
Report to: **Planning Committee**

Date of Meeting: **8th October 2015**

Subject: **Application for Planning Permission and Listed Building Consent Ref No's 15/00180/FULL & 15/00182/LIST - Installation of Replacement Windows - 52 Bridge Street, Dollar, FK14 7LJ.**

Report by: **Mark Stoddart, Planner**

1.0 Purpose

1.1. This is a report of handling on the above applications. The applications are being reported to the Committee for determination for three collective reasons.

1. The development is contrary to relevant policies of the Local Development Plan.
2. The applications are retrospective; the windows have been installed.
3. If the applications had been determined and refused by Appointed Officers, the applicant would have to have pursued two different appeal procedures, the Local Review Body and Scottish Ministers. A Committee decision avoids this scenario and therefore benefits the applicant.

2.0 Recommendations

2.1. It is recommended that the applications for planning permission and Listed Building Consent are REFUSED for the following reasons:-

1. By virtue of the UPVC material, dimensions and profile of the outer and sash frames, and method of opening for ventilation, the replacement windows are contrary to Policies SC 8, EA 22 & EA 23, of the Clackmannanshire Local Development Plan in that they will neither enhance nor safeguard the character of this listed building nor Dollar Conservation Area.
2. The replacement window alterations do not accord with local and national guidance on alterations to traditional buildings of this nature, and in particular the Council's Supplementary Advice Note No.5, 'Windows and Doors in Traditional Buildings' and Historic Scotland's guidance 'Managing Change in the Historic Environment - Windows'.

3. The approval of these applications would set a precedent for inappropriate alterations to listed buildings and traditional buildings occupying a prominent location within conservation areas.

2.2. Plans Relating to the Application

Plan 1 - Location Plan.

Photographs 1- 4 Installed windows and replaced windows.

3.0 Considerations

3.1. Background

3.1.1 The property comprises the residential part of a building which occupies a prominent corner position within the Dollar Conservation Area. It is a Category 'C' listed building. Four windows have been replaced on the front elevation facing Bridge Street, a fifth window faces Cairnpark Street.

3.1.2 The applications are a result of an investigation of alleged unauthorised alterations to the property. This concerned the replacement of the previous sliding windows with UPVC tilt and turn windows. The replacement of windows within the conservation area requires planning permission. Listed Building Consent is also required. The owner has submitted these retrospective applications to gain permission for the changes following correspondence from this service advising that the alterations were unlawful.

3.2. History of Site

3.2.1 An application to replace timber sash and case windows with UPVC sash and case windows was approved by the Council's Environmental Services Committee in 1983 (Ref No. C/83/203). This was against the objections of The Scottish Georgian Society and the concerns of the Scottish Developments Department, Historic Buildings Branch (HBB). The window size, frame size, proportions, and method of opening all remained unchanged. The window frame material changed from timber to UPVC. The formal response from HBB confirmed that although the application was not to be referred for decision making, they had real concerns about the replacement of traditional timber windows. They asked the Council to re-consider the matter. The file indicates that the windows were then approved. The windows were installed in accordance with this permission.

3.3. Details of Proposals

3.3.1 The applications are for the retrospective approval of the windows that have been recently installed. These are UPVC framed, with a tilt and turn mechanism for ventilation and cleaning and plant-on astragals. In summary therefore, the development changes the dimensions and profile of the outer and sash frames, and the method of opening.

3.4. Consultations

3.4.1 Dollar Community Council objects to the applications and consider that :-

- Modern windows are not appropriate to a listed building or unlisted building within conservation area.
- The dimensions of the frames (being thicker), the profile, the method of opening are all non-traditional and do not match the windows that they replaced.
- the new windows detract from the appearance of the building. The glazing looks modern and detracts from the character of the building and conservation area.
- The application does not comply with policy.
- Granting of the applications would set a clear precedent with far-reaching consequences.
- The opportunity to reinstate the windows to timber sash and case will be lost if the applications are granted.

3.5. Representations

3.5.1 Approximately 20 neighbours were notified of the planning application. Both applications were notified in the local paper. No representations have been received.

3.6. Planning Assessment

3.6.1 The relevant Development Plan Policies are Policies SC 8 (Domestic Developments), EA 22 (Listed Buildings) & EA 23 (Conservation Areas).

3.6.2 Clackmannanshire's Development Local Plan policy SC 8 states that the Council will normally approve alterations to houses provided that the development, by virtue of its siting, design, scale or massing does not detrimentally affect the character or appearance of the building, site or surrounding area. It is considered that the replacement windows in terms of the materials combined with the width of the frames (calculated from dimensions provided by the applicant to be approximately 25% of the entire window opening), the use of plant-on astragals, the profile and the method of opening, do not enhance the building but adversely affect it's character and appearance

3.6.3 Policy EA 22 states - the Council will only support applications which affect a listed building where they ensure the preservation of the building, its setting, and its features of architectural or historic interest. Proposals will be expected to protect and enhance the existing architectural and historic character of the building. The characteristics of the windows facing the respective road frontages do not safeguard or enhance the character of the building. The materials, design and method of opening all differ from the traditional format. In this respect, we have taken account of guidance provided by Historic Scotland - see paragraph 3.7 below. This policy test is not fulfilled.

3.6.4 Policy EA 23 states - development proposals should contribute to the preservation or enhancement of the character and visual amenity of the area. The change to the appearance of the building which is on the main road

through Dollar (Bridge Street) and has a frontage to Cairnpark Street will adversely impact on the character of the conservation area. The Council has acted to preserve the character of the buildings within the conservation area through consistent decision making on proposals of this nature. No windows of this specification have previously been approved for any building of this character in Dollar Conservation Area.

- 3.6.5 Given the weight to be attributed to these specific policies for a development of this nature and location, the proposals are deemed not to accord with the Local Development Plan.
- 3.6.6 A window survey of both sides of Bridge Street, between McNabb Street and West Burnside has been carried out. The properties are a mixture of residential and residential at first floor with commercial below. This includes a mixture of flats and houses. The material and type of windows are described in Appendix 1. In summary, there are only four examples of UPVC framed windows in domestic upper floor properties between No's 12-60 (even) and 11-53 (odd) in Bridge Street. One is very similar to the applicant's previously approved windows; a second was the subject of an enforcement notice and comprises hotel accommodation, and the third is not a listed building. More importantly however, the vast majority of the domestic properties on Bridge Street including many listed buildings have traditional, timber framed, sash and case windows that safeguard the character of these respective buildings and the street in general. Equally, there is no example of a window design with similar characteristics for those proposed by the applicant for No. 52 Bridge Street, within the survey area.
- 3.6.7 The original approval of the applicant's previous replacement windows in 1983 is noted. However, those windows were designed to match the existing, in terms of proportions, profile and method of opening and the approval required that a central spar (missing in the original proposal) was included in the final approved design. In our judgement, the design and construction characteristics of the proposed windows adversely affect the character of the building and to a significantly greater degree than might have been attributed to the approved version.

3.7 Other Material Considerations.

- 3.7.1 The Historic Scotland publication - 'Managing change in the Historic Environment - Windows' offers the following guidance.
- The windows of a historic building form an important element in defining it's character and the character of the street.
 - The size, shape and proportion of a window... the pattern of design, the materials and details of construction, the method of opening, the finish, and associated features all contribute to the character.
 - Where a window is beyond repair, replacements must match the original window design as closely as possible.

This guidance does not conflict with the Council's policy position, and generally reflects our own supplementary advice on replacement windows for

traditional buildings and is in line with the conclusions reached within the report.

4.0 Sustainability Implications

4.1. None

5.0 Resource Implications

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- | | |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses | <input type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/> |
| Our communities are safer | <input type="checkbox"/> |
| Vulnerable people and families are supported | <input type="checkbox"/> |
| Substance misuse and its effects are reduced | <input type="checkbox"/> |
| Health is improving and health inequalities are reducing | <input type="checkbox"/> |
| The environment is protected and enhanced for all | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence | <input type="checkbox"/> |

(2) **Council Policies** (Please detail)

None

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Appendix 1 - Survey of Windows in Domestic Properties, Bridge Street (East), Dollar

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

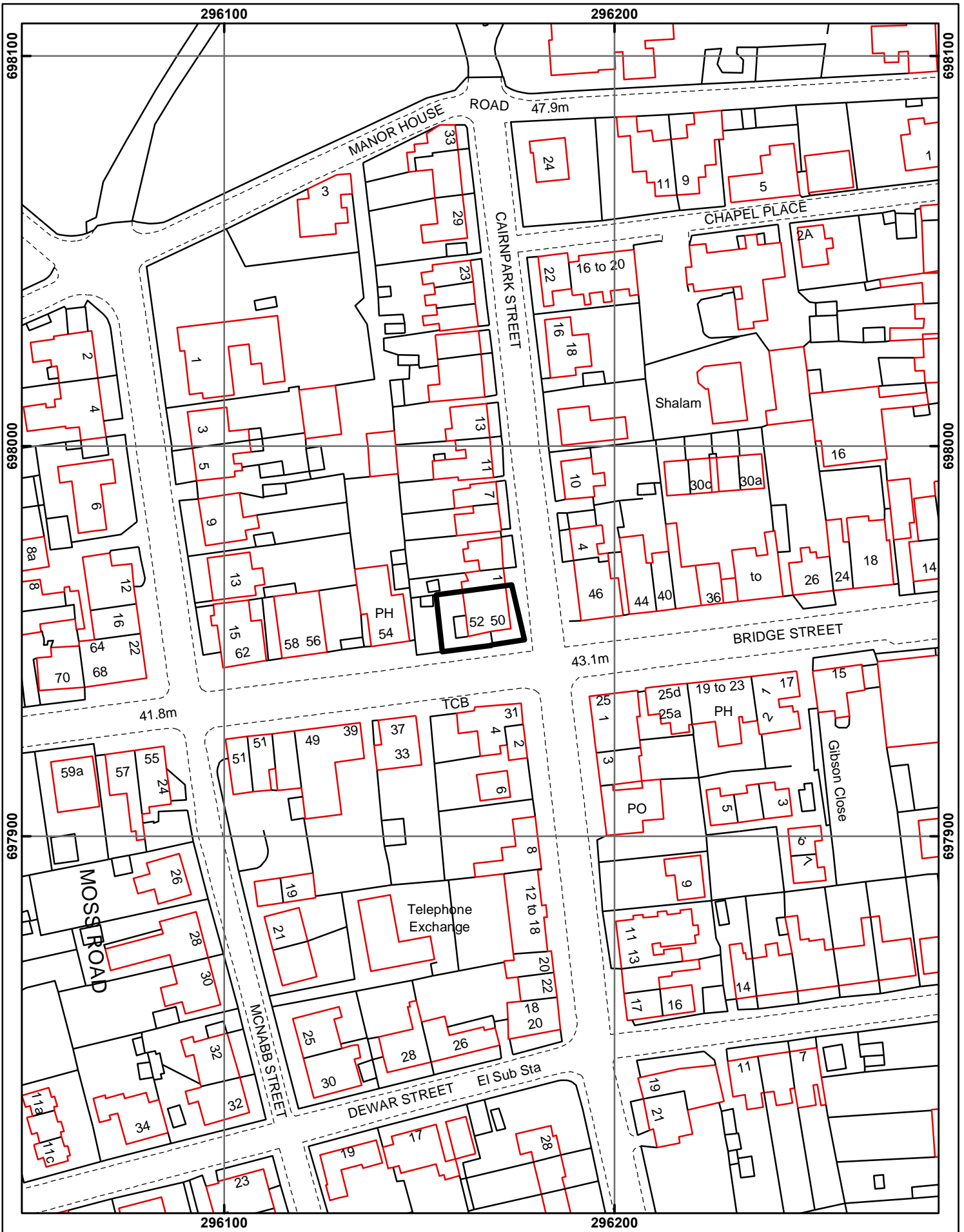
Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	Signed: J Hamilton
Gordon McNeil	Head of Development and Environment Services	Signed: G McNeil



**15/00180/FULL & 15/00182/LIST – 52 Bridge Street, Dollar
Installation Of Replacement Windows**



Ward: Clackmannanshire East
0 10 20 30 40 Meters

OS Grid Ref: NS 96 97 NW

Scale: 1:1,250

Development & Environment
Kilncraigs
Greenside Street
Alloa
FK10 1EB





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Appendix 1
Domestic property
window survey
 Bridge Street (east), Dollar



Legend

-  Application site
- Window frame materials**
-  Timber sash and case
-  Timber other
-  PVC

Scale : 1:1,000
 Paper Size : A4

Date: 28 September 2015

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