

APPENDIX I

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: 20/00008/RREF

Planning Application Reference: 19/01019/FUL

Development Proposal: Installation of replacement windows (retrospective)

Location: 10 Exchange Street, Jedburgh

Applicant: Mr Anthony Williams

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The development is contrary to policies PMD2 and EP9 of the Scottish Borders Local Development Plan 2016 and the Supplementary Planning Guidance on Replacement Windows and Doors 2015 in that the windows are of an inappropriate design for the character of the building and do not preserve or enhance the character and appearance of the Conservation Area.

DEVELOPMENT PROPOSAL

The application relates to the installation of replacement windows. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	
Photo showing replacement windows	

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 1st June 2020.

After examining the review documentation at that meeting, which included a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in Officer's Report and e) List of Policies, the Review Body proceeded to determine the case.

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 Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD3 and EP9

Other Material Considerations

- SBC Supplementary Planning Guidance on Replacement Windows and Doors 2015

The Review Body noted that the application was for replacement windows to the upper floors of a property at 10 Exchange Street, Jedburgh. As the windows had already been installed, the application was retrospective.

Members firstly considered the location of the property and noted that it lay within Jedburgh Conservation Area and was, therefore, subject to Policy EP9 on Conservation Areas and the associated Supplementary Planning Guidance (SPG) on Replacement Windows and Doors. The Review Body noted that the site lay outwith the Prime Frontage part of the Conservation Area defined in the SPG and they also had due regard to the surrounding existing window styles and patterns, including modern brown replacement windows to the adjoining property. Whilst noting some variation in surrounding window styles, Members still considered that any new proposals should be assessed against the Policies and Guidance as they currently stand, taking into account the prevailing window styles in the area. They were not unduly influenced by occasional differing styles which may have reflected previous versions of Policies and Guidance.

Members agreed with the Appointed Officer that the replacement windows did not comply with the Policies or Supplementary Planning Guidance. They did not consider that the mid-rails to the windows had either the step or thickness of profile that would be exhibited by sash windows in the vicinity. The Review Body also noted the thicker visible frame thickness of the installed windows and that they were single pane tilt and turn units. Whilst understanding that the applicant had offered to recess the windows behind the stone surrounds, they felt that they had no information to suggest such an amendment would be either achievable or result in a more acceptable design. Overall and whilst they had no issue with the colour or uPVC material, Members did not consider that the replacement windows complied with Policies and Guidance within the Conservation Area, due to the thicker frames and slender mid-rails. They

did not feel the windows preserved or enhanced the character or quality of the Conservation Area.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reasons stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

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.
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Signed....Councillor T Miers
Chairman of the Local Review Body

Date.....8 June 2020