

<b>LRB-2020-20 - 20/00560/FLL – Installation of replacement windows, Fernbank, 50 Main Street, Longforgan</b>
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**LRB-2020-20 - 20/00560/FLL – Installation of replacement windows, Fernbank, 50 Main Street, Longforgan**

**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.**

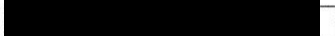
Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)


Name **MR DAVID MCCULLOCH**

Address 

Postcode 

Contact Telephone 1 

Contact Telephone 2 

Fax No 

E-mail\* 

## Agent (if any)

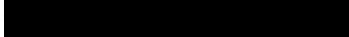
Name **MR ALLAN MCCULLOCH**

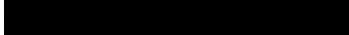
Address **176 GLASGOW ROAD**


**PERTH**

Postcode **PH2 0LZ**

Contact Telephone 1 

Contact Telephone 2 

Fax No 

E-mail\* 

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

Yes No

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

☒ ☐

Planning authority

**PERTH & KINROSS COUNCIL**

Planning authority's application reference number

**20/00560/FLL**

Site address

**FERNBANK COTTAGE, 50 MAIN STREET  
LONGFORGAN DD2 5EU**

Description of proposed  
development

**REPLACE SINGLE GLAZED WINDOWS  
WITH NEW DOUBLE GLAZED WINDOWS**

Date of application

**4<sup>TH</sup> MAY 2020**

Date of decision (if any)

**19<sup>TH</sup> JUNE 2020**

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:

THESE ARE GIVEN TO HIGHLIGHT THE POINTS THAT APPEAR TO HAVE BEEN OVER LOOKED WHEN CONSIDERING THE APPLICATION.

**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 checked="" type="checkbox"/> | <input 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:



**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.

THE REASONS FOR THIS NOTICE OF REVIEW ARE OUTLINE  
IN AN ATTACHED DOCUMENT A1  
SEVEN PHOTOGRAPHIC DOCUMENTS ARE ALSO ATTACHED  
THESE ARE NUMBERED P1 TO P7

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.

AS STATED ON PAGE 2 THESE ARE ONLY GIVEN TO  
HIGHLIGHT POINTS THAT SHOULD HAVE BEEN  
CONSIDERED IN DETERMINING THE APPLICATION

**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.

DOCUMENT A1 REASON FOR NOTICE OF REVIEW.

PHOTOGRAPHIC DOCUMENTS P1, P2, P3, P4, P5, P6, P7

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

16<sup>th</sup> July 2020

Notice of Review

Perth & Kinross Council

Planning application reference 20/00560/FLL

The following outlines the reasons for the submission of a notice of review.

The notice of refusal appears to have been concluded as a paper exercise without the knowledge or due recognition of the varied character and appearance of the properties in the vicinity of the site.

I would counter the statements made in the refusal as follows.

Opening Mechanism

It has not been recognised that the opening mechanism of the proposed windows is the same as the existing windows.

Trickle Vent

The prominence of the external trickle vent is criticised without having knowledge of the scale of its projection. It should also be recognised that the windows of the adjacent house (no 48) have similar vents as does house no 49 across the road. (see attached photographs)

These vents are in compliance with the requirements of Part F of the Building Regulations.

Sandwich Astragals

Because the windows are double glazed units, general discussions with Planning department indicated that where astragals were used, they should be sandwiched between the glazing panels. It should also be noted that the adjacent house No 52 has windows with sandwich astragals as does house No 49 (see attached photographs)

Framing proportions

Because the new windows are double glazed, it is inevitable that the frames will be slightly heavier than the existing single glazed units. I have created a photoshop (as attached) of the proposed window superimposed and would counter that its framing proportions are not unsympathetic and are comparable to those in house no 52. (see attached photographs)

From an environmental viewpoint, it is more important to double glaze than to maintain an inefficiently insulated house.

Visual amenity

Far from having a detrimental impact on the property, the new windows are more in keeping with the appearance of the adjacent properties.

House numbers 44 and 46 have heavy framed astragal style windows. (see attached photographs)

Conservation Area

The Development Plan is in place to protect the area from major developments that would adversely affect the area.

This proposal is essentially not a major development but the replacement of an existing inefficient window system.

Given the variation in window styles in the vicinity (see attached photographs), any impact that the proposed windows will have will be to enhance the character of the area rather than be a departure from the Development Plan.

I look forward to a positive review of this application.





Photo P1

Notice of Review  
Perth & Kinross Council  
Planning application reference 20/00560/FLL

48 Main Street  
Longforgan

Windows with prominent external trickle vents



Photo P2

Notice of Review  
Perth & Kinross Council  
Planning application reference 20/00560/FLL

47 & 49 Main Street  
Longforgan

UPVC Windows with sandwich astragals and  
prominent external trickle vents





Photo P3

Notice of Review  
Perth & Kinross Council  
Planning application reference 20/00560/FLL

52 Main Street  
Longforgan

UPVC Windows with sandwich astragals and  
heavier frame proportions and brown in colour



Photo P4

Notice of Review  
Perth & Kinross Council  
Planning application reference 20/00560/FLL

Fernbank Cottage  
50 Main Street  
Longforgan DD2 5EU

Window as existing

Proposed window superimposed





Photo P5

Notice of Review  
Perth & Kinross Council  
Planning application reference 20/00560/FLL

44 & 46 Main Street  
Longforgan

Windows and doors with astragals



Photo P6

Notice of Review  
Perth & Kinross Council  
Planning application reference 20/00560/FLL

51 Main Street  
Longforgan

Two different types of window  
One with fixed frame





Photo P7

Notice of Review  
Perth & Kinross Council  
Planning application reference 20/00560/FLL

99 Main Street  
Longforgan

UPVC Window with sandwich astragals  
Prominent external trickle vent  
Top hung opening





<b>LRB-2020-20 - 20/00560/FLL – Installation of replacement windows, Fernbank, 50 Main Street, Longforgan</b>
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**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**







Mr David McCulloch  
c/o Allan McCulloch  
176 Glasgow Road  
Perth  
PH2 0LZ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **19th June 2020**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **20/00560/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 4th May 2020 for Planning Permission for **Installation of replacement windows Fernbank 50 Main Street Longforan Dundee DD2 5EU**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

- 1 The proposed windows, by virtue their inappropriate specification and design, unsympathetic framing proportions and opening mechanism, prominent external trickle vents and sandwich astragals, would have a detrimental impact on the visual amenity of the house and the character and appearance of the Conservation Area.

Approval would therefore be contrary to Scottish Planning Policy 2014, Perth & Kinross Council's Placemaking Guide 2020 and Policies PM1A, PM1B, 17, and 28A of the Perth & Kinross Local Development Plan 2, 2019, all of which seek to ensure that development respects the place in order to protect the character and appearance 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 and documents 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

20/00560/1

20/00560/2

20/00560/3

20/00560/4

20/00560/5

20/00560/6

20/00560/7

20/00560/8

20/00560/9

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	20/00560/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	3rd July 2020	
Report Drafted Date	15th June 2020	
Report Issued by	KS	Date 15 <sup>th</sup> June 2020

**PROPOSAL:** Installation of replacement windows

**LOCATION:** Fernbank 50 Main Street Longforgan Dundee  
DD2 5EU

#### 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.

**DATE OF SITE VISIT:** N/A due to Coronavirus pandemic restrictions.

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is Fernbank, which is a traditional semi-detached cottage at 50 Main Street, within the Longforgan Conservation Area. This application seeks detailed planning permission for the replacement of three timber framed windows in the principal (north) elevation with upvc framed, double-glazed units.

In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site

and its context have, however, been viewed by StreetView imagery and a photograph provided by the applicant's agent.

Together this information means that it is possible and appropriate to determine the application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Not Applicable.

## **NATIONAL POLICY AND GUIDANCE**

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

Scottish Planning Policy (2014) Conservation Areas (paragraph 143) states; *"Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance"*.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Policy 2: "Shaping Better Quality Places" states that proposals should be;

*"Place-led to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context"*.

Policy 9: "Managing TayPlan's Assets" states that proposals should;

*"Safeguard the integrity of natural and historic assets [through] understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including... townscapes and historic buildings"*.

## **Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019**

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal policies are, in summary:

Policy 1A + 1B: Placemaking

Policy 17: Residential Areas

Policy 28A: Conservation Areas: New Development

### **OTHER POLICIES**

Perth & Kinross Council's Placemaking Guide 2020 states that;

*In unlisted buildings in conservation areas:*

- *In listed buildings and conservation areas the use of external secondary glazing and plant-on or sandwich astragals (non-structural astragals applied to the glass surface) is not acceptable.*
- *Ensure that replacement windows on the front and all sides of the building visible to the public match the original as closely as possible.*
- *Take the opportunity of installing appropriate new windows where the existing windows are modern replacements not in keeping with the building or area.*

### **CONSULTATION RESPONSES**

None.

### **REPRESENTATIONS**

No letters of representation have been received in relation to this proposal.

### **ADDITIONAL STATEMENTS**

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	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 for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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**

Developments which are ancillary to an existing domestic dwellinghouse are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development within the context of the application site, and whether it would have an adverse impact on visual amenity or the character and appearance of the Conservation Area.

### **Design and Layout**

Fernbank is a traditional semi-detached cottage at 50 Main Street, within the Longforgan Conservation Area. This application seeks detailed planning permission for the replacement of three timber framed windows in the principal (north) elevation with upvc framed, double-glazed units.

The existing windows are modern timber single-glazed casement units, painted white, with a top-hung opening mechanism. The principal of replacing the windows is acceptable, providing that the detailed specification of the replacement units is appropriate.

The proposed replacement windows are white upvc framed, double-glazed units, with internal (non-structural) “sandwich” astragals. The units also have external trickle vents located in the top rail.

### **Visual Amenity and Conservation Considerations**

The framing thickness of the proposed upvc units has increased and the top-hung opening mechanism increases the thickness of the top sash further, creating a top-heavy appearance to each window. This would be exacerbated by the lack of depth in profile, which is traditionally evident in sash and case windows. Additionally, the sandwich astragals and external trickle vents are modern features which would have a detrimental impact on the character and appearance of the Conservation Area.

Whilst the principal of replacing the existing windows is acceptable, the proposed window specification is inappropriate in this context for the aforementioned reasons. Approval would be contrary to TayPlan 2017, SPP

2014, Perth & Kinross Local Development Plan 2 2019 and Perth & Kinross Placemaking Guide 2020, all of which seek to ensure that development proposals respect the place in order to protect the character and appearance of the Conservation Area.

### **Landscape**

The domestic scale and nature of the proposal does not raise any landscape impact issues and the impact would be limited to a streetscape impact.

### **Residential Amenity**

Given the nature of the proposed development, the residential amenity of neighbouring properties would not be adversely affected.

### **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.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 or the adopted Local Development Plan 2 (2019). Account has been taken of material considerations and none have been found that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Reasons for Recommendation**

- 1 The proposed windows, by virtue their inappropriate specification and design, unsympathetic framing proportions and opening mechanism, prominent external trickle vents and sandwich astragals, would have a detrimental impact on the visual amenity of the house and the character and appearance of the Conservation Area.

Approval would therefore be contrary to Scottish Planning Policy 2014, Perth & Kinross Council's Placemaking Guide 2020 and Policies PM1A, PM1B, 17, and 28A of the Perth & Kinross Local Development Plan 2, 2019, all of which seek to ensure that development respects the place in order to protect the character and appearance 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.

#### **Informative Notes**

Not Applicable.

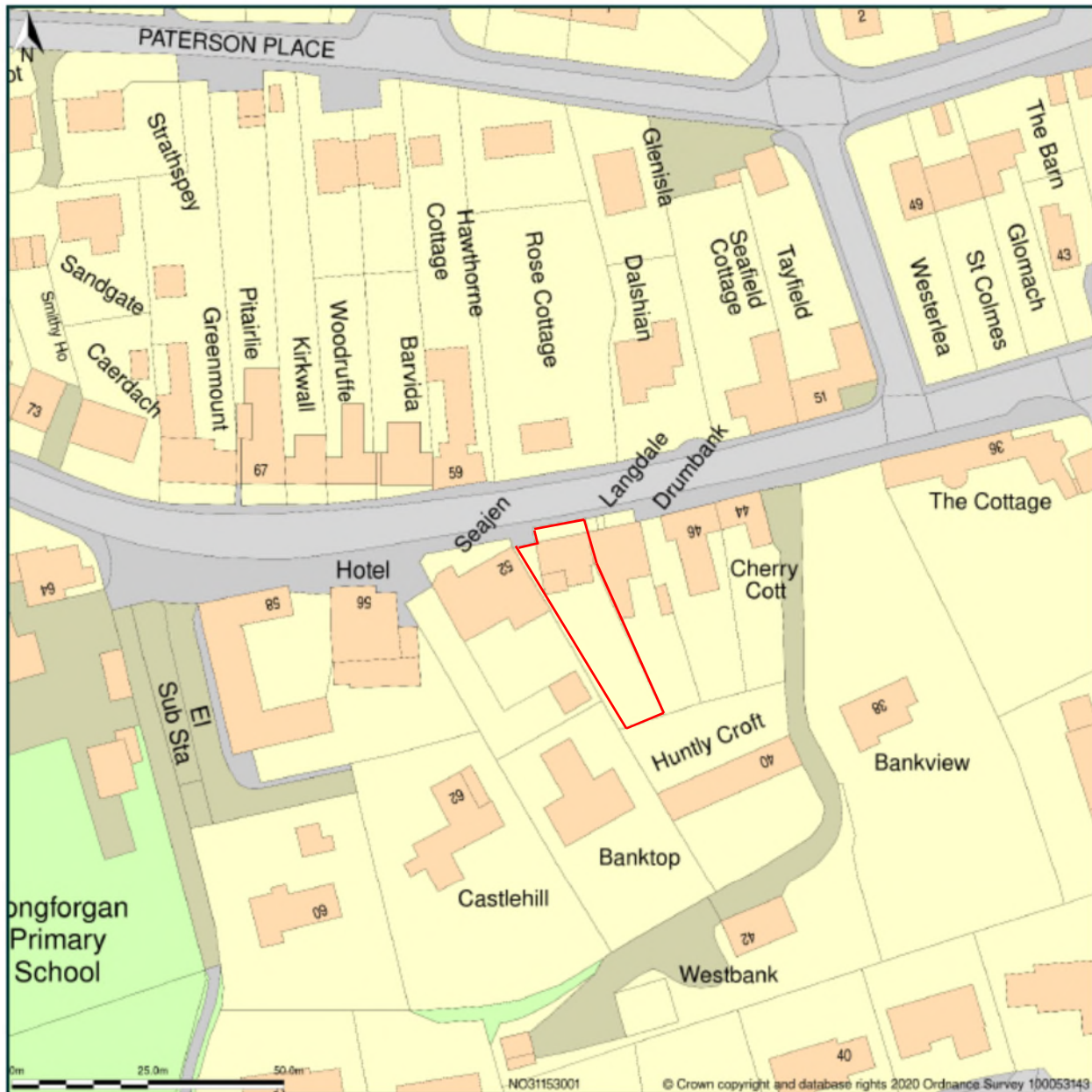
#### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

20/00560/1, 20/00560/2, 20/00560/3, 20/00560/4, 20/00560/5, 20/00560/6,  
20/00560/7, 20/00560/8 and 20/00560/9





Scale 1:1250

Planning Application Drawings  
by  
A A McCulloch C.Eng.MIStructE

Fernbank Cottage  
Main Street Longforgan

Replacement of Windows

Location Plan  
Drg L1C



Scale 1:500

Planning Application Drawings  
by  
A A McCulloch C.Eng.MIStructE

Fernbank Cottage  
Main Street Longforgan

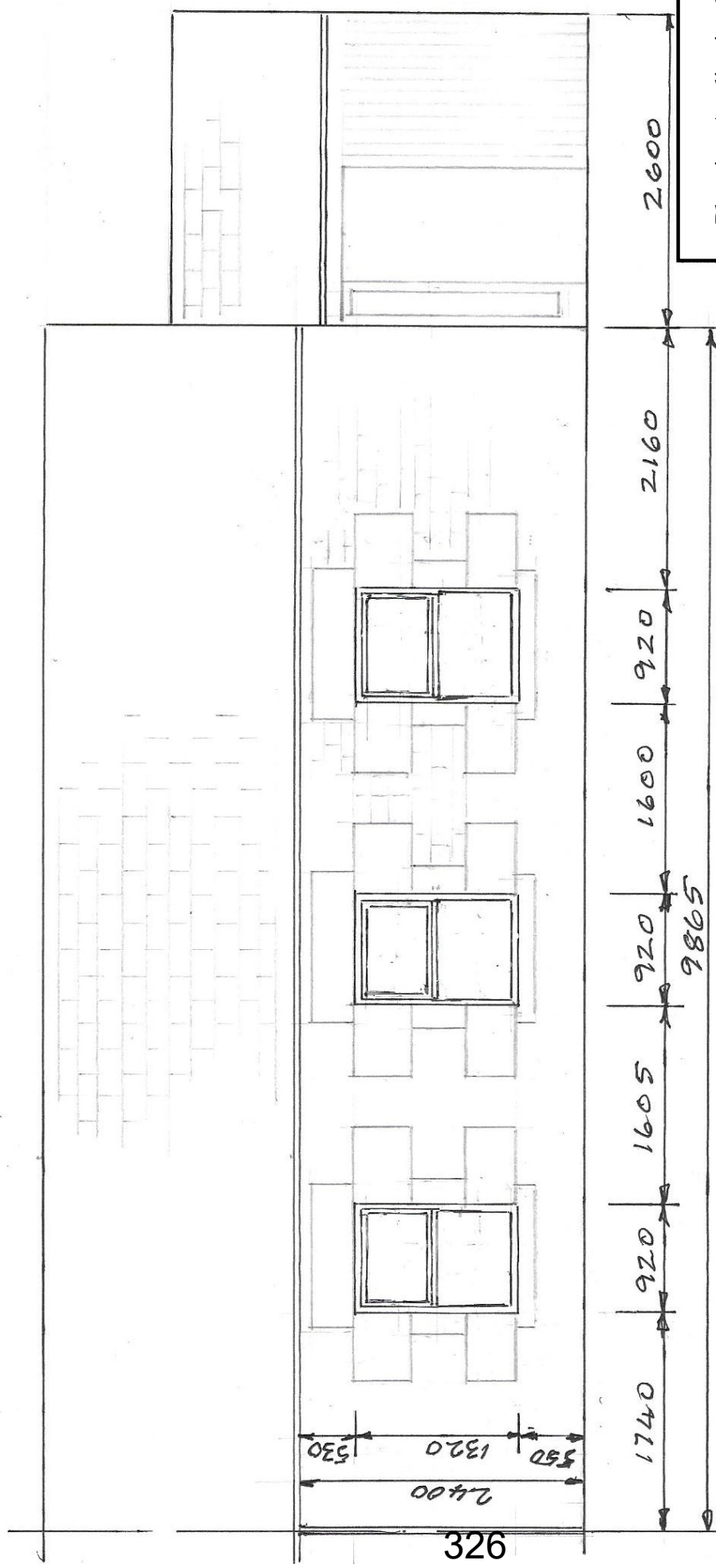
Replacement of Windows

Site Plan  
Drg L2C

324





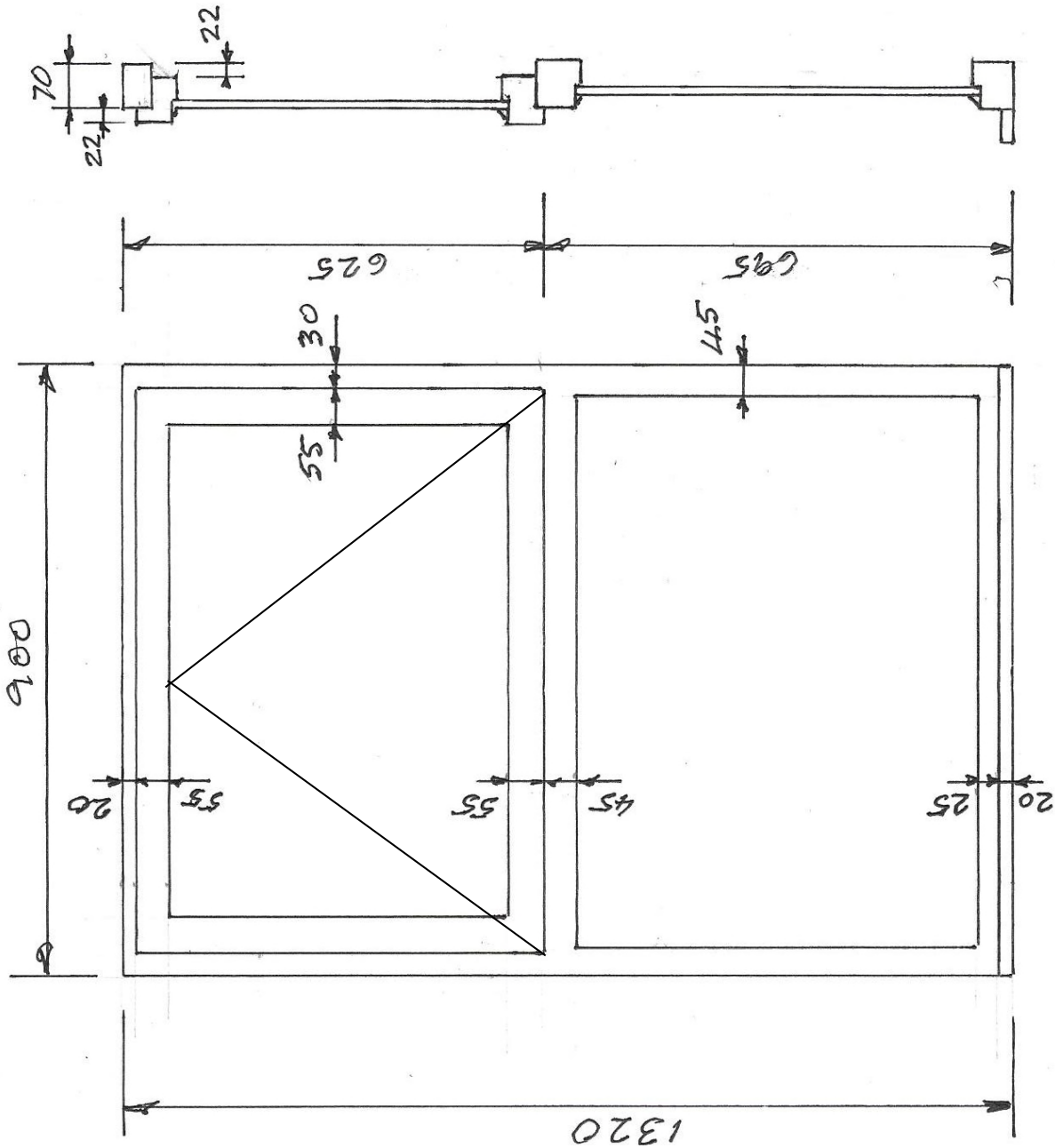


North Elevation  
With Existing Windows

Planning Application Drawings by A A McCulloch C.Eng.MIStructE	
Fernbank Cottage Main Street Longforgan Replacement of Windows	
North Elevation Existing	Dwg
	F4

2 m | | | | | Scale 1:50





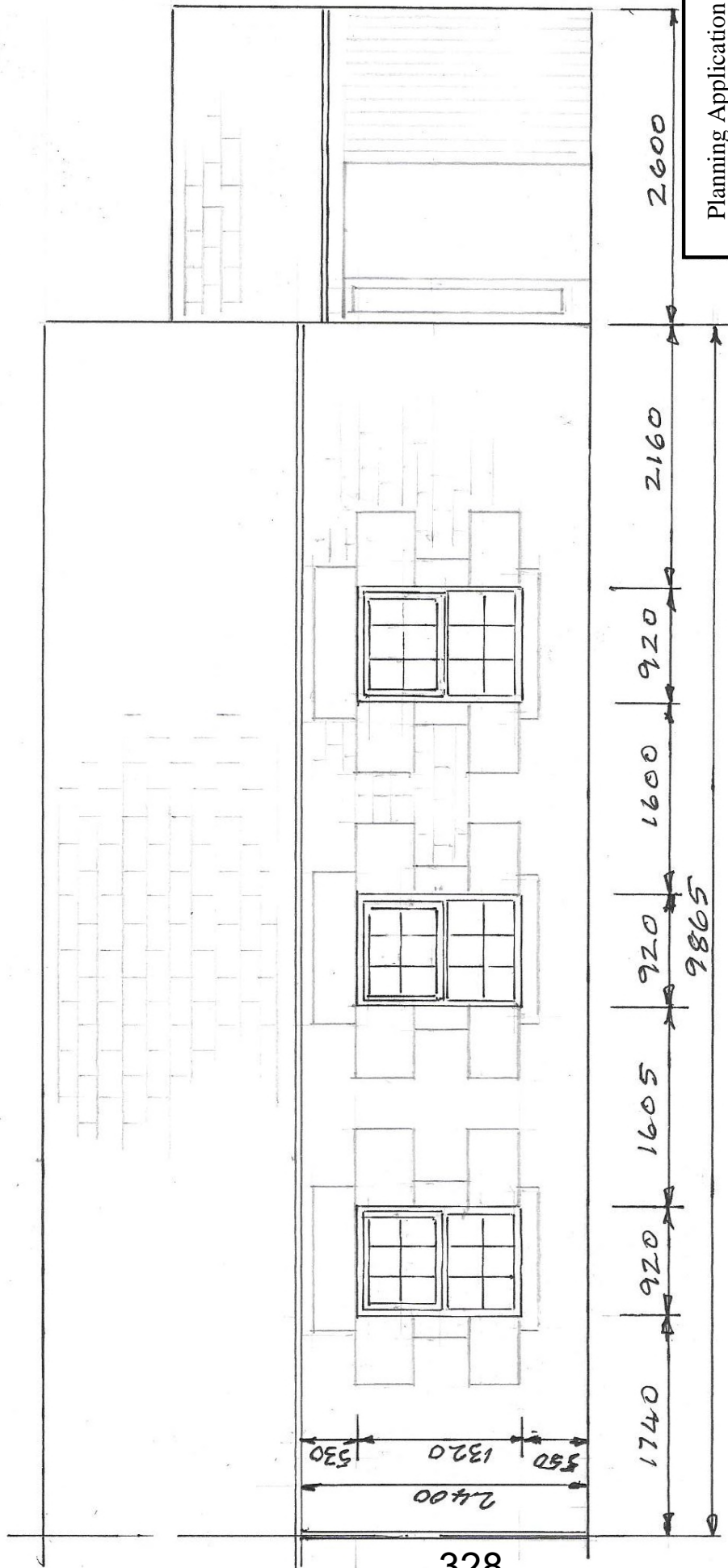
Section

Existing Window  
Outside Elevation

3 cm

Scale 1:10

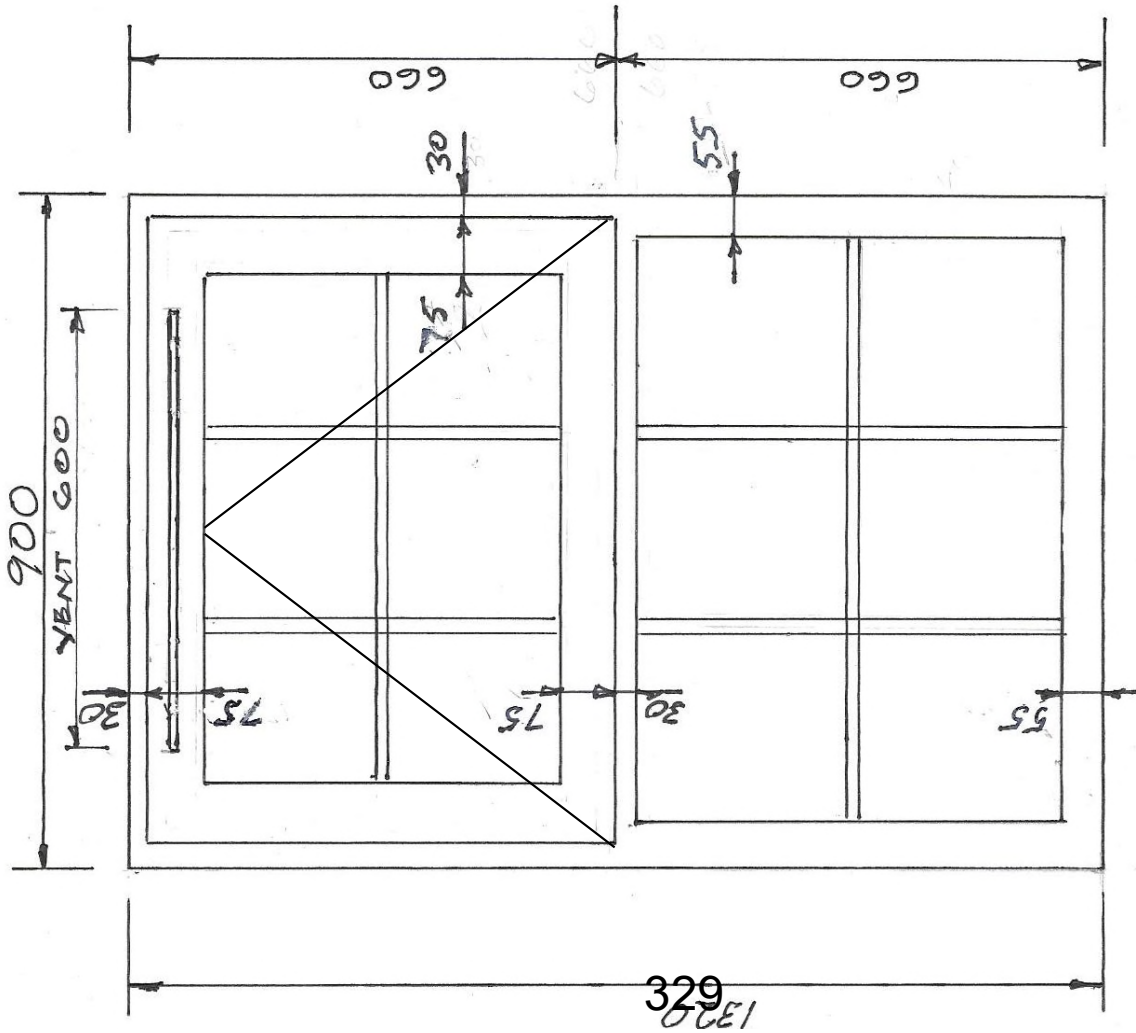
Planning Application Drawings by A A McCulloch C.Eng.MIStructE		F3A	
Fernbank Cottage Main Street Longorgan Replacement of Windows		Detail of Existing window	
		DrG	



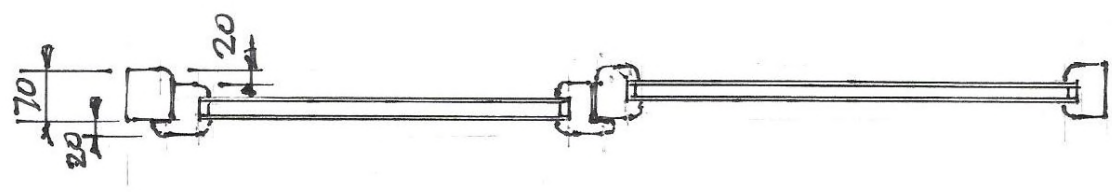
North Elevation  
With Proposed Windows

2 m | | | | | Scale 1:50

Planning Application Drawings by A A McCulloch C.Eng.MIStructE	
Fernbank Cottage Main Street Longforgan Replacement of Windows	
North Elevation Proposed	Dwg
	F2A



Proposed Window  
Outside Elevation



Section

- Window specification
- Casement top opening
  - All White UPVC windows – Kommerling O70 profile
  - All windows are ‘A’ Energy rated
  - Steel reinforced
  - 28mm glass units – 4mm planitherm / 20mm cavity / 4mm
  - All argon gas filled with a thermal (super) spacer bar
  - White 18mm Georgian bar between the glass panes

Planning Application Drawings by A A McCulloch C.Eng.MIStructE	
Fernbank Cottage Main Street Longorgan Replacement of Windows	
Details of Proposed Windows	Dwg F1A

3 cm      Scale 1:10







## Planning Application

### Fernbank Cottage

50 Main Street Longforgan DD2 5EU

### Replacement of Windows

#### Outline Details

The House is a semi-detached cottage forming half of a building located in the conservation village of Longforgan. However, the building is not one of the listed buildings in the village.

The houses on each half of the semi have different style of windows.

The existing windows are not original and are single glazed top opening casement. The intention is to upgrade the insulation value of the windows and prevent condensation.

The replacement windows will also be top opening casement but will be double glazed which will require the frames to be slightly heavier than existing.

The frames will be UPVC to minimise maintenance and give long term sustainability.

The use of UPVC is not unique in the village and the style of the windows proposed will match the appearance of others in the same proximity.

