

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/00140/LBC

**APPLICANT :** Miss Julie Harrison

**AGENT :**

**DEVELOPMENT :** Replacement windows

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

**TYPE :** LBC 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: Heritage and Design Officer - objection; AHSS - objection. This [property] forms part of a converted house and therefore the windows should continue to match the other portions of the listed house. uPVC windows are not identical, thanks to their thicker frames and therefore any replacement windows should be like-for-like in all respects. Slimline double glazing, refurbishment to enhance ease of opening and more modern secondary double-glazing solutions would not be problematic; 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  
EP7 - Listed buildings

#### 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  
Policy 16 - Quality homes

Supplementary Planning Guidance:  
Placemaking and design;  
Renewable energy;  
Replacement windows and doors.

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** - Ranauld Dods (Planning Officer) on 5th December 2023

#### Site and proposal

Middle House, Bonnington Road 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. In terms of section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended), the planning authority has a duty to 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.

Middle House is part of the former service range to the rear of Kingsmuir Hall. Although that service range has been extended and subdivided into separate houses, the application site remains as part of the larger assemblage. Middle House is described under a sub-heading in the listing description.

The application which is not accompanied by a detailed condition survey, as required by the SPG "Replacement Windows and Doors", is made for the installation of solar PVs on the roof and for 11 replacement windows. Also proposed would be the replacement of a modern timber double glazed window (within the conservatory extension) to a uPVC unit. As the building is within the conservation area, a planning application has been submitted for the proposal (reference 23/00225/FUL) and that will be considered separately. This report considers only the impact on the listed building.

In determining the application, the following factors were considered:

#### Planning history

There is some planning history associated with the site. That can be summarised as follows:  
00/01467/LBC, internal alterations and installation of rooflights, granted, 16 Feb 01

#### Policy

The key LDP policy against which this proposal is assessed is EP7, listed buildings. In terms of NPF4, the key is policy 7, historic assets and places. As set out below, the proposal does not comply fully with the terms of these key policies.

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, amongst

other things, 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.

#### Assessment

The application proposes two elements: replacement windows and; solar PV panels. An assessment of each is given below.

#### Windows

The relationship between Middle House and Kingsmuir Hall is clear when viewing the north elevation. The property has to be viewed with the wider assemblage in mind. Save for the dormer windows in the roof, the windows on the north elevation all appear of unified design and construction. Whilst it is acknowledged that the applicant wishes to improve the energy efficiency to the property, if new windows are to be provided then this must be balanced against the policies of the development plan and the statutory tests referred to earlier.

The submitted elevation drawings do not show the full effect that uPVC frames would have on the north elevation of the assemblage. The manufacturer's brochure contains photographs of the proposed 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.

Having assessed the proposal, the HDO commented that the "...historic sash and case windows to this property contribute to its character and special interest. In accordance with policy in the SPG, repair of windows on a like for like basis is preferred. This can include refurbishment and draughtproofing of the windows which can be very effective. Replacement with timber windows to match the existing on a like for like basis would be supported, and can include double glazed units. There are no specific and justified circumstances that would suggest uPVC should be accepted in this case".

In light of that response, the applicant made a further submission which still proposed uPVC replacements throughout. The HDO commented that the "...building relates to an historic service range; the front and rear elevations form the side elevations to the main Hall and have been designed to relate to the main Hall. It is acknowledged that there is a mixture of timber and other material windows, and that external aluminium secondary glazing has been installed to some windows. Nevertheless, the majority of windows are original/historic. Of the modern replacements, the frames still tend to remain slim which lessens the impact of these. It remains most appropriate and in accordance with policy for the windows to be retained and/or replaced in timber. These could be repaired or replaced in timber with slimline glazing and/or internal secondary glazing. The front elevation is most significant in this regard, alongside the windows of the rear block and stairwell. For replacement of non-original windows, the frames should still be designed to be as slim as possible and would appropriately match the slimness of the frames to the timber windows, although alternative materials could be considered".

The applicant was advised of this response and that revisions would be required as the proposals would have a negative effect on the character of the listed building. They were also advised that "We may be able to accept, subject to the submission of appropriate drawings and details, double glazed timber windows. That could be achieved by the installation of slim profile glazing units into the existing frames. The alternative would be new timber windows with double glazing (a maximum thickness of 16mm would seem appropriate) installed. A further alternative would be the retention of the existing windows and the

installation of internal secondary double glazing. That would not require listed building consent or planning permission".

The revisions submitted in response to that request did make some welcome improvements, being the proposed installation of timber windows to the front (south) elevation. Whilst the elevation drawings refer to slim profile double glazing, the submitted details appear to contradict that, showing standard double glazing thickness with applied astragals. Aside from that, the majority of the proposed replacements remained as uPVC.

In response to the revisions, the HDO commented that "The main elevation of the principal villa of Kingsmuir Hall faces east, with its second 'garden' elevation facing south. Middle House is formed from part of the service range, set to the rear of the Hall. Middle House nevertheless has well-detailed elevations, particularly to what now forms its front elevation (south 'garden' elevation) whilst the rear block is well-proportioned and reads with the architecture (and window design) of the abutting elevation of the main villa. Original windows also survive to the rear block and stairwell, although it is acknowledged that a window and porch have been inserted and further window altered to these elevations, and to those of the neighbouring cottage.

"The historic sash and case windows to this property contribute to its character and special interest. It appears from recent sales particulars that internal shutters also survive. In accordance with policy in the SPG, repair of windows on a like for like basis is preferred, although sensitive replacement can be accepted. Use of timber to the front elevation of the property is appropriate. The proposed elevational drawings indicate that these would have frames to match the existing and slimline double glazed units, which would be an appropriate approach. The submitted details however show standard double glazed units and surface applied astragals, which do not reflect the original nor comply with the council's policy in the relevant SPG. New details should be supplied which reflect the approach detailed on the proposed elevation drawing (up front or by condition).

"The rear block is less visible, and has been subject to some alteration/inserted windows. Nevertheless it remains part of the larger ensemble, and the rear elevation has a direct relationship with the north elevation of the main villa. After much consideration of the information presented and SPG policy, there appears limited scope to divert from the design and detailing of the existing window in any proposed replacement. As per previous comments, replacement in timber to match the existing remains appropriate".

Subsequent to that response, the applicant was twice invited to make revisions in order to allow support to be given to the proposal. The confirmed, however, that they were unwilling to make further revisions. Having discussed the matter further with the HDO, on the basis that the installation of the proposed windows would result in serious detriment to the special architectural and historic interest of the listed building, the application cannot be supported.

The proposals would not meet those tests of preserving the building and the features of special architectural and historic interest which it possesses. In any case, the energy efficiency of historic buildings can be improved by other means more in keeping with the historic environment as described in HES guidance. On that basis, the proposed use of uPVC would affect adversely the property's features of special architectural or historic interest and would not serve to preserve the listed building and its setting.

#### Solar panels

It has to be noted that the proposed solar PVs would, on balance, be acceptable. Proposals such as these are likely to increase as we transition away from reliance on carbon fuels and each case must be treated on its own merits. In this instance, solar panels were proposed on the south facing roofplane. The Heritage and Design Officer (HDO) noted initially that 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. Any accepted panels should be black framed and glare should be minimised, to reduce their impact further. In a later consultation reply, the HDO commented that it was 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. Whilst the panels introduce additional clutter to the roofscape which erodes its historic integrity and architectural character, 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, subject to the panels being set close to the roof plane, being black with black frames (or frameless) and having a finish to minimise glare.

That having been said, those form part of this wider application and it follows that if one of the elements of the proposed development is unacceptable, the whole application must be refused.

#### Rear door

The rear door, which would be clearly visible through the "conservatory", should be a design and material more appropriate to a listed building. We do, however, accept that the existing door is of little historic merit. The design of the door proposed in the revisions would, were the proposal to be otherwise acceptable, be suitable.

#### Conclusion

Whilst the council supports the need to reduce carbon emissions and is sympathetic to an applicant's desire to reduce costs, that has to be balanced with the need to safeguard the historic environment. Were the proposals to be otherwise acceptable, support could, on balance, have been given to the installation of solar panels. However, despite protracted efforts to achieve a satisfactory outcome, the applicant was unwilling to submit suitable window details which would allow that balance to be reached on the whole development proposals. The development would therefore be contrary to policy EP7 of the Local Development Plan 2016, policy 7 of NPF4 and the council's SPG "Replacement Windows and Doors".

#### **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”.**