

THE HIGHLAND COUNCIL

**INVERNESS, NAIRN, BADENOCH & STRATHSPEY
PLANNING APPLICATIONS COMMITTEE – 9th June 2009**

Agenda Item	
Report No	

**09/00094/FULBS: Replacement windows, Grandview Nursing Home, High Street,
Grantown-on-Spey**

Report by Area Planning and Building Standards Manager

SUMMARY

Application for planning permission to replace windows on the High Street elevations of the Grandview Nursing Home, Grantown-on-Spey, with double glazed uPVC units of non traditional appearance and means of opening. The application is brought to Committee for determination due to the existing mix of window styles within the Conservation Area and to seek guidance whether an Article 4 Direction should be promoted to bring under detailed control minor developments which erode the character over time and undermine the conservation status

Applicant: Mrs D. Eavis

Recommendation: Refuse Planning permission

Ward: 21 (Badenoch and Strathspey)

1. PROPOSAL

- 1.1 Replacement of existing timber windows on the High Street elevation of the Grandview Nursing Home in High Street, Grantown-on-Spey. The existing windows are almost all of traditional sash and case construction and operation; only a limited number at ground floor level are of a different form and means of opening. The replacement windows would be of uPVC construction with a fixed upper pane and a tilting opening lower pane. In response to concerns about the general effect of the replacement windows and the different apparent thickness of the upper and lower “sashes” the applicants offered an enhanced option involving the addition of an additional fixed upper pane. However for cost reasons this is only offered for ground floor windows, the applicant’s reasoning being that no-one looks at windows above ground floor level when they are passing a building.
- 1.2 Although the site is situated in Grantown Conservation Area the rules which apply to window replacements currently do not differ from those applying elsewhere, i.e. planning permission is required only because the replacement windows would materially alter the external appearance of a building which is

not a single Dwellinghouse. Notwithstanding that, the Conservation Area status is a material consideration.

2. PLANNING HISTORY

2.1 BS/87/337 Change of use of Hotel to Nursing Home, Planning Permission granted 26/2/88

3. PUBLIC PARTICIPATION

3.1 The application was neighbour notified but not advertised. No representations have been received

4. CONSULTATIONS

4.1 **CNPA:** Proposal is inappropriate taking account of building's traditional character, scale, prominence, and Conservation Area location and does not support first aim of the National Park. Timber windows more appropriate.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan:

- G1 Conformity with strategy
- G2 Design for sustainability

Badenoch and Strathspey Local Plan:

- 3.5.1 Conservation Area

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); NPPG, and Planning Advice Notes PAN.

- SPP23 Planning and the Historic Environment

6. SUPPORTING INFORMATION FROM APPLICANT

6.1

7. PLANNING APPRAISAL

7.1 **Determining issues** - Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies a general duty as respects conservation areas in exercise of planning functions to have regard to the extent to which proposals preserve or enhance the character or appearance of that area.

7.2 The proposal requires to be assessed against both the appropriate policies of

the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- whether the proposals preserve or enhance the character or appearance of the Conservation Area
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

7.3 The Grandview is a large nursing home in the heart of the Grantown Conservation Area. Its importance in the street scene is emphasised by its height, long façade and varied detailing with a mix of plain windows in singles, pairs and triplets, oriel 2 storey bay, turret, gabled bays and dormers. The application proposes removal of all existing single glazed timber sliding sash and case windows and their replacement with double glazed uPVC units with a fixed upper pane and tilt/casement opening lower pane. There are several design influences including the variable usability of existing windows; draughtproofing; the client group requiring both a warm draught free environment and the ability to open windows easily but within design- and staff-managed limits. However the key influence on the design chosen is cost. New timber windows (as suggested by CNPA) would cost more, as would traditional sliding sash and case uPVC windows. As far as the applicant is concerned it is this or nothing – the only compromise is the offer of an enhanced version for the ground floor level windows only with a duplicate of the opening sash (but fixed) added to the fixed upper pane of the design. This would give uniform width of sides and at least mean that the lower pane did not project beyond the upper pane (which is the opposite of what a real sash and case window looks like) but its benefits would be more than outweighed by the thicker overall appearance of frame members and the obvious contrast with the “basic” windows proposed for the three upper floors. The reasoning that no-one looks at the upper floors is flawed.

7.4 Structure Plan Policy G2 tests point in some different directions. Clearly the improved insulation values meet the test of “maximise energy efficiency” and both that and the means of opening satisfy the test of “meet the special needs of disadvantaged groups”. As against that the design chosen is clearly inferior to proper sash and case with stepped sashes and sliding operation when set against the G2 tests of “impact on cultural heritage” and “demonstrate high quality design in keeping with local character and historic environment” and CNPA’s comments highlight the test of “use of appropriate materials”. Timber windows are not only more appropriate to a historic environment but are made from a sustainable-source material. Local Plan Policy is almost completely irrelevant as it is actually aimed at new build development and its statement “window openings should be of sash and case dimensions” is open to various interpretations.

7.5 SPP23 *Planning and the Historic Environment* is not very favourable to the proposal. Proposals which fail to preserve or enhance the character and

appearance of a Conservation Area should normally be refused planning permission in line with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. If it has a neutral effect it should be treated as preserving the area's character or appearance. Despite what the applicants say there is no doubt that the windows will not replicate the appearance of sash and case windows (particularly when opened but also because of the width of frame parts and "flat" appearance). The SPP notes the importance of historic environment in promoting economic growth and regeneration and its particular importance for supporting sustainable growth of tourism and leisure. However paragraph 41 advises the use of Article 4 Directions, which can "help to protect original unifying elements such as doors, **windows...**" (emphasis added). The Council has taken no steps to impose such a Direction in this Conservation Area. Indeed there was significant Member concern in the former Divisional and Area Planning Committees about the perceived "restrictiveness" of Conservation Area designation and its geographical extent. Meantime a great many traditional windows in the High Street have been replaced with a variety of non traditional designs and materials, and because of the lack of an Article 4 Direction that did not require planning permission in the case of houses. The Grandview itself has had several windows changed to uPVC in both white and brown on its rear elevation. Although the principles of the SPP have been strictly adhered to for Listed Buildings in the Conservation Area, for at least two decades there remain a number of examples of non traditional windows being installed in Listed buildings, as well as examples carried out without planning permission against which there has been no action taken.

- 7.6 The possible impact of such a big and prominent building losing its traditional windows is of concern but can be looked at in two ways. Although the windows would be non traditional in appearance at least they would present a uniformity of character across a large prominent frontage area, in contrast to the muddle of different materials, colours, glazing patterns and means of opening to be found on equivalent lengths of frontage elsewhere in the street. Seen from that point of view the "enhanced" option is counterproductive as well as not a particularly good replica of existing sash and case.
- 7.7 Whilst the first aim of the National Park is a material consideration in any application, the comments made seem to prioritise materials over appearance.

8. CONCLUSION

- 8.1 Several Structure Plan Policy tests can be read as supportive of the application but others, and the Conservation Area status of the site, are not. The balance would be judged to point to refusal of permission. However the situation is complicated by the extent of previous replacement of traditional windows by unsympathetic modern replacements elsewhere in the Conservation Area in both controlled and uncontrolled situations. The scale and extent of such precedents, and previous Committees' disinclination to control the changes when the problem was less widespread, could make it difficult to defend a refusal of Planning Permission on appeal. However, under the modernisation promoted under the Planning Etc, (Scotland) Act 2006

Government is drawing a much clearer distinction between the approach to planning adopted in areas designated for their cultural importance, and it is in this context which the application should be judged.

RECOMMENDATION

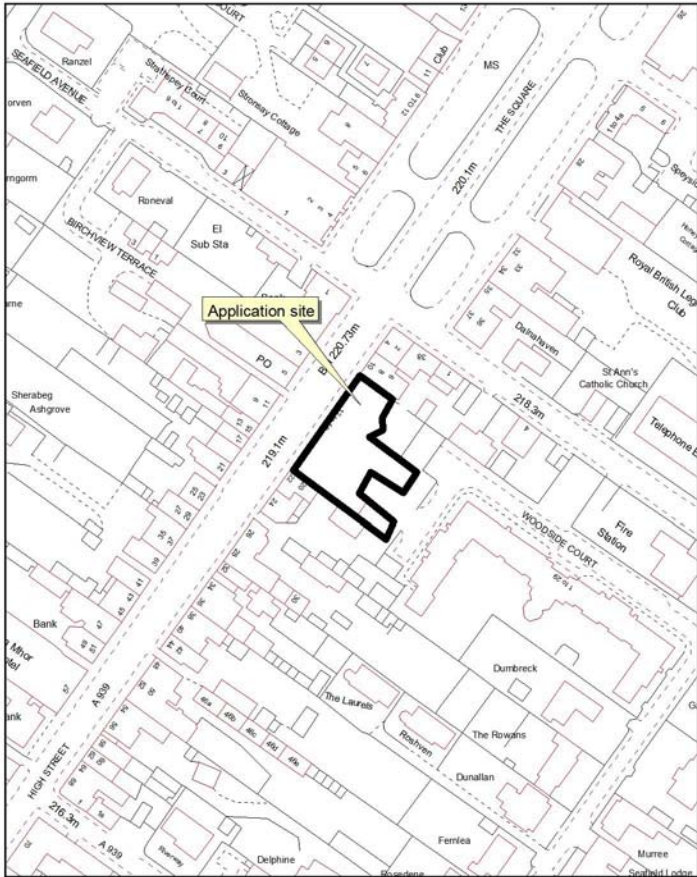
Refuse Planning Permission for the following reasons:

1. The proposals are contrary to Policy G2 of the approved Highland Structure Plan in that they have an adverse impact on cultural heritage and do not demonstrate high quality design in keeping with local character and historic environment.
2. The proposals do not preserve far less enhance the character and appearance of the Grantown on Spey Conservation Area.

Members are asked to consider whether or not they would support the principle of promoting an Article 4 Direction to bring under planning control certain permitted development rights (which would be specified in the Direction) as and when promoted. This would involve public advertisement and referral to Scottish Ministers for final agreement.

Signature:

Designation: Area Planning and Building Standards Manager
Author: Andrew McCracken. Planning Team Leader
Background Papers: Highland Structure Plan
Badenoch and Strathspey Local Plan
SPP 23
Consultation response from CNPA of 5/5/09



**09/94/FULBS: REPLACEMENT WINDOWS,
 GRANDVIEW NURSING HOME, HIGH STREET,
 GRANTOWN ON SPEY
 MRS D EAVIS
 SUPPLIED BY THE HIGHLAND COUNCIL**