



## Reasons for Review

### **20:43 Planning Application to retain windows installed to Craighmor, 67 St Leonards Road, Forres for Mr S Waterson**

This review is requested based on the following key points:

- The background to this planning application.
- The established character of the area.
- The recent approval of uPVC windows to another property within the conservation area.

#### **Background**

The comments in the report of handling refer to repair and replacement of the original windows being preferred and possibly more economical. This was not an option for the applicant as the windows were removed without their knowledge or permission. The applicant had the right intentions in applying for planning permission but due to no fault of their own, they find themselves in this position.

In addition, the planning application is for permission to retain the uPVC windows as installed. Retaining and repairing the original windows is not possible and is not a consideration of this planning application.

#### **Character of area & material**

The planning officer's comments in relation to other properties with uPVC windows on St Leonards' Road makes reference to a time period of 4 years and that these properties would be immune from planning control. The length of time that other uPVC windows have been installed is irrelevant, the fact that they are present and are an established character of the area is relevant.

I also note that the Planning Officer states that Replacement Windows and Doors Guidance was intended to be for a consistent approach to replacement windows within the conservation area. The planning approval of replacement uPVC windows to other properties in the Conservation Area would contradict that statement, in particular, planning permission reference 17/01078/APP and 13/01413/APP.

There are 29 other properties within the conservation area on St Leonards Road. There are 13 which have obvious uPVC windows, 12 have timber windows and 4 are unknown. There is not vast majority of timber windows as noted by the Planning Officer in the report of handling.

There is more weight given to the choice of material for the window frame over design. A walk along St Leonard's Road clearly shows that the design of the window is a more obvious departure from maintaining the character of the area. When you look at a property that does not have a sensitive design or traditional opening method it is instantly noticeable and stands out even when it is timber frame. This indicates that the design and opening section is the key factor in determining if the windows achieve the goal of maintaining a traditional character of the area. These windows achieve that goal regardless of frame material.

It is understandable that Planning Policy looks to retain the traditional character of the area. The evidence of modern uPVC windows in other properties on St Leonards Road would suggest that planning policy has not been adhered to. The 'Replacement Windows and Doors Guidance' document has been established for 30 years however the majority of uPVC windows on St Leonards Road would all appear to have been installed much more recently. In particular two of the most prominent buildings on St Leonard's Road have uPVC windows that make barely any attempt to be traditional in style. There would appear to be no application of Planning Policy or Planning Enforcement on these other properties. Planning Permission has been granted within the last 3 years for original timber windows to be replaced with modern uPVC windows under planning permission ref 17/01078/APP. The Planning Officer under that application commented that the uPVC windows would not affect the traditional appearance or character of the area.

We fail to see why the retention of the uPVC windows to Craighmor is not permitted while all these other properties are permitted to retain their windows which are of a poorer design and more detrimental to the area.

It is also understood that Randolph Villa received planning permission for a modern uPVC flat roofed extension on a principle elevation. The uPVC windows to this are not traditional in any way. This is one of the most prominent buildings on St Leonards Road.

### **Precedent**

Planning Application Ref 17/01078/APP at 7 St Leonards Road, which is within the conservation area received planning permission to replace original timber windows with uPVC windows in 2017. The comments in the report of handling state the following:

*'Alternative materials such as UPVC and aluminium, in line with policy BE3, are not normally acceptable and should be justified for use on traditional properties. However, the form of the existing windows & doors within the building and in its immediate surroundings will be taken into consideration.'* *'As detailed above there are a mixture of window types on the principal elevation of this property. Replacing 3 timber framed shop windows (fixed) with UPVC will not harm the character or appearance of this building or the surrounding conservation area'.*

We fail to see how these replacement windows are considered to not harm the building or surrounding conservation area while the windows in this application are considered to harm the area.

### **Conclusion**

We consider that planning permission must be granted in this case otherwise planning policy is being applied inconsistently. It is not in anybody's interest to force the applicant to replace these windows as uPVC is so prevalent on St Leonard's Road and these windows do not detract from the area.

We also highlight the following;

- The existing dormer window to the front of Craighmor already has uPVC window frames installed some time ago before the applicant purchased the house. This window does not form any part of the various applications, enforcement notices and appeals and can remain in place.

- The enforcement notice does not require the side facing windows to be replaced. The enforcement officer noted that this is an inconsistent approach.

- Therefore this dwelling already has uPVC windows installed which will remain should this appeal not be successful. The expense involved in replacing the windows cannot be justified given the context of Craighmor itself and the surrounding properties.

With the approval of other uPVC windows to some properties and lack of enforcement on properties who have installed uPVC windows without permission, it is unjust to force the applicant to change these windows. The cost to replace the windows will be prohibitive.

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