proposed windows for my house would be made to look identical to current windows)

