

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 21 JUNE 2022

PLANNING APPLICATION – 3 ST NINIANS SQUARE, BRECHIN DD9 7AD

GRID REF: 360121:760246

REPORT BY MANAGER - DEVELOPMENT STANDARDS

Abstract:

This report deals with planning application [22/00124/FULL](#) for the replacement of 6 single glazed windows with double glazed windows in the first floor dormer windows at 3 St Ninian's Square, Brechin by Miss Jill Paterson. This application is recommended for approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

- 3.1 Planning permission is sought for the replacement of 6 single glazed windows with new double glazed windows in the first floor dormers at 3 St Ninian's Square, Brechin. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The dwelling is a category C listed one and a half storey semi-detached stone cottage located on St Ninian's Square, Brechin. The dwelling is located on the east side of the square, facing onto it. St Ninian's Square is a conservation area.
- 3.3 The proposal seeks to replace the existing single glazed sash and case windows in the two first floor canted dormers on the front of the property with new double glazed vertical sliding sash and case windows. The existing windows have a one over one pane configuration. The proposal would introduce astragals to the windows and would change the existing window configuration in order to match the dormer windows in the adjoining property at 5 St Ninian's Square to the north. The proposal involves windows with a four over four pane configuration in the central part of the bay, with a two over two pane configuration in the flanking windows. The proposed windows would be painted white.
- 3.4 The application has been subject of statutory neighbour notification and was advertised in accordance with legislation.

3.5 This application requires to be determined by committee because the applicant is a senior member of staff in the planning service.

4. RELEVANT PLANNING HISTORY

4.1 Listed building consent ([22/00123/LBC](#)) for Replacement of 6 Single Glazed Windows (First Floor Dormer Windows) with Double Glazed Windows is being assessed alongside this application.

5. APPLICANT'S CASE

5.1 Photographs have been submitted to show the existing windows in the property, details of the windows in the adjacent property (which the proposal seeks to replicate), and photographs of the proposed new windows. It is indicated that the windows which are proposed to be replaced have been altered from their original form through the removal or astragals, and the proposed windows would reinstate astragals so that the windows would match the adjacent property to the north (5 St Ninian's Square).

6. CONSULTATIONS

6.1 **Angus Council – Roads** – has no objection.

6.2 **Archaeology Service** – has advised that no archaeological mitigation is required.

6.3 **Scottish Water** – no comments received.

6.4 **Community Council** – no comments received.

7. REPRESENTATIONS

7.1 No letters of representation have been received.

8. PLANNING CONSIDERATIONS

8.1 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.

8.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64 of that Act also requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

8.3 In this case the development plan comprises:-

- [TAYplan](#) (Approved 2017)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

8.4 As the application is not of strategic significance the policies of TAYplan are not referred to in this report and the policies of the ALDP form the main basis for the consideration of the proposal. The relevant policies of the ALDP are reproduced at Appendix 3.

8.5 Policy PV8 of the ALDP indicates that development proposals affecting listed buildings will only be supported where the proposed development will not adversely

affect the integrity of the site or the reasons for which it was designated; any significant adverse effects are significantly outweighed by social, environmental and/or economic benefits; and appropriate measures are provided to mitigate any identified adverse impacts. A similar test applies to proposals affecting conservation areas. Policy TC4 indicates that proposals for alterations to houses and flats will be supported where they do not detrimentally affect the character and/or appearance of the building, site or surrounding area.

- 8.6 Historic Environment Scotland's *Managing Change in The Historic Environment – Windows* provides guidance on replacement double glazed windows and indicates *where existing windows are beyond repair, or of little historic interest, it should be acceptable to replace them*. It states that *generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials*. Angus Council Advice Note 9 *Window Alterations* indicates that replacement windows in listed buildings must replicate the originals in terms of materials, configuration and method of opening. It indicates that double glazing in category B and C listed buildings will be permitted where it complies with the council's specification.
- 8.7 3 St Ninian's Square and the adjoining property at 5 St Ninian's Square (to the north) are category C listed buildings which are noted as having special interest as a pair of mid-19th century single storey and attic cottages with canted dormers. The two cottages are largely the same, but the windows in the first floor dormers of 3 St Ninian's Square have a different pane configuration to those in no. 5. 5 St Ninian's Square contains double glazed sash and case windows in its dormers. The proposal would result in the existing one over one single glazed sash and case windows in the dormers in No. 3 being replaced with new timber double glazed sash and case windows which would match the pane configuration in No. 5. This would unify the appearance of the windows contained in the dormers serving the pair of cottages and would improve the thermal efficiency of 3 S Ninian's Square.
- 8.8 The proposed windows would match what is understood to be the original pane configuration in the property and the design, method of opening and materials of the proposed double glazing is broadly in accordance with council and HES guidance. The proposal would not adversely impact on the character of the listed building or the appearance of the conservation area and the proposal is in accordance with policies PV8 and TC4 of the ALDP.
- 8.9 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and there is nothing in the SPP that would suggest the application should be refused contrary to the provisions of the development plan framework.
- 8.10 NPF4 has been published in draft form and contains national planning policy that will form part of the development plan. However, it has been published for consultation purposes and therefore the policies it contains merit little weight at this time. Notwithstanding that, the proposal is compatible with the draft policies contained within it.
- 8.11 The proposal is compatible with the relevant provisions of the development plan and there are no material considerations that justify refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified.

10. CONCLUSION

It is recommended that the application be approved for the following reason:

Reason(s) for Approval:

The application complies with the relevant policies of the development plan as it proposes window alterations in a manner which would not adversely impact on the character of the listed building or the appearance of the conservation area. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: ALAN HUNTER

EMAIL DETAILS: PLANNING@angus.gov.uk

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APPENDIX 1: LOCATION PLAN

APPENDIX 2: DEVELOPMENT PLAN POLICIES

APPENDIX 3: PLANNING SERVICE PRESENTATION