

FPRB Reference 22/380

## Review Decision Notice

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Decision by Fife Planning Review Body (the FPRB)

- Site Address: 10 St Clairs Court, Kinghorn, Burntisland, Fife
- Application for review by Mr E MacLeod against the decision by an appointed officer of Fife Council
- Application 22/04273/FULL for Full Planning Permission for Installation of replacement windows
- Application Drawings:  
01 - Location Plan, 02 - Various existing and proposed, 03 - Astragal Details,
- No Site Inspection took place.

Date of Decision Notice: 19th June 2023

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### Decision

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

#### 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 12 June 2023. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Lynn Mowatt, Fiona Corps and Alycia Hayes.

#### 2.0 Proposal

- 2.1 This application relates to a third floor flatted dwelling contained within a four storey semi-detached building situated on a harbour-front location within the Kinghorn Conservation Area. The property, which is not listed, is externally finished with white harled walls, a pitched slated roof and timber one-over-one sash and case windows. The development site is located within an established residential area overlooking the Firth of Forth and beachfront and is set amongst traditional properties of a varying architectural form and scale.
- 2.2 This application seeks planning permission for the installation 5no. replacement windows. It is proposed to replace the existing windows (generally timber sash and case type) with double-glazed uPVC casement, tilt and turn windows.

### 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 National Planning Framework 4 (NPF4), the Adopted FIFEplan (2017) (“Local Development Plan”) and Making Fife’s Places Supplementary Guidance (2018) (including Appendices - Valuing the Historic Environment). The FPRB also considered the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997), Kinghorn 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 7 (Historic Assets and Places) and 14 (Design, quality and place) of NPF4 and Policies 1 (Development Principles), 10 (Amenity) and 14 (Built and Historic Environment) of the Adopted FIFEplan Local Development Plan (2017).
- 3.3 In its assessment, the FPRB reviewed buildings within the surrounding context to understand whether uPVC windows, sash and case or traditional timber windows had been installed within the street and immediate area. They noted that traditional sash and case windows or traditional timber windows were prevalent within this part of the conservation area. In particular, properties to the west, along St James Place. They also noted examples of uPVC double glazing windows within the immediate area, including slimline double glazing equivalents, within the tenement building directly to the west of the site, selected properties to the east (upper floors) and extensively within the Barton Buildings flatted block further east.
- 3.4 In this regard, the FPRB considered the potential impact of installing the proposed uPVC double glazed windows would result in unacceptable significant detrimental impacts to the character of the conservation area and that the proposal would harm its special character. To this extent, they noted that the appearance, form, function and materials associated with uPVC double glazed windows would also detract from the appearance of the existing historic building. The FPRB noted that the location of the windows would also be sited within the building’s primary elevation and therefore visually prominent from a series of locations - including from the promenade/beach, other parts of the conservation area and within wider views from the south, over the bay. They considered this, and that tilt and turn openings, would result in an unacceptable modern addition to the historic building that would not preserve or enhance the special character of the conservation area. The FPRB also considered the condition of the windows and concluded that, without a conditions report, there was no evidence to suggest that windows could not be repaired, noting that the appellant still had an option to install replacement like-for-like sash and case timber windows. Overall, the LRB concluded that the proposal would not accord with the design and built/historic environment policies within the Development Plan including policies 7 and 14 of NPF4 and Policies 1, 10 and 14 of FIFEplan and the corresponding guidelines.
- 3.5 The FPRB then turned to the assessment of Low Carbon matters, considering the appellant’s position that the installation of uPVC windows would introduce energy efficiency gains within the property. The FPRB noted this matter and the resultant

compliance with the relevant policy provisions. However, whilst sympathetic of this matter within the current context, they did not consider that this would outweigh the aforementioned harm to the conservation area.

- 3.6 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 Policies 7 and 14 of NPF4 and Policies 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 tilt and turn opening method would not preserve or enhance the character of the surrounding Kinghorn Conservation Area, contrary to Policies 7 and 14 of NPF4 (2023), Policies 1, 10 and 14 of the Approved FIFEplan (2017), Kinghorn 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.