

LRB-2023-41

23/00796/FLL - Installation of replacement windows and door at Melville Terrace, cowgate, Southbank, Errol, Perth, PH2 7QS

PLANNING DECISION NOTICE *(included in applicant's submission, pages 357-358)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 360-362)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00796/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	2nd October 2023	
Draft Report Date	4th October 2023	
Report Issued by	DR	Date 4 th October 2023

PROPOSAL: Installation of replacement windows and door

LOCATION: Melville Terrace Cowgate Southbank Errol Perth PH2
7QS

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application property is a traditional two-storey semi-detached dwellinghouse situated in the Errol Conservation Area. Full planning permission is sought to replace the windows and door on the ground floor of the south (front) elevation.

This application does not include the replacement of the windows on the upper floor of the south elevation. These windows are not original or traditional windows, and it is believed they were replaced a number of years ago, possibly before the designation of Errol Conservation Area.

DATE OF SITE VISIT: 03 October 2023

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: n/a

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

Policy 7: Historic Assets and Places

Policy 16: Quality Homes

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 17: Residential Areas

Policy 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Conservation areas](#)

NATIONAL GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management

CONSULTATION RESPONSES

Conservation Team

Do not support due to use of uPVC and concerns about lack of detail for the vertical astragals in the eastmost window.

NB: ideally, astragals should be shown on a drawing at a scale of 1:20. However, the astragals for the eastmost window have been included on the proposed part ground floor plan at a scale of 1:50. As there are other reasons to refuse the application, it was not considered necessary to require the submission of a 1:20 scale drawing of the eastmost window.

REPRESENTATIONS

No representations were received.

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this 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. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

Alterations to existing domestic dwellinghouses are, in many cases, considered to be supportable in principle. Nevertheless, consideration must be given to the scale, form, massing, design, position, proportions, and external finishes of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual or residential amenity.

Assessment of the proposal against the relevant policies is provided below.

Design, Visual Amenity and Impact on Conservation Area

The existing ground floor windows and door on the front of the house are traditional in style and add to the character of the conservation area. The existing ground floor windows are timber sash and case. The eastmost window on the south elevation matches the ground floor windows on the adjoining dwellinghouse. The existing door is timber in a traditional style with glazing to its upper half and a fanlight above.

For replacement windows in conservation areas, the Placemaking Supplementary Guidance advises the following:

- Ensure that replacement windows on the front and all sides of the building visible to the public match the original as closely as possible.
- Replacement windows should replicate the original in every respect. They should be fitted in the same plane as the originals, made up of timber sections (the profile and dimension of which match the originals), and have the meeting rails in the same position as the originals.

It is proposed to replace the timber sash and case window on eastern side the south elevation with a double-glazed uPVC sliding sash and case style window. The meeting rail of this window will be 230mm higher than the meeting rail of the existing window. This change in height means that the proposed window fails to replicate the existing window. It also means that the proposed window would clash with the appearance of the ground floor windows on the adjoining house. The proposed window is also to have horns, which are not a feature of the existing window or of the windows on the adjoining house.

Due to the uPVC frames, the height of the meeting rail, and the addition of horns, the proposed eastmost window is detrimental to the traditional character of the house and is detrimental to the character and appearance of the Errol Conservation Area.

It is proposed to replace the three timber sash and case windows forming the bay window at the western side of the south elevation with different styles of windows. The two side windows are to be replaced with top opening uPVC windows; this opening method fails to replicate the sash and case opening method of the existing

windows. The central window is to be replaced with a non-opening uPVC window, which again fails to replicate the sash and case opening method of the existing windows. The central window is to have two horizontal astragals, with the upper astragal being wider than the lower one. The wider upper astragal (69mm in height) may be an attempt to replicate the thickness of the uPVC across the side windows (a total of 115mm in height); however, the difference in these heights further detracts from the appearance of these windows.

Due to the uPVC frames, the opening method, and the varying frame widths, the proposed windows in the bay window are detrimental to the traditional character of the house and are detrimental to the character and appearance of the Errol Conservation Area.

For replacement doors in conservation areas, the Placemaking Supplementary Guidance advises the following:

- Doors and their associated features such as steps or surrounds are a vital part of a building's character. By replacing them using a different style or material, it can have a negative effect on the appearance of the building.
- Traditional doors are generally painted pine or oak, with the design dependent on the building type but usually a variation on vertical boarding or panelled construction.
- Ensure that replacement doors on the front and all sides of the building visible to the public match the originals as closely as possible.

It is proposed to replace the traditional timber front door with a modern-style fully glazed uPVC-framed door with a fanlight. In terms of design and materials, the proposed door does not match the existing door.

Due to the non-traditional design, the uPVC frames, and the extensive use of glazing, the proposed door is detrimental to the traditional character of the house and is detrimental to the character and appearance of the Errol Conservation Area.

Given the concerns noted above, the proposal is contrary to Policies 7(d) and 16(g)(i) of NPF4 and contrary to Policies 1A, 1B and 28A of LDP2.

It is noted that the colour of the proposed uPVC frames has not been specified. If the application had been recommended for approval, the colour of the uPVC would have been controlled by condition.

Impact on Listed Building

The graveyard that lies 60 metres to the northwest of the dwellinghouse is a category B listed building. Due to the distance and the lack of visibility, there are no concerns that the proposal would be detrimental to the setting of the listed building. As such, the proposal is in accordance with Policy 7(c) of NPF4 and Policy 27A of LDP2.

Residential Amenity

Due to the nature of the proposal, the proposal would not affect the residential amenity of the application property or neighbouring properties. As such, the proposal is in accordance with Policy 16(g)(ii) of NPF4 and Policy 17 of LDP2.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly, the proposal is refused on the grounds identified below.

Reasons for Refusal

1. The proposed eastmost window, by virtue of its uPVC frames, the height of the meeting rail, and the addition of horns, is detrimental to the traditional character of the house and is detrimental to the character and appearance of the Errol Conservation Area.

Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth & Kinross Placemaking Supplementary Guidance 2020.

2. The proposed windows in the bay window, by virtue of their uPVC frames, the opening method, and the varying frame widths, are detrimental to the traditional character of the house and are detrimental to the character and appearance of the Errol Conservation Area.

Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth & Kinross Placemaking Supplementary Guidance 2020.

3. The proposed door, by virtue of its non-traditional design, the uPVC frames, and the extensive use of glazing, is detrimental to the traditional character of the house and is detrimental to the character and appearance of the Errol Conservation Area.

Approval would therefore be contrary to Policies 7(d) Historic Assets and Places and 16(g)(i) Quality Homes of the National Planning Framework 4; contrary to Policies 1A & 1B Placemaking and 28A Conservation Areas: New Development of the Perth and Kinross Local Development Plan 2; and contrary to the Perth & Kinross Placemaking Supplementary Guidance 2020.

Justification

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

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100624544-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Replace 4 windows and door at front of house(South East Elevation)

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Melville Terrace"/>
First Name: *	<input type="text" value="Graeme"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Duffy"/>	Address 1 (Street): *	<input type="text" value="Southbank"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Errol"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="PH2 7QS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MELVILLE TERRACE"/>
Address 2:	<input type="text" value="COWGATE SOUTHBANK"/>
Address 3:	<input type="text" value="ERROL"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 7QS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="722731"/>	Easting	<input type="text" value="325256"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Advised that Planning Permission required due to house is in conservation area

Title:

Mr

Other title:

First Name:

Keith

Last Name:

Stirton

Correspondence Reference Number:

Date (dd/mm/yyyy):

01/03/2023

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

510.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Applicants home

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Not required

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Graeme Duffy

On behalf of:

Date: 09/04/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Graeme Duffy

Declaration Date: 14/05/2023

Payment Details