

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/00225/FUL

**APPLICANT :** Miss Julie Harrison

**AGENT :**

**DEVELOPMENT :** Replacement windows

**LOCATION:** Middle House  
Kingsmuir Hall  
Bonnington Road  
Peebles  
Scottish Borders  
EH45 9HE

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1 of 10	Location Plan	Refused
D001	Existing Elevations	Refused
D002	Proposed Elevations	Refused
4 of 10	Brochures	Refused
5 of 10	Brochures	Refused
6 of 10	Other	Refused
7 of 10	Other	Refused
8 of 10	Other	Refused
9 of 10	Other	Refused
10 of 10	Brochures	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations received.

Consultation responses received from: AHSS - objection to the use of uPVC windows; Peebles Civic Society - no objection.

**PLANNING CONSIDERATIONS AND POLICIES:**

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan (2016):  
PMD1 - Sustainability;  
PMD2 - Quality standards;  
ED9 - Renewable energy developments;  
EP9 - Conservation areas.

#### NPF4

Policy 1 - Tackling the climate and nature crisis;  
Policy 2 - Climate mitigation and adaptation;  
Policy 7 - Historic assets and places;  
Policy 11 - Energy;  
Policy 14 - Design, quality and place.

Supplementary Planning Guidance:  
Placemaking and design;  
Renewable energy.

Historic Environment Scotland Guidance  
Historic Environment Policy for Scotland  
Managing Change guidance series (micro-renewables; roofs; windows)

Revised drawings were submitted during the consideration of this application.

#### **Recommendation by** - Ranald Dods (Planning Officer) on 5th December 2023

The application is made for the installation of solar PVs on the roof and for 11 replacement windows at Middle House, Bonnington Road. The property is a category C listed building within the conservation area, although not within the core area / prime frontage as defined in the "Replacement Windows and Doors" SPG. Two windows to the front (south elevation) would be timber framed, the remainder would be uPVC. As the building is listed, a listed building consent application has been submitted for the proposal (reference 23/00140/LBC) and that will be considered separately.

In terms of section 64(1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended) ("PLBCASA"), the planning authority has a general duty as respects conservation areas in exercise of planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Without prejudice to section 64 of the PLBCASA, section 59(1) of the PLBCASA requires that planning authorities, in determining planning applications which affect a listed building or its setting, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (in particular, listed buildings). Here "preserving" in relation to the building means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

#### Solar panels

Solar panels are proposed on the south facing roofplane. It would be most appropriate for solar panels to be fitted in a more discreet location, for example the south roof slope to the rear (two storey) section of Middle House as this would be a much less visible location. It is understood that more discreet locations for the solar panels had been tested and no other option was possible nor is a reduction in the scale of the array, if it is to remain viable. It is recognised that, taking account of the terms of policy 1 of NPF4, there is a need to address the climate emergency and, on balance, they could be accepted in this instance.

#### Windows

Policy EP7 of the LDP states that the council will support development proposals that conserve, protect and enhance the character, integrity and setting of listed buildings. Amongst other things, external alterations must be of the highest quality, respect the original building in terms of design and materials and maintain or enhance the special architectural and historic quality of the building. Policy 7 of NPF4 sets out that development proposals for alterations to a listed building will be supported only where they will preserve its character, special architectural or historic interest and setting.

The council's SPG "Replacement Windows and Doors" provides further detail on how the provisions of the development plan will be applied. It states that the introduction of double glazing may be acceptable and, in specific and justified circumstances, replacement may be with uPVC. There is a requirement that the replacement unit has the same glazing pattern and method of opening and, where astragals are required, they are of the same proportion and design as the original window, with stick-on astragals not permitted.

The proposals would see original timber windows replaced with uPVC double glazed windows. The submitted elevation drawings do not show the full effect that the frames of these would have on the property and particularly on the north elevation of the assemblage. The manufacturer's brochure contains photographs of the windows installed on buildings elsewhere and it is clear that the frames would be of a considerable depth and size which would be clearly evident when compared to the original windows on this property and others within Kingsmuir Hall. In addition, the deep thickness to the glazing would also be evident. This would present a bulky frame of notably poorer proportions than the slim frames currently seen in the building. This heavy appearance would appear discordant, compared to the more elegant design of the existing windows. As a result, they would not satisfy the requirements of the SPG that, when allowing for replacement windows, requires such windows to be of the same proportion and design. The HES Managing Change guidance note "Windows" also states that the success of a replacement window will depend on its detailed design and on how well the new replicates the old. For the reasons set out above, the proposals would also conflict with HES guidance.

Despite protracted efforts to achieve a change from uPVC to wood, the applicant confirmed they were unwilling to submit further revisions. Despite the lack of visibility from the public realm and the terms of the SPG "Replacement Windows and Doors", whilst the replacement windows would not be detrimental to the character or appearance of this part of the conservation area, there would be a serious detriment to the special architectural and historic interest of the listed building. As a result, planning permission should be refused.

#### **REASON FOR DECISION :**

The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

#### **Recommendation: Refused**

- 1 The development would be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors" in that that the material, frame dimensions and specifications of the proposed windows would have an unacceptable adverse impact on and detract from the special architectural and historic interest of the listed building. No overriding case for the development as proposed has been substantiated. These conflicts with the development plan are not overridden by other material considerations.

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