

# **STATEMENT OF APPEAL**

**18-19 SLITRIG CRESCENT, HAWICK TD9 0EN**

**PLANNING REF: 21/01439/FUL**

THE SITE HAS UNDERGONE VARIOUS USES FROM ORIGINALLY A BREWERY TO BECOMING MIXED USE OF CHURCH HOUSE FOR VERGER AND HALL TO NURSERY FOR CHILDREN AND AS IT IS TODAY DOMESTIC.

THE CONVERSION FROM NON-DOMESTIC USE TO FULLY DOMESTIC WAS COMPLETED IN 2016 UNDER BUILDING WARRANT WITH COMPLETION CERTIFICATE ISSUED. THE PROPERTY CAN BE VIEWED FROM THE STREET BUT THIS DOES NOT SHOW THE REAL ISSUE AS THE GROUND FLOOR IS 2.4M FROM FLOOR TO CEILING AND THE FIRST FLOOR IS 3.2M FROM FLOOR TO CEILING.

THE ISSUE IS THAT NONE OF THE WINDOWS THAT HAVE BEEN IDENTIFIED AS BEING OF HISTORIC SIGNIFICANT ARE USEABLE IN THEIR CURRENT CONDITION. IF THEY WERE TO BE CHANGED AS PER COUNCILS WISH THEN THEY STILL ARE NOT USEABLE DUE TO CONDITIONS LISTED BELOW IN RESPONSE TO BORDERS COUNCIL INITIAL RESPONSE.

THE DRAWINGS WERE SUBMITTED BY THE ARCHITECT EMPLOYED FOR THE PLANNING PROCESS AND AT NO TIME WAS THERE ANY QUERY WITH THEM OR ANY DISCUSSIONS WITH PLANNING OFFICER ON THE CONTENT OF THEM. THE ONLY DISCUSSIONS WERE ON GEOGRAPHICAL ELEVATIONS FOR THE PURPOSE OF CLARITY AND THIS WAS JUST BEFORE AGREED EXPIRY DATE. DURING REPEATED PHONE CALLS THERE WAS NEVER ANY QUESTIONS RAISED BY THE PLANNING OFFICER ON CONFUSION OF PLANS THAT HAD BEEN SUBMITTED WITH REGARDS TO APPEARANCES; THE FIRST TIME ANYTHING WAS RAISED WAS ON 3RD MARCH 2022 - 3 DAYS AFTER AGREED EXPIRY DATE AND I ANSWERED. THROUGHOUT THE WHOLE PROCESS I OFFERED TO DO ZOOM / VIDEO CALLS TO SHOW THE INSIDE /OUTSIDE OF THE PROPERTY BUT WAS NEVER TAKEN UP ON THE OFFER.

## **BORDERS COUNCIL**

THE INFORMATION BELOW AND DIRECTIONAL ASPECTS RELATE TO INITIAL RESPONSE FROM COUNCIL AND PLANS SUBMITTED SHOWING ELEVATIONS.

1. EAST ELEVATION - IT SHOULD BE CONFIRMED IF THESE WINDOWS ARE BEYOND REPAIR AND IF THEY ARE REVISED PROPOSALS FOR TIMBER REPLACEMENTS UNITS WHICH MATCH THE APPEARANCE AND OPENING METHOD OF THE EXISTING WINDOW SHOULD BE PROVIDED.

2. SOUTH AND NORTH - REVISED PROPOSALS FOR TIMBER UNITS SHOULD BE PROVIDED WHICH REFLECT THE GLAZING PATTERN AND OPENING METHOD OF THE ORIGINAL WINDOWS.

3. UPVC MAY BE SUITABLE. AGAIN GLAZING PATTERNS AND OPENING METHOD SHOULD IDEALLY MATCH THE APPEARANCE OF THE ORIGINAL WINDOWS. THE WESTERN ELEVATION IS NOT VISIBLE FROM THE STREET SO THERE COULD BE SCOPE OF UPVC TO BE WINDOWS TO BE ADDED TO THIS SIDE OF THE BUILDING.

## **APPLICANT RESPONSE**

EAST FACING WINDOWS - NONE OF THESE WINDOWS ACTUALLY OPEN AND AS ALL HAVE BEEN PAINTED SHUT; IF THEY WERE OPENABLE, THEY WOULD NOT OPERATE AS THERE HAVE NEVER BEEN

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ANY SASH CORDS OR ASSOCIATED IRONMONGERY FITTED. THEY ARE ALL AFFECTED TO VARYING DEGREES FROM EXCESSIVE CONDENSATION DUE TO THE SINGLE GLAZING WITH THE EXTERIOR SILLS ROTTEN IN POINTS TO BEING MISSING. SECTION 2.94 OF THE TECHNICAL HANDBOOK - DOMESTIC STATES "... THE BOTTOM OF THE OPENABLE AREA SHOULD NOT BE MORE THAN 1100MM ABOVE THE FLOOR." THREE OUT OF THE FOUR SILLS ARE 1310MM ABOVE FLOOR LEVEL WITH A FURTHER DEPTH OF 560MM TO REACH THE WINDOW. THE FOURTH SILL (ABOVE NO 17 SLITRIG CRESCENT GARDEN) IS ONLY ACCESSIBLE FROM THE STAIRWELL AND IS AT A HEIGHT OF 1800MM. THESE WINDOWS ADDITINALLY RAISE A SERIOUS SECURITY ISSUE THAT WOULD INVALIDATE OUR HOUSE INSURANCE AS NO-ONE CAN REACH THE MIDDLE OF THE WINDOWS TO LOCK / UNLOCK THEM. WITH THESE WINDOWS PERMAMNTELY SEALED SHUT OUR HEALTH IS ADVERSELY AFFECTED AS SOMEONE WHO IS ASTHMATIC THERE IS NO ABILITY TO OPEN THEN TO ALLOW FRESH AIR TO CIRCULATE. FAILURE TO HAVE FRESH AIR HAS AN ADVERSE CARBON AND CLIMATIC EFFECT. THE FIRST UPPER WINDOW IS REACHED EXTERIORLY FROM NO17 AND CANNOT BE REACHED INTERNALLY AT ALL; WITH THIS WINDOW BEING LOCATED IN THE GROUNDS OF NO17 MAINTENANCE/ REPAIRS ARE AN ON GOING ISSUE AS WE HAVE NO LEGAL RIGHT TO ACCESS NO17 GROUNDS.

SOUTH FACING WINDOWS - THESE WINDOWS AGAIN ARE PAINTED SHUT ON THE GROUND FLOOR BUT DO HAVE SASH CORDS - I HAVE TRIED TO OPEN THESE WINDOWS BUT THE WOOD IS SO ROTTEN THAT ALL ATTEMPTS HAVE RESULTED IN THE CREATION OF HOLES WITHIN THE SILLS/WINDOWS FRAMES. THE WINDOWS ON THE UPPER LEVEL ARE MODERN WITH SIMPLE CARAVAN STYLE LOCKS (MERRIWAY BH1589 ALUMINIUM WINDOW CASEMENT STAYS). THE WINDOW ABOVE THE MIDDLE EXTERIOR DOOR IS ROTTEN DUE TO CONDENSATION FROM BEING UNABLE TO OPEN AS THE FOR THE SAME REASONS AS THE UPPER WINDOWS ON THE EAST FACING ASPECT. ADDIONALLY AS WITH THE EAST ASPECT THE SILL ABOVE THE MIDDLE EXTERIOR DOOR IS 1200MM FROM THE FLOOR WITH THE TOP OPENING SECTION BEING A FURTHER 800MM FROM THE SILL. THE ADDITIONAL TWO WINDOWS ON THAT ASPECT ARE 1400MM TO THE TOP OPENING SECTION FROM THE FLOOR. THIS ROOM IS OUR CURENT BEDROOM BUT MY WIFE IS REGISTERED DISABLED AND HAS SERIOUS MOBILITY ISSUES THAT WOULD PREVENT HER EGRESSING FROM HERE IN AN EMERGENCY.

NORTH FACING WINDOWS - THESE ARE A COMBINATION OF FIXED 12MM DOUBLE GLAZED PANES TO 6MM SINGLE GLAZED UNITS OF THE EXACT SAME STYLE AS THE UPPER SOUTH FACING WINDOWS WITHH THE SAME SECURING SYSTEM. THE GROUND FLOOR LEVEL CANNOT BE SEEN FROM THE ROAD DUE TO THE FENCE AND SHED. THE UPPER FLOOR WINDOW ON THIS ASPECT IS 1400MM TO THE TOP OPENING SECTION FROM THE FLOOR. WEST FACING WINDOWS - THE UPPER-LEVEL WINDOWS ARE MIRRORS OF THE EAST FACING IN STYLE WITH SAME LACK OF SASH CORDS AND ASSOCIATED IRONMONGERY. THE SIZINGS ARE THE SAME AS THE EAST FACING. THE GROUND FLOOR WINDOWS ARE OPENABLE BUT REQUIRE BITS OF WOOD TO HOLD THEM UP MEANING THAT WE COULD NEVER GO OUT AND LEAVE THE WINDOWS OPEN TO ALLOW AIR TO CIRCULATE AS AGAIN THERE HAS NEVER BEEN ANY SASH CORDS OR IRON-MONGERY.

THE uPVC WINDOWS THAT WE ARE PROPOSING WOULD MIMIC TIMBER IN EVERY WAY FOR ASTHETICS INCLUDING HAVING THEM COLOURED SIMILIARLY TO THE EXISTING WINDOWS; HELP REDUCE CO2 EMISSIONS BY BEING ENERGY EFFICIENT WHEN WE ARE FACING A CLIMATIC

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CATASTROPHE; HEALTH AND SECURITY IS A HUGE CONCERN AND NOT BEING ABLE TO SECURE THE WINDOWS INVALIDATES OUR HOME INSURANCE; NOT BEING ABLE TO VENTILATE THE PREMISES SERIOUSLY AFFECTS OUR HEALTH. CURRENTLY ALL THE WINDOWS HAVE EXCESSIVE AMOUNTS OF CONDENSATION ON THE INSIDE MOST DAYS WITH SOME SHOWING MOULD GROWTHS.