

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) Agent (if any) Name John Szkudro Name Address Linden Causewayend Ancrum Jedburgh Address Postcode TD8 6UZ Postcode Contact Telephone 1 Contact Telephone 1 Contact Telephone 2 Contact Telephone 2 E-mail* Mark this box to confirm all contact should be through this representative: 1 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 20-00962-FUL Site address Linden Causewayend Ancrum Jedburgh TD8 6UZ Description of proposed development Proposed changing windows to UPVC sliding Sashes & Case windows and composite door set with timber style finish. Date of application 27/08/2020 Date of decision (if any) 14/04/2021

Page 1 of 4

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) Application for planning permission in principle 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) Application for approval of matters specified in conditions Reasons for seeking review (tick one box) $\overline{}$ Refusal of application by appointed officer Failure by appointed officer to determine the application within the period allowed for determination of the application 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 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. Further written submissions $\overline{}$ One or more hearing sessions Site inspection 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:

Existing houses around the house have upvc windows also around the village there are UPVC windows with in the area, also in other villages within the conservation area upvc windows have been allowed

Site inspection

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

Can the site be viewed entirely from public land? Is it possible for the site to be accessed safely, and without barriers to entry?

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

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.

	There is several neighbouring properties that have UPVC windows installed that are not in keeping with the surroundings, which I believe do not have planning permission, but there is some houses with the conservation area within Ancrum that have been allowed to install UPVC windows one which I questioned with the planning department which I didn't get a full explanation as to why they had been granted.					
	I also picked up a property within Denholm village with a frontage to the green being granted upvc windows again this was not explained.					
	The property in question is not a green facing house within the village, I would like to install sliding sash windows which is in keeping with the tradition aspect along with a new composite door & frame with timber grain finish.					
	lave you raised any matters which were not before the appointed officer at the time the etermination on your application was made?					
а	yes, you should explain in the box below, why you are raising new material, why it was not raised with the ppointed officer before your application was determined and why you consider it should now be considered in your eview.					

List of documents and evidence

Photo's of Neighbouring properties windows

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. <u>Note:</u> there will be no opportunity to submit further documents to accompany this notice of review.

Email thre other village	ad between agent and planning officer details applications that have been accepted within the village and jes.
procedure of	lanning authority will make a copy of the notice of review, the review documents and any notice of the of the review available for inspection at an office of the planning authority until such time as the review is . It may also be available on the planning authority website.
Checklist	
Please mar your review	k the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to
\checkmark	Full completion of all parts of this form
\checkmark	Statement of your reasons for requiring a review
\checkmark	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.
	the review relates to a further application e.g. renewal of planning permission or modification, variation 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	22/04/21	
Control of the Contro			-/-/	

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

Craig Smail

From: John 15 December 2020 21:20 Sent: To: Craig Smail Subject: Re: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL Follow Up Flag: Follow up Flag Status: Completed Give me a phone when your free and we can talk about it Thank John Sent from my iPhone On 15 Dec 2020, at 17:00, Craig Smail wrote: **Evening John** Sorry for the late reply, as far as I am aware appeal is free to undertake, it just filling out a form I have attached a link below to the appeal a planning decision page on SBC website for your information. https://www.scotborders.gov.uk/info/20050/planning_applications/533/appeal_a_planning_decisio Regards Craig From: John Sent: 12 December 2020 17:15 To: Craig Smail Subject: Re: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL Hi Craig If I appeal what's the cost for me Thanks John Sent from my iPhone On 11 Dec 2020, at 17:18, Craig Smail

Evening John

The planners are standing by their original stans, that the application be refused on the basis it is not like for like material.

I have argued with them over serval email and phone calls about the existing situation in the village and other applications that have been submit around the village and in other villages.

And they keep coming back saying that because of your location within the conservation area and the prime frontage of the property they would not be able to support the application.

If we do not change the proposed UPVC windows and composite door to timber door and timber windows the application will be refused on this basis.

Your options are:

- Change the material choice from UPVC and composite to timber, which will have a cost implication as timber products will be more expensive than those being proposed.
- Allow the application to be refused and appeal, how this will go I am un sure about, and what the process is I am not 100% sure either as I have not taken any application through the full appeal application.
- You pull the present application and leave what you have in at present and consider secondly glazing to the windows.
- Or and I need to state this would have to be your own choice, you pull the
 application and maybe down the line you consider installing windows into
 your property in a material that your desire.

I am sorry this has not gone the way you wanted but I need to advice the planners as to what we are going to do with the present application, so if you could let me know I can advise accordingly.

Kind regards

Craig

From: Taylor, Brett < Brett.Taylor@scotborders.gov.uk >

Sent: 11 December 2020 16:43

To: Craig Smail Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk>

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Craig,

Thank you for your email.

As it currently stands the proposals are contrary to policy I will be recommending that this application be refused given the reasons stated in my previous responses.

I would therefore be grateful if you wish me to determine the application.

Kind regards

Brett

Brett Taylor Planning Officer Development Management Regulatory Services Scottish Borders Council Tel: 01835 826628

Email: brett.taylor@scotborders.gov.uk

How are you playing #yourpart to help us keep the Borders thriving?

<image001.png> <image002.jpg>

From: Craig Smail

Sent: 07 December 2020 12:29

To: Taylor, Brett < Brett.Taylor@scotborders.gov.uk > Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk >

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

CAUTION: External Email

Dear Brett

Thanks for the response, so if a determination was to be made on the present proposals this would be refused due to the material situation.

Even after I have presented similar application which have been approved with UPVC windows with a prime frontage and within the conservation area.

The last property we discussed was allowed UPVC windows due to at the time of the application the property had a dominate UPVC windows to the elevations, these being casement UPVC windows, which would not have had originally planning permission to be installed, Which kind of makes a mockery of the planning system.

With regards to the front door, again this would be refused on the basis of the present material being proposed for the door (composite)

Regards

Craig Smail Assistant Clerk Of Works Lothian Estates 01835 862201

From: Taylor, Brett < Brett. Taylor@scotborders.gov.uk >

Sent: 07 December 2020 11:58

To: Craig Smail

Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk >

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Craig,

Thank you for your email regarding the above application.

It was my understanding that you intended to discuss this application further with your client. I am sorry for the delay if this was not the case.

I am happy to determine the application as it currently stands.

Kind regards

Brett

Brett Taylor Planning Officer Development Management Regulatory Services Scottish Borders Council Tel: 01835 826628

Email: brett.taylor@scotborders.gov.uk

How are you playing #yourpart to help us keep the Borders thriving?

<image001.png> <image002.jpg>

From: Craig Smail

Sent: 07 December 2020 11:44

To: Taylor, Brett <<u>Brett.Taylor@scotborders.gov.uk</u>>
Cc: Clarke, Carlos <<u>CGClarke@scotborders.gov.uk</u>>

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

CAUTION: External Email

Dear Brett

Further to the below email I have not heard anything from you with regards to the application and I notice nothing has been posted on the portal.

Can you advise on what the situation is with this application.

Regards

Craig Smail Assistant Clerk Of Works Lothian Estates 01835 862201

From: Craig Smail

Sent: 10 November 2020 20:27

To: 'Taylor, Brett' < Brett.Taylor@scotborders.gov.uk

Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk >

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Brett

Thanks you for the report, reading over the report it looks like the house was granted UPVC sliding Sash windows due to the existing house have UPVC casement windows, and this was seen as a betterment as to what was installed.

This being the case the property must have been granted planning permission to install UPVC casement windows prior to this application being submitted then granted, which is worse.

The bottom line SBC planning department accepted UPVC windows within the conservation area.

The property in Denholm was accepted twice for UPCV windows, once for installing casement UPVC and once for Installing sliding sashes UPVC, it is also defined as being within he conservation area within the prime frontage area.

There is no consistencies here what so ever.

Regards

Craig Smail Assistant Clerk Of Works Lothian Estates 01835 862201

From: Taylor, Brett < Brett.Taylor@scotborders.gov.uk >

Sent: 10 November 2020 11:56

To: Craig Smail <

Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk >

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Craig,

Thank you for your email.

For your information I have attached the officers report for application 15/00864/FUL which explains the reasoning behind the use of uPVC units being acceptable in that case. Within the 'Replacement Windows' section it mentions that the existing windows in the building frontage were a mixture of timber casement and uPVC casement units with uPVC being numerically dominant. This is different to the current application as the windows/door in the property are timber.

With respect to the windows in the Denholm I would recommend that you read the reports for these applications as they explain the reasoning for allowing uPVC in these cases.

Kind regards

Brett

Brett Taylor

Planning Officer Development Management Regulatory Services Scottish Borders Council Tel: 01835 826628

Email: brett.taylor@scotborders.gov.uk

How are you playing #yourpart to help us keep the Borders thriving?

<image001.png> <image002.jpg>

From: Craig Smail

Sent: 09 November 2020 20:00

To: Taylor, Brett < Brett.Taylor@scotborders.gov.uk Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

CAUTION: External Email

Dear Brett

Thank you for coming back to me, but I require an explanation as to why these application are different?

The mentioned application had timber sash and case windows installed into the openings prior to the application being made.

The application was for an alteration and separation of the existing property, how can I explain to a client that he is not allowed sliding sash and case windows within the conservation area but the boy along the road can.

Surely if there is one policy this need to be laid across the complete area.

Under Section 3.28 of the supplementary planning guidance:

Replacement windows & doors, states " In the consideration of proposals for the alteration of windows and doors in 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 in relation to a particular proposal the outcome may be.

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.

Section 3.7 General Principles:

- The position of the windows/ doors proposed for replacement on the building – are they publicly visible or on more modern extensions or later parts of the building.
- Any remaining original windows / door on the property -have some / all been replaced
- 3. Wider context- what is the predominant character of the surround properties
- 4. Maintaining or improving the current position -consider the extent that any new window could have in improving the current position.

In the above guidance, my clients property Is not a direct frontage building onto the road but set off at an angle, with all the proposed windows to be replaced with sliding sash and case windows with the splits within the windows being retained as the same as existing, the wider context out with the property vary types of the windows as already been highlighted, so be it some without planning permission, but being realistic will these be changed.

The proposed windows are retaining the design pattern of the window and method of opening, and from a distance will not be able to tell the difference between timber sash and case and upvc sash and case.

I also mention applications within Denholm who have a prime frontage and applied for removal of existing timber sash and case windows to be replaced with Upvc sliding sash and case windows (this was the only thing applied for in the application) and this was granted.

My clinet is not wanting to be a pain but is looking for consitancy as he is looking at granted application and asking why them and not me, so I am putting formward his points to you for explanation.

Kind regards

Craig Smail

From: Taylor, Brett < Brett. Taylor@scotborders.gov.uk >

Sent: 09 November 2020 12:46

To: Craig Smail

Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk >

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Craig.

Thank you for your email and I apologise for the delay in responding to you.

I've checked our GIS mapping and the property is within the Ancrum Conservation Area and the area defined as the 'Prime Frontage'. I note the application you refer to (15/00864/FUL), however, this application was granted in different circumstances and is not compatible with this application.

Each application is assessed on its own individual merits taking into account both local and national policies and guidance. As per my previous email, I would be grateful if the proposed windows and doors can be changed to timber or I shall be recommending that the current application be refused.

I look forward to hear from you in due course.

Kind regards

Brett

Brett Taylor Planning Officer Development Management Regulatory Services Scottish Borders Council Tel: 01835 826628

Email: brett.taylor@scotborders.gov.uk

How are you playing #yourpart to help us keep the Borders thriving?

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From: Craig Smail |

Sent: 04 November 2020 21:17

To: Taylor, Brett < <u>Brett.Taylor@scotborders.gov.uk</u>> **Cc:** Clarke, Carlos < <u>CGClarke@scotborders.gov.uk</u>>

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

CAUTION: External Email

Dear Brett

Further to your below email, I have and consider your points and would like to say, my clients property does not face the green so I cant see why it has been located in the core area of the conservation area.

My clients property is very near the fridges of the conservation area in Ancrum.

I have check over village and notice that the below application that is located below the present shop within the village and faces the main road up through Ancrum was granted sliding upvc sashes, this house has a full frontage onto the road and is in full view to everyone driving past in the village.

My client is seeking for the same type of windows to be fitted to his house so how can this be claimed to be out with the core conservation area and be set back.

15/00864/FUL | Sub division, alterations and extension of existing house to form two dwellinghouses incorporating floor area of existing shop and external store | Shop & Ashlea Ancrum Jedburgh Scottish Borders

I have looked at neighbouring villages with conservation areas, I.E. Denholm and applications have been granted facing the main green in Denholm with sliding UPVC sashes.

I would apricate this application to be further considered or if could provide me with a full explanation as to how some people are obtaining planning permission and some people are being refused.

Kind regards

Craig

From: Taylor, Brett < Brett. Taylor@scotborders.gov.uk >

Sent: 28 October 2020 14:33

To: Craig Smail

Cc: Clarke, Carlos < CGCl in arke@scotborders.gov.uk>

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Craig

Thank you for your email.

The application you refer to is outwith Prime Frontage/Core Area part of the Ancrum Conservation Area and as such has different requirements for replacement windows and doors. Given the above mentioned application is within the Prime Frontage/Core Area of the conservation area our Supplementary Planning Guidance requires that windows and doors should be replaced on a like for like basis (have the same materials, glazing pattern and method of opening).

Kind regards

Brett

Brett Taylor Planning Officer Development Management Regulatory Services Scottish Borders Council Tel: 01835 826628

Email: brett.taylor@scotborders.gov.uk

How are you playing #yourpart to help us keep the Borders thriving?

<image001.png> <image002.jpg>

From: Craig Smail

Sent: 28 October 2020 11:55

To: Taylor, Brett < Brett.Taylor@scotborders.gov.uk > Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk >

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

CAUTION: External Email

Dear Brett & Carlos

Further to your below email I have checked over the planning portal and I see a cottage in Ancrum within the conservation area was granted planning permission to installed Sliding Sash & case windows under application No.

17/00332/FUL | Replacement windows | Schoolhouse Sunny Brae Ancrum Jedburgh Scottish Borders TD8 6XQ

How come this application was granted when I am being told that UPVC windows are contrary to policy, and being told to change them to timber?

Regards

Craig Smail Assistant Clerk Of Works Lothian Estates 01835 862201

From: Taylor, Brett < Brett.Taylor@scotborders.gov.uk >

Sent: 28 October 2020 10:58

To: Craig Smail

Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk >

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Craig,

Thank you for your email.

Looking at your photos and in particular the property next door. I've checked the planning history for this property and these windows do not have the relevant planning permission. In addition, I could find no evidence of planning permission being granted for uPVC windows within the immediate area.

I consider the current application is contrary to policy and I would recommend that the window units and door are changed to timber to reflect our policies and guidance.

I look forward to hear from you in due course.

Kind regards

Brett

Brett Taylor Planning Officer Development Management Regulatory Services Scottish Borders Council

Tel: 01835 826628

Email: brett.taylor@scotborders.gov.uk

How are you playing #yourpart to help us keep the Borders thriving?

<image001.png> <image002.jpg> From: Craig Smail

Sent: 27 October 2020 14:25

To: Taylor, Brett < Brett.Taylor@scotborders.gov.uk Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

CAUTION: External Email

Afternoon Brett

Please find attached photo's of the surrounding properties.

Regards

Craig Smail Assistant Clerk Of Works Lothian Estates 01835 862201

From: Taylor, Brett < Brett. Taylor@scotborders.gov.uk >

Sent: 26 October 2020 14:43

To: Craig Smail

Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk>

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Craig,

Thank you for your email.

I would be very grateful if you could provide me with photos of the surrounding properties that have uPVC windows. This would assist me in my determination of the application.

I look forward to hear from you in due course.

Kind regards

Brett

Brett Taylor Planning Officer Development Management Regulatory Services Scottish Borders Council Tel: 01835 826628

Email: brett.taylor@scotborders.gov.uk

How are you playing #yourpart to help us keep the Borders thriving?

<image001.png> <image002.jpg> From: Craig Smail

Sent: 26 October 2020 14:24

To: Taylor, Brett < Brett.Taylor@scotborders.gov.uk Cc: Clarke, Carlos < CGClarke@scotborders.gov.uk

Subject: RE: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

CAUTION: External Email

Dear Brett

Thank you for the email with regards to the above application.

My client submitted this application because he knew he was within the conservation area. The design and proposed material of the windows being proposed in the application is to match in with the surrounding properties which already have installed UPVC window.

From your response below I trust you have not completed a site visit? As from a visit or drive by it would become clear that there is more properties around the applicants house with UPVC windows than there is timber windows.

The proposed windows that are being installed are sliding sash and case windows, to match that being removed.

I would be grateful if you could consider this and advise accordingly.

Craig Smail

From: Taylor, Brett < Brett. Taylor@scotborders.gov.uk >

Sent: 26 October 2020 09:33

To: Craig Smail

Subject: Planning Application: Linden, Causewayend, Ancrum - 20/00962/FUL

Dear Craig,

I am sorry for the delay in the determination of this application.

Looking at your submitted documentation and given that the property is situated within the 'Prime Frontage' of the Ancrum Conservation Area, our Supplementary Planning Guidance requires that windows and doors should be replaced on a like for like basis (same materials as the original, have the same glazing pattern and method of opening). The use of uPVC is not allowed in these circumstances.

I would therefore be very grateful if you provide amended drawings to reflect the use of timber and the requirements of our guidance.

Happy to discuss any of the above and I look forward to hear from you.

Kind regards

Brett

Brett Taylor

Planning Officer Development Management Regulatory Services Scottish Borders Council Tel: 01835 826628

Email: brett.taylor@scotborders.gov.uk

How are you playing #yourpart to help us keep the Borders thriving?

<image001.png> <image002.jpg>

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