

<p><b>TCP/11/16(280)</b> <b>Planning Application 13/01073/FLL – Install replacement windows and doors, 69-71 High Street, Kinross, KY13 8AA</b></p>
---

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 49-62***)
- (b) Decision Notice (***Pages 65-66***)
  - Report of Handling (***Pages 67-71***)
  - Reference Documents (***Pages 57-61***)
- (c) Representations (***Pages 73-80***)



<p><b>TCP/11/16(280)</b> <b>Planning Application 13/01073/FLL – Install replacement windows and doors, 69-71 High Street, Kinross, KY13 8AA</b></p>
---

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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 2013

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

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

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 ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

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:

- In his refusal the case officer stated that it had not been shown that the windows were not capable of economic repair. This is not so. All windows are second hand, do not fit the aperture and so letting in both drafts and water. The dormer is not part of the original house. Please see attached letter for full details. Furthermore my client has a physical disability so window which were easier to open would be an enhancement to her standard of living.

**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 checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" 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:

Access to the rear is through the house only.

**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.

See attached letter.

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.

At no time did the case office contact me to discuss matters which were of concern to Perth & Kinross Planning Authority, giving me no opportunity to alleviate these concerns.

**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.

Original plans and letter of statement.

**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

Alan Stables

Date

17 September 2013



Alan Stables  
Home Improvement Planning Services  
35a Ludgate  
ALLOA  
Fk10 1DS

Tel: 01259 720309

Monday 19 August, 2013

Planning Department  
Perth & Kinross Council

Dear Sir/Madam,

**Planning Decision Appeal: 69-71 High Street, Kinross, KY13 8AA (13/01073/FULL)**

I am appealing against your decision to refuse planning permission to replace windows and doors at the aforementioned address for the below reasons:

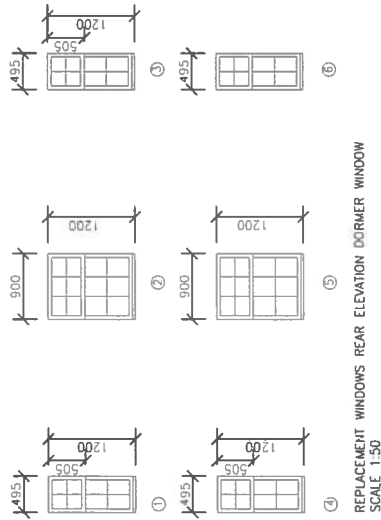
1. The refusal is for all rear windows and front and back doors. Taking into account conservation guidelines, my client is replacing the front door with a hardwood front door, i.e. like for like, and painted in the same colour. Can you explain why permission has not been granted for this.
2. At no time did the case officer reviewing the application get in touch to raise or discuss any concerns before issuing a refusal. Therefore, we have been given no right of reply to any concerns raised by Perth & Kinross Council.
3. During my phone call to the case officer following his refusal he said that the house could have been listed. However, records show that the property is in a conservation area but is not a listed building.
4. I believe planning permission should be granted because:
  - a. The dormer windows are clearly not part of the original house.
  - b. In both adjoining and surrounding properties there are new UPVC windows, gutters and downpipes as well as corrugated roofs – please see attached photographs which were submitted in the original application.
  - c. The rear garden is long with high fences and foliage to provide screening; therefore the impact of UPVC windows would be minimal. Furthermore the rear elevation is not normally of primary concern.
5. The case officer has argued that the windows could be repaired. We would dispute this. The windows are of poor condition and difficult to open because they are not square and the weights in the pocket do not go up and down as they should. Also, cladding around the dormer windows is clearly in disrepair – see photographs.

I would also add that my client has a physical disability and unable to sit or bend down properly. Therefore she would find it difficult to open new sash and case windows because of the weight. A vertical slider would make her life considerably easier – I do hope you will take this into account in your review of this appeal.

Yours sincerely,

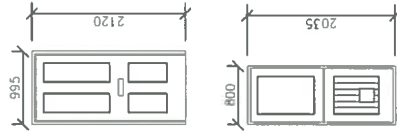
Alan Stables  
Agent  
Home Improvement Planning Services

---



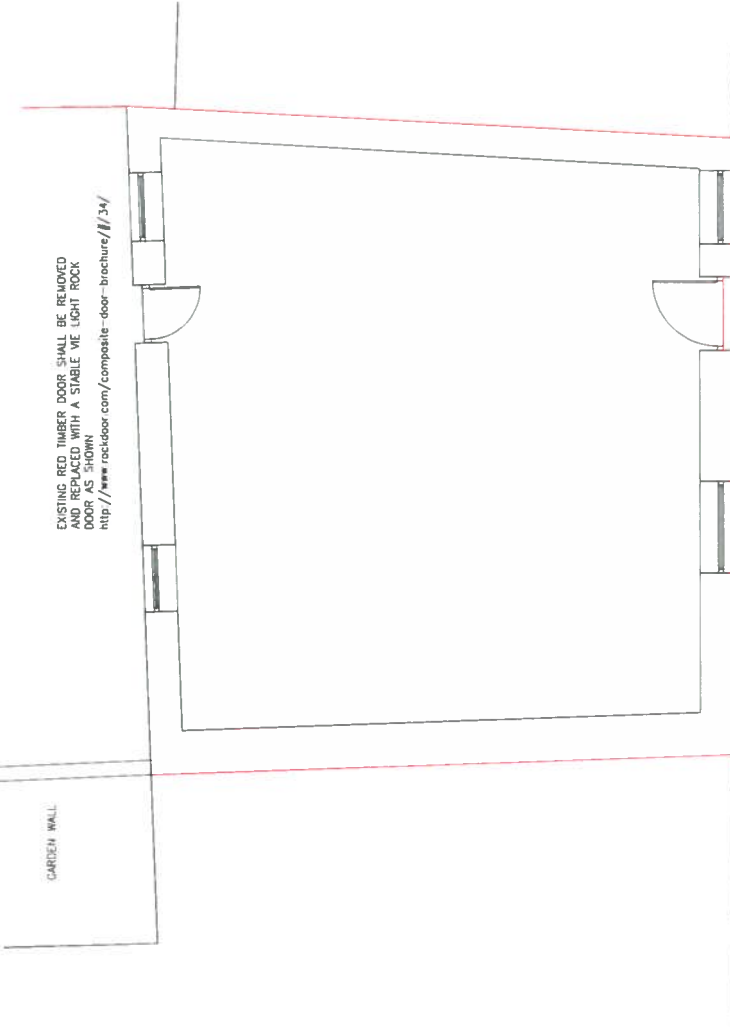
EXISTING WHITE TIMBER SASH AND CASE WINDOWS  
REMOVED  
REPLACEMENT WINDOWS TO BE WHITE UPVC SASH  
AND CASE AS SHOWN ALL ASTRAGALS ARE FRONT  
TO BACK LIKE FOR LIKE  
SEE DETAIL

EXISTING WHITE TIMBER DORMER SURROUNDS TO BE  
REMOVED AND REPLACED WITH WHITE UPVC LIKE  
FOR LIKE

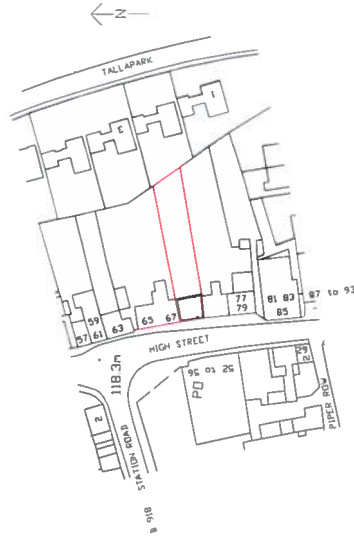


EXISTING RED TIMBER DOOR SHALL BE REMOVED  
AND REPLACED WITH A HARDWOOD DOOR PAINTED  
RED LIKE FOR LIKE

EXISTING RED TIMBER DOOR SHALL BE REMOVED  
AND REPLACED WITH A STABLE VIE LIGHT ROCK  
DOOR AS SHOWN  
<http://www.rockdoor.com/composite-door-brochure//34/>



PLOT PLAN  
SCALE 1:500



Drainage Survey to Crown Copyright 2013. All rights reserved. Licence number: 10028419

LOCATION PLAN

SCALE 1:1250  
250 0 250 500 750 1000

Alan Stables

HOME IMPROVEMENT PLANNING SERVICES  
35A LUDGATE, ALDERSHOT, HANTS, GU24 0LN  
01259 720509

**ideal**  
6 DITTON PLACE  
BILSTON INDUSTRIAL ESTATE  
LOANHEAD EH20 0HP

PROJECT: PLANNING PERMISSION FOR REPLACEMENT  
WINDOWS AND DOORS  
100 CRIGHTON STUART  
69-71 HIGH STREET, KINROSS

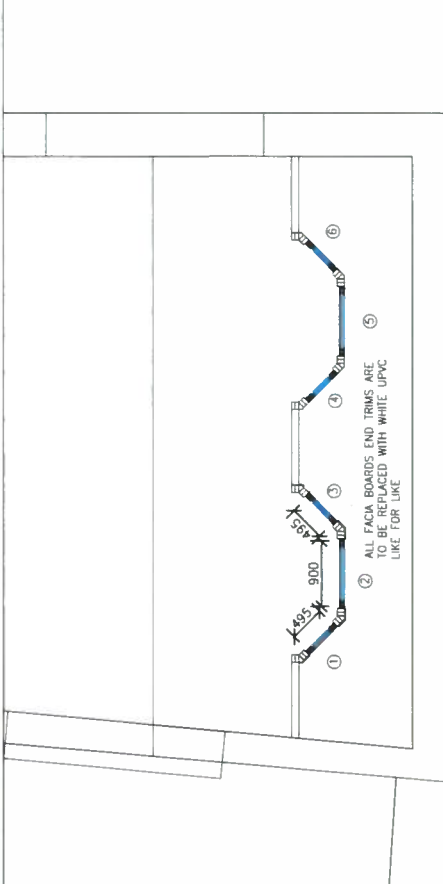
DATE: 30.05.2013 SCALE: AS NOTED  
DRAWING NUMBER: PLANNING 1 REV: N/A

HIGH STREET

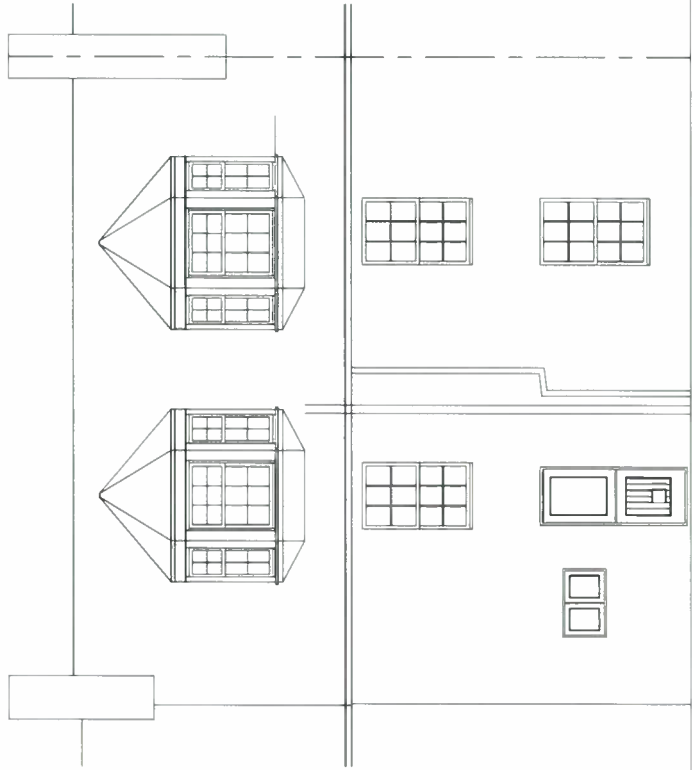
EXISTING RED TIMBER DOOR SHALL BE REMOVED  
AND REPLACED WITH A HARDWOOD DOOR PAINTED  
RED LIKE FOR LIKE

GROUND FLOOR 1:50

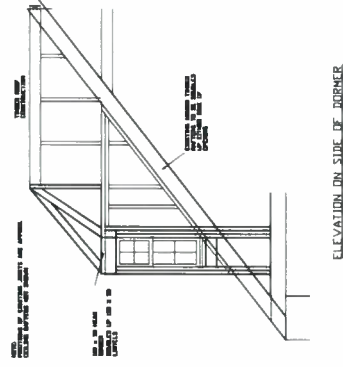
10 0 10 20



ATTIC FLOOR PLAN 150



REAR ELEVATION 150



ELEVATION ON SIDE OF DORMER

Alan Stables

HOME IMPROVEMENT PLANNING SERVICES

35A LUDGATE, ALDRA, FK10 1DS, 01259 720309

**ideal** 6 DRYDEN PLACE  
BILTON INDUSTRIAL ESTATE  
WINDING AND CONSERVATORIES LANEHEAD ERD SHIP

PROJECT: PLANNING PERMISSION FOR REPLACEMENT  
WINDOWS AND DOORS  
10NE CRIGHTON STUART

DATE: 30.05.2013

SCALE: AS NOTED

DRAWING NUMBER: PLANNING 2

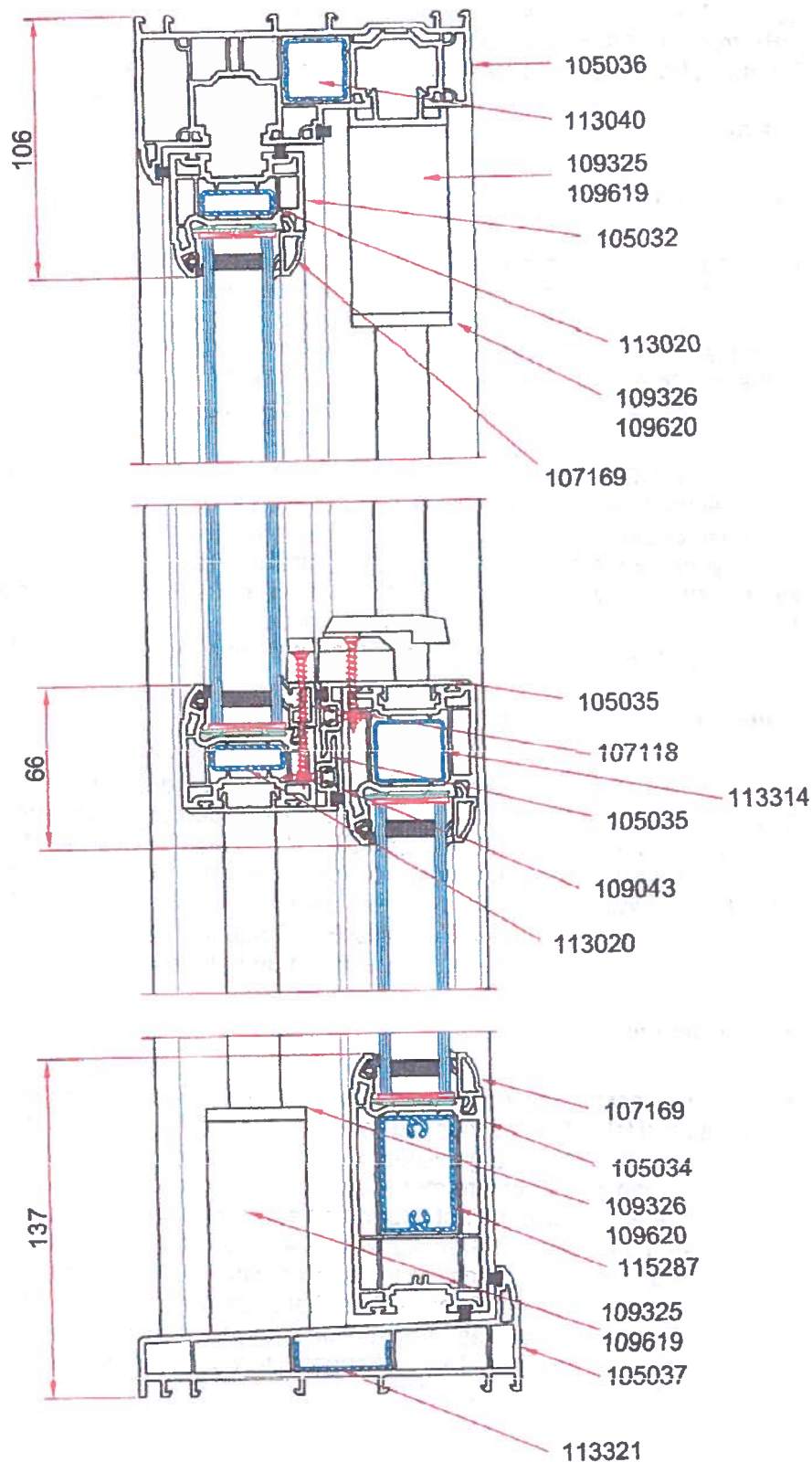
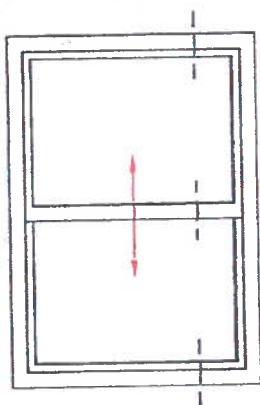
REV: N/A



# Profile System Vertical Slider

## Profile Combinations

System:	Vertical Slider
Section:	02
Page:	01:00
Date:	Sept 2007
Revision:	01:09: 2008

















<p><b>TCP/11/16(280)</b> <b>Planning Application 13/01073/FLL – Install replacement windows and doors, 69-71 High Street, Kinross, KY13 8AA</b></p>
---

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(submitted as part of applicant's submission, see pages 57-61)*



# PERTH AND KINROSS COUNCIL

Ms Ione Crichton-Stuart  
c/o Home Improvement Planning Services  
FAO Alan Stables  
35A Ludgate  
Alloa  
FK10 1DS

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 9th August 2013

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/01073/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 11th June 2013 for permission for **Install replacement windows and doors 69-71 High Street Kinross KY13 8AA** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposed replacement doors and windows are not justified as it has not been shown that the existing historic doors and windows are not capable of economic repair thereby preserving the material, scale, and design of the existing doors and windows. Accordingly, the proposal is contrary to Policy 74 of the Kinross Area Local Plan 2004, Policy HE3 of the Local Development Plan 2012 and Policy 3 of the Tay Plan 2012, which all seek to protect our cultural heritage from inappropriate developments.
2. As this proposal would not preserve or enhance the character of the conservation area, a recommendation to approve this application would be contrary to the requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that the Planning Authority shall have special regard to the desirability of preserving or enhancing the character of the conservation area.

3. As the proposal would have an adverse impact on the character of the conservation area, the proposal is contrary to guidance offered in the Scottish Planning Policy (2010) and the Scottish Historic Environmental Policy (2011), both of which promote the character of conservation areas.
4. If approved the proposal would be likely to create a precedent for future applications of a similar nature which would be unacceptable and would result in the erosion of the character of the conservation area.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **Notes**

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

#### **Plan Reference**

13/01073/1

13/01073/2

13/01073/3

13/01073/4

13/01073/5

13/01073/6

13/01073/7

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	13/01073/FLL
Ward No	N8- Kinross-shire

**PROPOSAL:** Install replacement windows and doors

**LOCATION:** 69-71 High Street Kinross KY13 8AA

**APPLICANT:** Ms I. Crighton-Stuart

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 10 July 2013



## **OFFICER'S REPORT:**

### **Site description:-**

This report deals with the installation of 6 timber sash and case replacement windows to the 2 rear attic dormers plus the front and rear doors of this terraced dwelling house at 69-71 High Street, Kinross which is located within Kinross Conservation Area.

### **The proposal is:-**

The proposal is to replace the existing 6 traditional sash and case windows and surrounds with 6 uPVC sash and case windows and surrounds and the existing red traditional timber front door with a hardwood door painted red and the existing timber rear door with a stable vie light rock door.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan applicable to this area comprises the TAYplan Strategic Development Plan 2012 and the Kinross Area Local Plan 2004. The Local Development Plan - Proposed January 2012 is viewed as a material consideration.

In accordance with Section 65 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Act 1997 the application has been advertised in the Local Press.

### **Assessment:-**

The determining issues in this case are:- the statutory requirement under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area; whether the proposal complies with development plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

A considerable amount of character derives from windows and doors and contributes greatly to the character of simple vernacular buildings, and to the townscape and character of a conservation area. Repair and refurbishment are the preferred course of action where possible.

Historic Scotland guidance makes it clear that historic windows are an important element of a building's special character and are an irreplaceable resource. They should only be removed and replaced therefore where repair is no longer a reasonable option. Alternative courses of action are available which would help to address the energy performance and condensation issues while retaining the special character and historic fabric of the windows. In order to address the condensation issues for example, historic sources of ventilation such as flues, vents and under-floor voids should be checked and made operational where possible. Additional extraction may be required to address the principal sources of moisture (bathrooms, kitchens and combustion devices). Ventilation around the windows themselves could also be improved. As the majority of the window panes are not historic glass, the

possibility of installing double glazed units into the existing joinery could also be investigated.

Historic Scotland guidance also makes it clear that original timber doors are an important aspect of the character and authenticity of a Scottish home. Their proportions and positions, together with the detail of mouldings and panelling are important elements in the significance of a building.

Conclusion:-

In summary I consider the proposals would result in an erosion of the special character of this building. Alternative measures are available which would both address the occupants' comfort and maintenance issues and allow a greater retention of historic fabric. The application is considered harmful to the character and appearance of the conservation area, and I therefore my recommendation is for refusal.

## **DEVELOPMENT PLAN**

TAYplan Strategic Development Plan 2012

The strategic plan has set down three key principles, which it seeks to achieve through targeted objectives:

Ensuring effective resource management and promoting an accessible, connected and networked region;  
Supporting sustainable economic development and improving overall regional image and distinctiveness;  
Enhancing the quality of place through better quality outcomes.

Policy 3: Managing TAYplan's Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets;

Kinross Area Local Plan 2004

Environment and Conservation/Kinross Conservation Area

Policy 74: There will be a presumption against developments within the Conservation Area which do not preserve or enhance the area.

Local Development Plan - Proposed January 2012

The Historic Environment

Policy HE3: Conservation Areas

Policy HE3A: New Development

There is a presumption in favour of development within a Conservation Area that preserves or enhances its character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting.

Where a Conservation Area Appraisal has been undertaken for the area, the details contained in that appraisal should be used to guide the form and design of new development proposals.

Applications for Planning Permission in Principle in Conservation Areas will not be considered acceptable without detailed plans, including elevations, which show the development in its setting.

## **OTHER POLICIES**

In addition the following documents are a material consideration in the determination of the application;

The Scottish Planning Policy (2010)  
Scottish Historic Environment Policy (SHEP) October (2009).  
Historic Scotland's Guidance Managing Change in the Historic Environment (2010).  
Historic Scotland's Inform Guide – External Timber Doors  
Historic Scotland's Inform Guide – Maintaining Sash and Case Windows  
Perth and Kinross Council Supplementary Guidance - Placemaking Guide  
Perth and Kinross Council Kinross Conservation Area Appraisal mentioned site as unlisted building of merit in Map 6: Townscape Analysis

**SITE HISTORY:** N/A

**CONSULTATIONS/COMMENTS:** N/A

**TARGET DATE:** 10 August 2013

## **REPRESENTATIONS RECEIVED:**

### **Summary of issues raised by objectors:**

Objects to the replacement of traditional doors and windows.

### **Response to issues raised by objectors:**

Covered in report

## **Additional Statements Received:**

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None



Report on Impact or Potential Impact	None submitted.
--------------------------------------	-----------------

### **Legal Agreement Required:**

Summary of terms - not required.

**Direction by Scottish Ministers** - not required.

### **Reasons:-**

- 1 The proposed replacement doors and windows are not justified as it has not been shown that the existing historic doors and windows are not capable of economic repair thereby preserving the material, scale, and design of the existing doors and windows. Accordingly, the proposal is contrary to Policy 74 of the Kinross Area Local Plan 2004, Policy HE3 of the Local Development Plan 2012 and Policy 3 of the Tay Plan 2012, which all seek to protect our cultural heritage from inappropriate developments.
- 2 As this proposal would not preserve or enhance the character of the conservation area, a recommendation to approve this application would be contrary to the requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that the Planning Authority shall have special regard to the desirability of preserving or enhancing the character of the conservation area.
- 3 As the proposal would have an adverse impact on the character of the conservation area, the proposal is contrary to guidance offered in the Scottish Planning Policy (2010) and the Scottish Historic Environmental Policy (2011), both of which promote the character of conservation areas.
- 5 If approved the proposal would be likely to create a precedent for future applications of a similar nature which would be unacceptable and would result in the erosion of the character of the conservation area.

### **Justification**

The application is unacceptable and contrary to the adopted Local Plan. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for refusal.

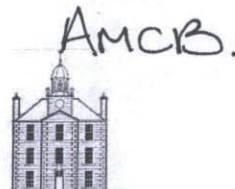


<p><b>TCP/11/16(280)</b> <b>Planning Application 13/01073/FLL – Install replacement windows and doors, 69-71 High Street, Kinross, KY13 8AA</b></p>
---

## **REPRESENTATIONS**

- Objection from The Architectural Heritage Society of Scotland, dated 10 June 2013
- Representation from David Eade, dated 29 June 2013
- Representation from Kinross-shire Civic Trust, dated 2 July 2013





THE ARCHITECTURAL  
HERITAGE SOCIETY  
OF SCOTLAND

*For the study and  
protection of Scottish  
architecture*

Head of Planning & Regeneration,  
Perth & Kinross Council,  
Pullar House,  
Kinnoull Street,  
Perth,  
PH1 5GD

RECEIVED

12 JUL 2013

10<sup>th</sup>. June, 2013  
Your ref:13/01073/FLL  
Our ref:9

Dear Sirs,

INSTALL REPLACEMENT WINDOWS AND DOORS AT 69-71 HIGH STREET, KINROSS

We have examined the plans, visited the site and wish to register our objection.

The use of non- traditional materials in a conservation area is not acceptable. With very few exceptions the existing windows should be repaired and only if beyond repair, should be replaced with a new unit. In which case the original proportions and profiles must be retained, the material must be traditional and particular attention paid to the size and profile of all structures and especially the glazing bars.

In addition, in this application the front and rear doors are to be replaced. As with the windows we would prefer to see them repaired but if they have to be replaced, particular attention has to be paid to the style, construction and detailing.

Yours faithfully,

for The Architectural Heritage Society of Scotland.





AmCB

**Tracy McManamon**

---

**From:** david eade [REDACTED]  
**Sent:** 29 June 2013 19:08  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application Ref 13/01073/FLL

Dear Sir

With reference to the above building application for replacement and doors at 69-71 High Street Kinross.

Although I have no objection to the work, I would like to point out that the building is listed in the Conservation Plan for Kinross as a building of historical interest.

David Eade  
[REDACTED]

SCANNED







AmcB.

# KINROSS-SHIRE CIVIC TRUST

*Helping protect, conserve and develop a better built and natural environment*

Ashtrees  
Wester Balgedie  
KINROSS  
KY13 9HE  
01592 840215  
e-mail: [info@kinross-shirecivictrust.org](mailto:info@kinross-shirecivictrust.org)  
2<sup>nd</sup> July 2013.

Mr Nick Brian  
Perth and Kinross Council  
Development Control  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

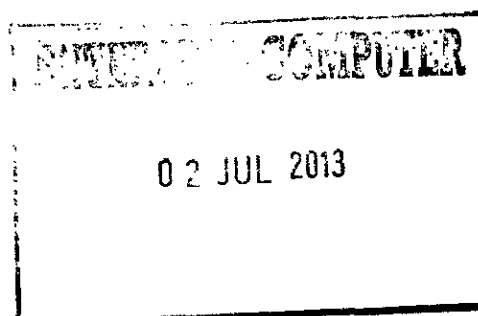
Dear Mr Brian

**13/01073/FLL Install replacement windows and doors at 69-71 High Street, Kinross.**

This house is set in the historic Conservation Area of Kinross. As such it is not appropriate to replace the old timber windows with UPVc ones, even though they are called up as 'like for like'. The replacement windows really must be timber ones

Yours sincerely

For and on behalf of Kinross-shire Civic Trust  
Cc PKC Local Members



Chairman – Mr Alistair Smith, Treasurer – Mr Ken Miles, Secretary - Mrs Eileen Thomas  
C:\Documents and Settings\TJMmanamon\Local Settings\Temporary Internet Files\OLK444\130702 13-01073 High Street  
Kinross object.doc

