



Corporate Admin

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 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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 Mrs M Dick

Name

Address 5 East High Street, Lauder

Address

Postcode TD2 6SS

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No [checked] []

Planning authority Scottish Borders Council

Planning authority's application reference number 15/01484/FUL

Site address 5 East High Street, Lauder, TD2 6SS

Description of proposed development Replacement windows

Date of application 7th December 2015 Date of decision (if any) 16th February 2016

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)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. 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 the review. 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.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. 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:

See 4 attached

Site inspection

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

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input type="checkbox"/> |

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

Statement

You must state, in full, why you are seeking a review on 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.

Please see attached statement.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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.

Statement attached.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- 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.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal 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

4th April 2016

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Statement in support of appeal against refusal of planning application 15/01484/FUL

Our original application was refused with reference to policies G1 and BE4 of the Scottish Borders Consolidated Local Plan (2011), and the Supplementary Planning Guidance note on Replacement Windows and Doors, specifically with regard to the proposed use of glazing bars having an adverse impact on the appearance and character of the building and the wider area, and with regard to the proposed use of uPVC having a similarly adverse impact.

Policy G1 states that any development should be "compatible with, and respects the character of the local area ... and neighbouring built form" and the officer's report recommending refusal of our application states that "*Surrounding, including adjoining, properties also predominantly retain windows of traditional designs and materials. Taking account of these circumstances, there are not considered to be any considerations that would reasonably allow for uPVC windows to be supported in principle under the Prime Frontage/Core Areas of Conservation Areas General Policy.*" However within Lauder's Conservation Area, and East High Street in particular, there are multiple properties that have uPVC windows (and doors) in multiple styles – including immediately next door to our property. We'd therefore challenge the assertion that our proposed new windows would be out of keeping with the rest of the area.

Our application takes steps to retain the look of the original windows as much as possible (the sash and case action and astragals matching the original size exactly), meaning the new windows would maintain the visual appearance of the property and preserve the look of the area (and would certainly do so more than some neighbouring properties). In addition, by replacing all of the windows at the same time we would retain consistency uniformity of appearance, in accordance with the General Principles of the SPG on Replacement Windows and Doors.

Policy G1 also refers to the importance of taking measures to "maximise the efficient use of energy and resources", and energy efficiency is a theme repeated elsewhere in the Local Plan (as well as sound and heat insulation being a feature of the SPG). By choosing double glazed uPVC windows we're ensuring that we have the most energy efficient option possible which, as well as having obvious environmental benefits, also assists us in maintaining the property as a whole and therefore preserving the character of the building and the wider area.

Policy BE4 states that any development should "...be designed to preserve or enhance the special architectural or historical character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials and boundary treatment of nearby buildings...". As outlined above the proposed new windows would match the scale, proportions and appearance of the existing windows, and while the material would be a more modern and energy efficient alternative it would be in line with many nearby buildings.

We'd therefore ask that you reconsider the original decision and grant permission for the new windows, in keeping with the many other properties that have already set a precedent for the acceptance of uPVC double glazed units within Lauder's Conservation Area.

