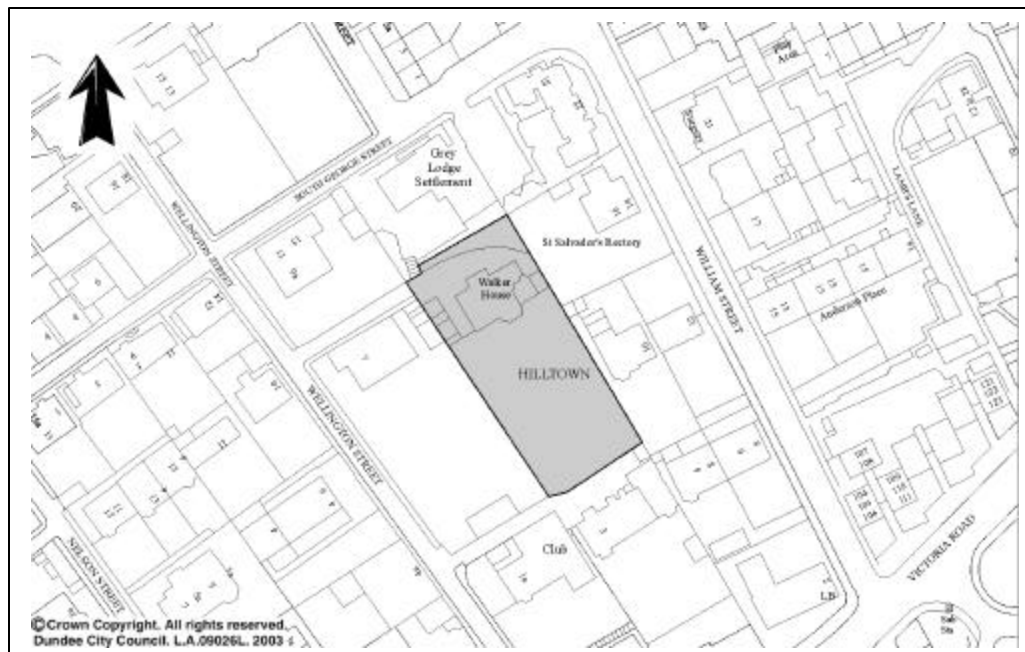


KEY INFORMATION**Ward** Hilltown**Proposal**

Replacement windows

AddressWalker House
9 Wellington Street
Dundee
DD1 2QA**Applicant**Mohammed Asif
Walker House
9 Wellington Street
Dundee
DD1 2QA**Agent**B S Design
4 Grove Road
Broughty Ferry
Dundee
DD5 1JL**Registered** 28 Nov 2003**Case Officer** C Walker

Proposed Replacement Windows in Wellington Street

The replacement windows are **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The design of the proposed replacement windows will detract from the character and appearance of this listed building contrary to the statutory duty to have special regard to the desirability of preserving the listed building and its features and contrary to the policies in the Adopted and Finalised Draft Local Plans. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Listed building consent is sought to replace the windows on this building which are almost all 12 pane timber sash and case windows. The proposed windows are doubled glazed upvc units with mock glazing bars which slide up and down like sash and case windows but also tilt inwards.
- Policy BE17 of the adopted Local Plan states that alterations to a listed building will only be acceptable where the proposals have regard to the restoration or enhancement of its architectural and historic character. Policy 60 of the Finalised Dundee Local Plan Review is similar in wording.
- Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that when dealing with applications for listed buildings special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- A letter of objection was received from AHSS who are concerned about the design of the windows. The Memorandum of Guidance on Listed Buildings and Conservation Areas published by Historic Scotland strongly advises against approving the proposed windows on a listed building.
- In this case it is considered that the existing timber sash and case windows on the building are a feature of special architectural interest and that their removal and replacement with upvc windows with mock window bars and an alternative method of opening would be detrimental to the character and appearance of the building.

DESCRIPTION OF PROPOSAL

Listed building consent is sought to replace all the windows on the building. The proposed windows are doubled glazed units manufactured from upvc. The proposed windows slide up and down like sash and case windows but also tilt inwards. The proposed windows will have mock glazing bars and decorative horns added to them

SITE DESCRIPTION

The site comprises a large detached 2 storey stone and slate building which is currently being converted into a dwelling house. It was formerly a care home for children and has been vacant for a few years since that use ceased. The building was constructed around 1840 and is Category C listed. Almost all the windows of the building are 12 pane sash and case windows which are painted white and are in reasonable condition. These windows contribute significantly to the character and appearance of the building.

The building has an extensive garden area to the south enclosed by stone walls. To the south, east and west are residential properties and to the north, on higher ground, are the Grey Lodge premises. Although quite visible from adjoining properties, the building is not particularly prominent from nearby streets.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

Policy BE17 states that alterations to a listed building will only be acceptable where the proposals have regard to the restoration or enhancement of its architectural and historic character.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

Finalised Dundee Local Plan Review

Policy 60 is similar in wording to Policy BE17 of the adopted Local Plan but it adds a sentence that alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.



Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18 Planning and the Historic Environment points out the statutory duty when dealing with applications for listed buildings to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It states that there should be a presumption against development that adversely affects the character of a listed building. It adds that the guidelines in the Memorandum of Guidance on Listed buildings and Conservation Areas should be used by planning authorities to help establish the impact of development proposals on the character of listed buildings.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

The Council's Local Agenda 21 Policies seek to protect local distinctiveness. It is considered that the existing 12 pane timber sash and case windows contribute to the character of the listed building and that their replacement with upvc windows would run counter the Council's aims to protect local distinctiveness and to encourage sustainability.

SITE HISTORY

Planning permission and listed building consent were granted in October 2002 to change the use of the building to a house and to add a conservatory and new dormers - applications ref. nos. 02/00644/COU and 02/00645/LBC refer. It was not proposed to replace the existing windows as part of those applications but the new dormer windows proposed were timber sash and case windows and the

proposed conservatory was timber framed.

PUBLIC PARTICIPATION

The proposal was advertised as a listed building application and a letter of objection was received from the Dundee Cases Panel of the Architectural Heritage Society of Scotland (copy available for inspection in the Members Lounges). The AHSS are concerned about the use of upvc windows on a listed building, the applied astragals and horns and the fact that they open inwards as well as sliding up and down. These concerns are considered in the Observations Section of this Report.

CONSULTATIONS

No adverse comment on the development was received from Statutory Consultees. As the building is Category C listed there is no requirement to consult Historic Scotland.

OBSERVATIONS

In accordance with the provisions of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Committee is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

The Memorandum of Guidance on Listed Buildings and Conservation Areas published by Historic Scotland gives good advice on the repair and replacement of windows. It encourages the retention and repair of windows on listed buildings. If repair is not feasible then it states that the replacement windows should match the originals in every respect. It states that modern substitutes for timber should be firmly discouraged. In this case the proposed windows are upvc. It adds that mock sash and case windows may look reasonably satisfactory when closed but are as disruptive of the original character as any other substitute when open. In this case the windows can tilt inwards as a method of opening and ventilation.

For window bars the Memorandum states that astragals which are merely applied to the surface (as is the case here) should always be refused. Where there are no horns on the original windows (again this is the case here) then the replacement windows should not incorporate them.

The Memorandum concludes that the damage which may be caused by the replacement of any window which is architecturally and historically correct with a modern unit made from a different material, to a different design or with a different method of opening is potentially immense.

In this case it is considered that the existing timber sash and case windows on the building are a feature of special architectural interest and that their removal and replacement with upvc windows with mock window bars and an alternative method of opening would be detrimental to the character and appearance of the building. As such the proposed development would contravene the statutory duty in Section 59 of the Act as well as Policy BE17 of the adopted Local Plan and Policy 60 of the Finalised Local Plan.

It is not considered that there are any special considerations that would justify the approval of the proposed windows on this listed building. The applicant did not originally propose to replace the existing windows but did propose new timber sash and case windows on the dormers. Discussions with the applicant established a suitable style of windows for the building but these were subsequently rejected on cost grounds. The fact that like for like replacement windows could be more costly is not a material consideration in determining this application for listed building consent. Furthermore it is accepted that the building is not in a visually prominent location but the building is listed and the mainly 12 pane sash and case windows make an important contribution to its character and appearance. The building is also visible from a number of adjoining properties.

The views of the AHSS who object to the proposed windows, reflect the policies of the adopted and Finalised Draft Local Plans as well as Government Guidance and the statutory duty under Section 59 of the Act.

Design

The existing windows on the building, which are almost all 12 pane timber sash and case windows, contribute significantly to its character and appearance. The proposed replacement windows are manufactured from a different material, have plant on astragals and can open in a different manner. It is considered that the proposed replacement windows will fail to replicate the attractive appearance of the existing windows and will therefore be of inadequate design.

CONCLUSION

The design of the proposed replacement windows will detract from the character and appearance of this listed building contrary to the statutory duty to have special regard to the desirability of preserving the listed building and its features and contrary to the policies in the Adopted and Finalised Draft Local Plans.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason:

Reason

- 1 The proposed replacement windows would detract from the character and appearance of the listed building by reason of the use of upvc as a finishing material, the use of plant on as opposed to genuine astragals and the method of opening which allows the panes to tilt inwards and the approval of the proposed windows would contravene the statutory duty set out in Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Policy BE17 of the adopted Dundee Local Plan 1998 and Policy 60 of the Finalised Dundee Local Plan Review.