

FPRB Reference: 22/364

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 10 Swan Road, Kirkcaldy, Fife KY1 1UZ
- Application for review by Mrs C Docherty against the decision by an appointed officer of Fife Council
- Application 22/01652/FULL for Full Planning Permission for Installation of replacement windows and door
- Application Drawings:
01 - Location Plan, 02 - Various existing and proposed, 03 - Astragal Details, 04 - Astragal Details,
- No Site Inspection took place.

Date of Decision Notice: 10th November, 2022

Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reason(s) outlined below in section 4.0.

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1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 24th October 2022. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Lynn Mowatt, Fiona Corps and Derek Noble.

2.0 Proposal

- 2.1 This application relates to a traditional two storey semi-detached dwellinghouse situated within the Abbotshall and Central Kirkcaldy Conservation Area. The property, which is unlisted, includes a single storey extension to the rear and is externally finished with dressed stone and a hipped slated roof. Whilst there is a mix of window materials and style on the rear elevation, the front/principal elevation of the property features white painted timber sash and case windows. The development site is located within an established residential area set amongst traditional properties of a varying architectural form and scale. This application seeks planning permission for the installation of 11no. replacement windows on the front elevation of the dwellinghouse and the installation of a replacement entrance door.
- 2.2 It is proposed to replace the existing timber sash and case windows with double-glazed uPVC equivalents. The existing timber panelled entrance door would also be replaced with a uPVC equivalent.

3.0 Reasoning

- 3.1 The determining issues in this review were the design and impact upon the setting of the conservation area. The FPRB considered the terms of the Development Plan which comprises the SESPlan (2013) ("Strategic Development Plan") and the Adopted FIFEplan (2017) ("Local Development Plan"). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (2018) (including Appendices), Scottish Planning Policy (SPP) (2014) (Valuing the Historic Environment), Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005), Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas and Historic Environment Scotland's (HES) Managing Change in the Historic Environment: Windows (2018) and Historic Environment Policy for Scotland (2019).
- 3.2 Firstly, the FPRB considered the proposal with respect to the design and impact upon the setting of the conservation area. They assessed the proposal against the above documentation including Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017). The FPRB noted that whilst consultation to HES may not be applicable, HES's guidance was relevant to the determination of applications of this nature. In its assessment, the FPRB reviewed the surrounding context to understand where uPVC windows had been installed within the street and nearby streets within the conservation area. They noted that traditional sash and case windows (or slimline double glazing equivalents) were prevalent within this part of the conservation area but that there were multiple examples of uPVC double glazing windows, particularly at the junction with Beverage Road. The FPRB were taken through recent decisions to understand the rationale for the Planning Authority's decision to approve uPVC glazing within the conservation area - which included approving examples where windows were generally not visible from the street or where the remainder of windows within the corresponding street (or part thereof) had already been changed to uPVC. The FPRB did not consider that to be the case in this instance and resolved that such a change would not be reasonable as the proposal would lead to significant detrimental impacts to the conservation area and that the proposal would harm its special character.

- 3.3 In this regard, the FPRB considered the potential impact of installing the proposed uPVC double glazed windows against slimline traditional sash double glazed windows (with glass widths of approximately 4-6mm) and agreed that such a change would result in unacceptable significant detrimental impacts to the character of the conservation area.
- 3.4 The FPRB then considered the appellant's rationale to install the uPVC windows to introduce energy efficiency gains within the household and reduce heating costs. The FPRB noted this matter and, whilst sympathetic of this reason within the current context, they did not consider that this would outweigh the aforementioned harm to the conservation area.
- 3.5 The FPRB therefore concluded that the proposal would result would be unacceptable and would result in unreasonable harm to the character and appearance of the Conservation Area; failing to enhance or protect its special character. The FPRB resolved that the proposal would not comply with Policy 1,10 and 14 of the Adopted FIFEplan, national guidance, including HES's Guidance, Fife Council's Customer Guidelines and the corresponding conservation character area appraisal. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore decided that the application should be refused and upheld the Appointed Officer's recommendation.

4.0 Decision

- 4.1 The FPRB upholds the decision of the Appointed Officer and refuses planning permission for the following reason(s):

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of visual amenity and preserving the character of the Conservation Area; the proposed windows by virtue of their design, uPVC frames and 24mm thick glazing would not preserve or enhance the character of this traditional building and the surrounding Abbotshall and Central Kirkcaldy Conservation Area, contrary to Policies 1, 10 and 14 of the Approved FIFEplan (2017), Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005) and Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018).

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Proper Officer

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on refusal of planning permission or
on the grant of permission subject to conditions*

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on determination by the planning authority of an
application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.