

Signed (authorised Officer(s)):

20 SOUTH SQUARE, FOOTDEE

REPLACEMENT WINDOWS.

For: Mr S Budge

Application Type : Detailed Planning  
Permission

Application Ref. : P151162

Application Date : 28/07/2015

Advert : Section 60/65 - Dev aff  
LB/CA

Advertised on : 12/08/2015

Officer : Linda Speers

Creation Date : 25 September 2015

Ward: George Street/Harbour (A May/J  
Morrison/N Morrison)

Community Council: No comments

## **RECOMMENDATION:**

### **Refuse**

### **DESCRIPTION**

The application site lies within the Footdee community which is designated as a Conservation Area. The applicant's property is located on the south side of South Square and has no front garden, fronting directly onto a pedestrianised area with. The property comprises of a 2.5 storey mid-terrace traditional granite dwelling house with a single storey rear extension. The rear of the property overlooks Pilot Square with an area of drying green and outhouses present. Both the front and rear elevations are considered publicly visible due to the nature of the Footdee layout. The property has a slate pitched roof with wall dormers to both the front and rear elevations. The windows are not original and were replaced with joiner made timber sash and case windows with single vertical astragal in 1999. The rear wall dormers are made up of double windows with a mullion positioned between the frames with shallow pitched hipped roof, typical of the terrace.

The area is characterised by traditional granite buildings of a variety of styles and though some properties have been inappropriately altered over time, most retain the character and essence of the original fishing village.

## **RELEVANT HISTORY**

90/0185: Planning Permission - Extension to the rear of existing house.  
Approved Conditionally – 1990

99/0499: Planning Permission & Listed Building Consent – Replacement Windows.  
Approved Conditionally - 1999

A1/0728: Planning Permission - Alterations to existing outbuilding.  
Approved Conditionally 2001

120480: Planning Permission - Replacement door.  
Approved Unconditionally 2012

## **PROPOSAL**

Planning permission is sought to replace the windows, mullion and fascia board on the rear wall dormers with double glazed PVC sliding sash and case windows with planted on astragals. The dimensions of the proposed window and mullion replacements are unclear from the drawings provided. The proposed astragals would be 6mm thick and 17mm wide, planted to the external glazing with a spacer bar in-between. The plans also indicate that the windows would be fitted with trickle vents to the head of the windows.

Amended plans have been received following comments from the case officer regards insufficient information on the drawings.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=151162>  
On accepting the disclaimer enter the application reference quoted on the first page of this report.

## **CONSULTATIONS**

**Roads Development Management** – No observations  
**Environmental Health** – No observations  
**Flooding** – No observations  
**Community Council** – No comments received

## **REPRESENTATIONS**

No letters of representation have been received.

## **PLANNING POLICY**

### National Policy and Guidance

- **Scottish Planning Policy**

Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Current SHEP policy provides further detail.

### Aberdeen Local Development Plan 2012

- **Policy D5 – Built Heritage**

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

- **Policy H1 - Residential Areas**

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. Does not constitute over development;
2. Does not have an unacceptable impact on the character or amenity of the surrounding area; and
3. Complies with the Supplementary Guidance relating to the Householder Development Guide.

### Other Relevant Material Considerations

- **Scottish Historic Environment Policy (SHEP)**

Conservation areas are defined as areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.

- **TAN: The Repair and Replacement of Windows and Doors**

The replacement of windows and doors in Conservation Areas which are not identical to the originals require planning permission. For buildings which are located within Conservation Areas (but are not Listed Buildings), the Council's preference is for original windows and doors to be repaired and restored wherever possible.

TAN states Sash and case "lookalike" windows, which closely match the detailing and appearance of a traditional sash and case window, but may employ a different opening mechanism, may be acceptable in Conservation Areas. "Lookalike" windows will normally be formed in timber and will have upper and lower sashes of the same size as those in the window they are to replace. White uPVC vertical sliding windows may be acceptable as 'lookalike' replacements for windows in Conservation Areas provided that proposals with through / embedded astragals comply with

original dimensions. No planted astragals will be accepted on elevations in Conservation Areas which are visible from public areas. Where uPVC “lookalike” windows are to be used they should fully replicate the significant features of timber sash and case windows.

Where the astragals are merely applied to the surface of, or are sandwiched between, the panes of double glazing will always be refused. Where astragals are required, they must be kept slender to match the thickness of the original astragals, particularly in multiple pane sashes.

Ventilators that cut through the glass or visible on the window frames will not be considered acceptable on Listed Buildings or on public elevations in Conservation Areas. Ventilators, where required, should be located unobtrusively in the meeting rail. Where trickle ventilation is required other more discreet means of achieving this should always be considered.

- **‘Windows’ guidance note from Historic Scotland’s ‘Managing Change in the Historic Environment’ series**  
States as a key principle that, where an original window is beyond repair, replacements must match the original window design as closely as possible.
- **Proposed Aberdeen Local Development Plan**  
The following policy substantively reiterates such policy in the adopted local development plan as summarised above:
- **Policy D4 – Historic Environment**  
The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.
- **Policy H1 - Residential Areas**  
Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:
  1. Does not constitute over development;
  2. Does not have an unacceptable impact on the character or amenity of the surrounding area;
  3. Does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
  4. Complies with Supplementary Guidance

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

Both the Council's Technical Advice Note and Historic Scotland's 'Windows' guidance note state that, where there is no alternative to replacement, new windows should be sensitively replaced in an environmentally sensitive way which is in keeping with the character of the original building and the quality of its design. While the existing windows are not the original they are a quality replacement in timber with traditional timber astragal detailing and reflect the prominent features of the area. The proposed replacement windows are double glazed PVC sash and case 'lookalikes' with planted on astragals, which are considered insensitive and unfitting for this property. The Council's TAN promotes refusing applications where the astragals are merely applied to the surface of, or are sandwiched between, the panes of double glazing. PVC material is considered acceptable in some cases where the windows carefully replicate the original features and in particular any astragal detailing. The proposal incorporates a sliding sash window in PVC but fails to respect the original design and dimensions of the existing windows including its astragals and therefore in this instance the PVC material together with the planted on astragals would warrant a refusal. A proposal to remove the astragal detail altogether in favour for plain sash and case was suggested by the applicant and was dismissed by the Planning Authority as it wouldn't be a true reflection of the original windows in accordance with TAN and would create an undesirable precedent for a similar proposal to the front elevation of this property and resulting in the loss of significant features and the further erosion of the traditional character of the wider conservation area.

It has been acknowledged that the Footdee Conservation Area has been subjected to a degree of alteration; in particular the replacement of original windows and doors, and the area is at risk of losing its unique characteristics. Notwithstanding this extra care should be taken to protect the remaining properties that present traditional features in accordance with guidelines. The original proportions of windows should be retained to ensure architectural integrity of the building is not comprised. The adjoining property No.19 has had approval for replacement window and removed the astragal detail in 2012; the current TAN: The Repair and Replacement of Windows and Doors was approved in 2013 and it would be imprudent to make any comparisons to this application and that earlier decision is not sufficient reason to justify further spoiling the

character of the terrace and surrounding area, by setting aside the current policy context.

Amended plans were received on request and only confirmed details of the planted-on astragals; the agent, on behalf of the applicant, has confirmed that the requested traditional astragal detail could not be achieved by the proposed product. A lack of other basic survey information and detail within the drawings, particularly with regard to the proposed window elevations and mullion detail, suggests that the proposal would have little regard for replacing the windows in a like for like manner. It is therefore difficult for the Local Authority to make a full and frank judgement due to insufficient information on the drawings and in this case would warrant a refusal. In addition the notes on the drawings suggest that trickle vents would be fitted to the head of the windows and likely to be fully visible which would be contrary to TAN which states that ventilators that cut through the glass or visible on the window frames will not be considered acceptable. It should be acknowledged that the nature of the Footdee arrangement lends to most elevations being visible by the public and therefore the guidance will not be relaxed for the proposed rear windows. In the interest of preserving the character of the property; as the design and appearance of the proposed windows would not make a positive contribution to the setting and would have unacceptable impact on the character or amenity of the surrounding area; the proposal fails to comply with policy D5 and H1 of the Aberdeen Local Development Plan 2012.

The property lies within the Footdee Conservation Area and Historic Scotland 'Scottish Historic Environment Policy' (SHEP) must be referred to in determination of the application. SHEP states that the planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area when determining applications. It is therefore considered that the work would have an adverse effect on the character of the Conservation area and ultimately the loss of special architectural interest. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character, therefore the application is recommended for refusal as it does not comply with this policy and policy D5 and with Historic Scotland's guidance - Managing Change in the Historic Environment.

#### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, Policy D4 and H1 in the Proposed ALDP substantively reiterate the corresponding policies of the adopted local development plan and therefore there is no fundamental shift in the applicable policy context. The proposal is therefore not acceptable in terms of the adopted Local Development Plan and the aforementioned material considerations, for the reasons already previously given.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

1. The proposal is contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 of the Aberdeen Local Development Plan 2012 as the replacement windows do not preserve the character of the Footdee Conservation Area. The planted astragals and trickle vents are inappropriate and contrary to the guidance contained in Technical Advice Note – The Repair and Replacement of Windows and Doors and Historic Scotland’s guidance - Managing Change in the Historic Environment.
2. The proposal is contrary to Policy H1 of the Aberdeen Local Development Plan 2012 as the proposal would have an adverse impact on the character of the area.
3. Full consideration of the application is hindered due to the following lack of information a) scaled elevations showing mullion details and b) details of trickle vents
4. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area.