



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100296010-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Retain installed uPVC windows

Has the work already been started and/ or completed? \*

No  Yes - Started  Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

28/02/2019

Please explain why work has taken place in advance of making this application: \*  
(Max 500 characters)

The company who installed the windows were to apply for permission, which they did however they installed new windows before the application was determined. The application was refused. The applicant was unaware of this, did not have the opportunity to appeal and was issued with an enforcement notice. The applicant appealed the enforcement notice however it was upheld. The reporter suggested that a second planning application could be submitted in the interest off natural justice.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Wittets Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Cynthia	Building Name:	
Last Name: *	McKay	Building Number:	26
Telephone Number: *	01343 543237	Address 1 (Street): *	Hay Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	Scotland
		Postcode: *	IV30 1NQ
Email Address: *	cm@wittets.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Craighmor
First Name: *	S	Building Number:	67
Last Name: *	Waterson	Address 1 (Street): *	St Leonards Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Forres
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV36 1DW
Fax Number:			
Email Address: *	cm@wittets.co.uk		

## Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

CRAIGMHOR

Address 2:

67 ST LEONARDS ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

FORRES

Post Code:

IV36 1DW

Please identify/describe the location of the site or sites

Northing

858604

Easting

304374

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

Yes  No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Cynthia McKay

On behalf of: Mr S Waterson

Date: 21/08/2020

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

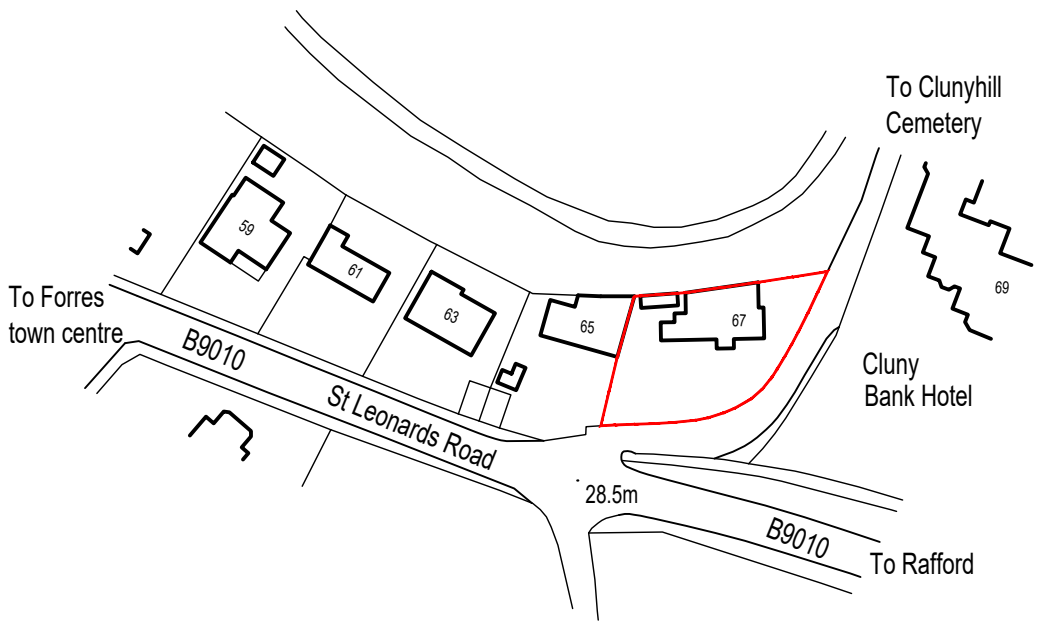
Declaration Name: Mrs Cynthia McKay

Declaration Date: 24/08/2020





USE GIVEN DIMENSIONS ONLY  
DO NOT ASSUME – ASK  
COPYRIGHT RESERVED

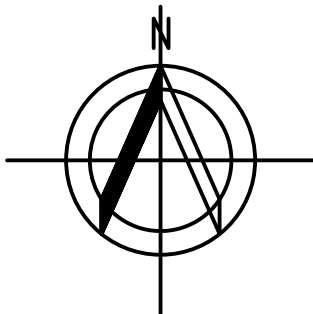
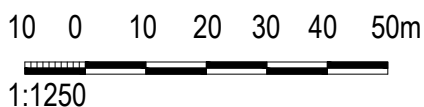


Application to retain uPVC windows  
at Craighmor, 67 St Leonards  
Road, Forres, For Mr S Waterson

# WITTETS

## ARCHITECTS

### LOCATION PLAN



26 Hay St, Elgin, Moray IV30 1NQ  
T 01343 543237 F 01343 540542  
e info@wittets.co.uk www.wittets.co.uk

1:1250 ● A4

Aug 2020

# 20:43:LP







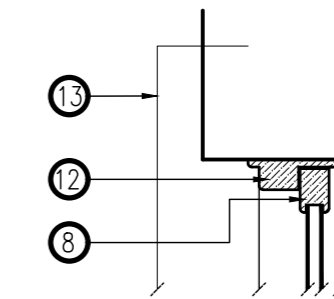
EXISTING SOUTH ELEVATION



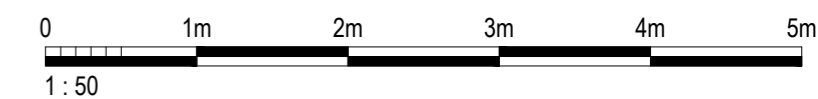
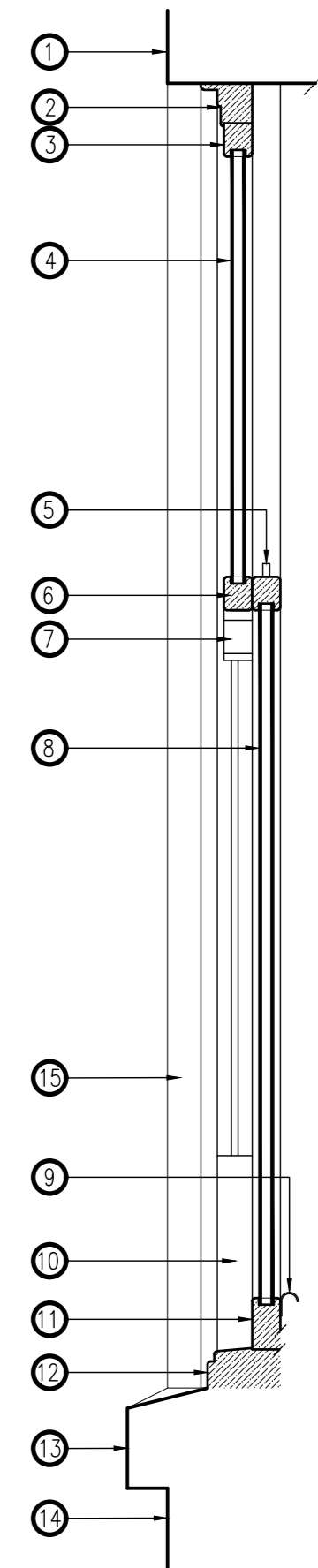
PROPOSED SOUTH ELEVATION

- NOTES:
1. No white uPVC framed windows installed to be retained.
  2. Window proportions match the existing windows. Dimension 'A' on existing windows match dimension 'A' on new windows and same for dimension 'B'.
  3. Window opening operation matches the existing windows with sliding sashes.
  4. Windows have traditional horns.

1. Stone lintel.
2. Top uPVC window frame surround.
3. Top sash window frame.
4. Top sash double glazed unit.
5. Sash fastener.
6. Top sash window frame and bottom sash window frame behind.
7. Horns.
8. Bottom sash double glazed unit.
9. Sash lift
10. Top sash block.
11. Bottom sash window frame.
12. Bottom window frame.
13. Stone sill.
14. Rendered wall.
15. Stove quoin reveal.



Window section & plan  
Scale 1:10



**WITTETS**  
ARCHITECTS

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Application to retain uPVC windows  
at Craighmor, 67 St Leonards Rd  
Forres, For Mr S Waterson

PLANNING  
Existing and Proposed Elevations





## Design Statement

**20:43 Planning Application to retain windows installed to Craighmor, 76 St Leonards Road, Forres for Mr S Waterson**

### History

The dwelling was purchased by the applicant who has undertaken careful modernisation and restoration of the property to bring it up to modern living standards and thermal efficiency. These improvements will extend the life of the traditional property for generations to come. The replacement of the original windows was part of this work.

The company who installed the uPVC windows were to apply for planning permission, which they did however they proceeded to install the new windows before the application was determined. The application was subsequently refused. The applicant was unaware of this and as a result did not have the opportunity to appeal. An enforcement notice was subsequently issued to the applicant. The applicant appealed the enforcement notice however it was upheld. The reporter suggested that a second planning application could be submitted in the interest of natural justice.

### Design Statement

Although uPVC frames have been used, care has been taken in the design and detailing of the new windows to replicate the detailing, proportion, opening method and colour of the existing windows. This retains the style and character of the existing sash and case windows both from a distance and up close as follows;

- The new windows have no additional astragals or mullions which were not present on the original windows.
- The proportion of the top sash and bottom sash match the existing windows in terms of scale and size.
- The existing windows were painted white, the new windows are also white.
- The window opening operation is by sliding sash to both sashes.
- The windows are fitted with horns.
- The internal sash fasteners and sash lifts are visible as would be on the existing windows.
- There are no uPVC sills to the windows and the frame is slender.

The dwelling is set back from St Leonards Road, accessed off the side road leading to Clunyhill Cemetery. It is also at a higher ground level than the public road. There is a high wall and hedge restricting views to the dwelling. As the windows have traditional proportions, sliding sash operation and are painted white it is near impossible to determine if these are original windows or what the frame material is when viewed from the public road/pavement. The windows do not therefore have a detrimental affect on the character of the dwelling or area. The Reporter for the appeal reference ENA-300-2017 also mentions this with the following statement '*During my site inspection I noted that the new windows were of a very high quality and from even a short distance away are virtually indistinguishable from the originals*'.

This is further supported by a survey of windows on the North side of St Leonards Road included at the end of this statement. The survey shows that the frame material is not the main factor in assessing if a window is detrimental to the character of the area. The opening method and colour have a more obvious impact on the character as they make a window stand out as not in keeping with traditional style.

Looking at the North side of St Leonards Road which is within the conservation area the type of windows are as listed in the survey below. There is a varied mix of window styles from modern uPVC to original timber windows. Very few, if any of the other properties with uPVC windows have the same level of design and detailing as the windows installed to the applicant's property. As a consequence the poorly designed uPVC windows to other properties stand out as modern windows which are not in keeping with the traditional style in the area.

From this survey it is clear that uPVC windows are now well established in the area. This has been acknowledged by the Reporter under appeal ref ENA-300-2017 where he states '*other windows in the area are of a variety of styles, many being obviously UPVC that do not replicate originals. Such windows are now established as part of the appearance of the conservation area*'.

### **Conclusion**

- As there are many other properties with uPVC windows within the conservation area the character of the area includes this window frame. It cannot be argued that uPVC frames are not in keeping with the character of the area.
- Some properties with uPVC windows have planning permission (see below) to install uPVC windows within the conservation area with the reasons that it is not deemed detrimental, it cannot therefore be justified to refuse this planning application on those grounds.
- The survey has shown that correctly proportioned white window frames with sash and case operation are the key design features when looking at a window and deciding if it is of traditional design and in keeping with the character. The applicant's windows have better design than some of the timber windows and most if not all of the uPVC windows on St Leonards Road.

### **Other Planning Permissions**

- Under planning permission ref 17/01078/APP the planning officer comments as follows on the use of uPVC windows '*Replacing 3 timber framed shop windows (fixed) with UPVC will not harm the character or appearance of this building or the surrounding conservation area. In addition the windows to the first floor are a mix of white uPVC and grey metal frame*'.
- Under planning permission ref 13/01413/APP – approval to replace timber windows with uPVC windows the planning officer comments as follows '*given the age of the property, and proposed window design, the applicant's proposals will preserve the areas character*'.

### **St Leonards Road conservation area property survey**

No 65: It is difficult to determine from the public pavement if the windows are timber frame or uPVC due to the house being secluded, at a distance from the road and having white colour. The applicant has confirmed these are original timber windows.

No 63: Windows appear to be either timber or uPVC frames in white. Although there is division of the window with astragals and mullions it is clear that the windows have a modern opening method.

No 61: Windows are clearly uPVC white frames due to the proportions and opening method.

No 59: Windows are clearly uPVC mahogany frames due to the colour, proportions and modern opening method.

No 57: It is difficult to determine frame material from the roadside, it is thought to be timber in white. The first floor windows have a modern opening method and style.

No 55: Windows are clearly uPVC frames from a distance due to their golden oak colour, design, gold bar mullions, proportions and opening operation.

No 53: Windows are clearly uPVC frames from a distance due to their golden oak colour, design, gold bar mullions, proportions and opening operation.

No 51: Difficult to determine the frame type, thought to be timber with a mix of white and brown colour.

No 49: Clearly white uPVC windows due to the proportions and opening method.

No 47: Timber framed, mahogany colour windows.

No 45: It is difficult to tell from the public pavement what the frame is made of as the dwelling is set back from the road and the window frames are white. The proportions and opening method can be established, these are not traditional sash and case.

No 43: : It is difficult to tell from the public pavement what the frame is made of as the dwelling is set back from the road and the windows frames are white. The proportions and opening method can be established and are not traditional sash and case.

No 41: Timber, green, traditional.

No 39: Timber, white, traditional.

No 37: It is difficult to tell what the frame material is from the public pavement due to distance, white painted windows and sash and case operation to some of the windows. Some of the windows are clearly uPVC frames. Some windows look to have planted astragals which would suggest uPVC frames.

No 33: Clearly uPVC white windows due to the design, proportions and opening operation.

No 31: Clearly uPVC white windows due to the design, proportions and opening operation.

No 29: Timber, white, traditional.

No 27: Timber, white, traditional.

No 25: Timber, white, traditional.

No 23: Timber, white, traditional.

No 21: Timber, brown, top hung modern opening.

No 19: Clearly white uPVC frames, due to proportions, modern opening method.

No 17: Clearly uPVC mahogany frames with no window division and modern opening method.

No 15: Clearly uPVC golden oak frames due to proportions and opening method.

No 13: Timber, white, traditional design.

No 11: Timber, white, traditional design

No 7-9: uPVC white windows to ground floor and a mix of white uPVC and grey metal frames to upper floors.

No 1: The first floor windows are white uPVC modern windows. Traditional timber widows to ground floor.

**26 Hay Street, Elgin, Moray, IV30 1NQ** T: 01343 543237 F: 01343 540542 E: [info@wittets.co.uk](mailto:info@wittets.co.uk) W: [www.wittets.co.uk](http://www.wittets.co.uk)  
also at Riverbank, Broadford, Isle of Skye, IV49 9AB T: 01471 822434 F: 01471 822477



# Consultee Comments for Planning Application 20/01059/APP

## Application Summary

Application Number: 20/01059/APP

Address: Craigmhor 67 St Leonards Road Forres Moray IV36 1DW

Proposal: Retain installed uPVC windows at

Case Officer: Craig Wilson

## Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## Comments

Approved unconditionally





## **REPORT OF HANDLING**

<b>Ref No:</b>	20/01059/APP	<b>Officer:</b>	Craig Wilson
<b>Proposal Description/ Address</b>	Retain installed uPVC windows at Craigmhor 67 St Leonards Road Forres Moray		
<b>Date:</b>	11.11.2020	<b>Typist Initials:</b>	LMC

### **RECOMMENDATION**

<b>Approve, without or with condition(s) listed below</b>	<b>N</b>	
<b>Refuse, subject to reason(s) listed below</b>	<b>Y</b>	
<b>Legal Agreement required e.g. S,75</b>	<b>N</b>	
<b>Notification to Scottish Ministers/Historic Scotland</b>	<b>N</b>	
<b>Hearing requirements</b>	<b>Departure</b>	<b>N</b>
	<b>Pre-determination</b>	<b>N</b>

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Contaminated Land	03/09/20	No objection or comment.

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP3 Infrastructure and Services		
EP8 Historic Environment		
EP9 Conservation Areas		
DP1 Development Principles		

### **REPRESENTATIONS**

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

### **Background**

This is a resubmission of a previously refused application to replace windows at Craigmhor, St Leonards Road, Forres, application 18/00223/APP refers. A separate enforcement case was opened, 18/00258/ENF refers and an enforcement notice served on the owners/applicants. No appeal against the planning application was made instead an appeal was made against the enforcement notice. The appeal was subsequently dismissed by the reporter as the grounds for appeal were not competent or justified.

In the reporter's closing remarks he said that it is open to the council to allow a second application for the windows to be submitted, with a subsequent opportunity for review in the event of that also being dismissed.

### **Impact of the proposed development conservation area residential amenity (DP1, EP8, EP9, &PP3)**

This application proposes removal of original timber windows to Craigmhor, St Leonards Road and their replacement with double glazed UPVC window units.

Forres town has an abundance of traditional architecture that combines to provide its distinctive character. In recognition of its historic heritage, the heart of the town and St Leonards Road is designated as a Conservation Area.

### **Assessment of Replacement Windows**

The original timber windows were removed and replaced with UPVC units without the necessary planning permission. No contact had been made with the Development Management section for pre-application advice on replacement windows prior to the work being carried out in a designated Conservation Area. The replacement of UPVC window units which have no value or historic basis in terms of their contribution to the character of Forres conservation area.

The assessment of this application was required to take account of Moray Local Development Plan 2020 Policies EP9: Conservation Areas DP1: Developer Requirements and national guidance published by Historic Environment Scotland, in relation to replacement windows: Managing Change in the Historic Environment - Windows.

The Moray Local Development Plan 2020 and the guidance on replacement windows and doors were approved by Moray Council as the Council's agreed position and approach to protecting our heritage assets. National guidance on replacement windows has been established for over 30 years and Council policy guidance is in accordance with this.

Policy EP9 requires new development within Conservation Areas to preserve and enhance the character and appearance of the subject area, having regard to scale, height, materials, colour, detailed design and use. Policy DP1 requires new developments to be sensitively sited, designed and serviced appropriate to the amenity of the existing property and wider locality.

The Council's policies on replacement windows in conservation areas sets out a presumption in favour of retaining original or historic windows that are repairable and can achieve improvements in thermal efficiency through secondary glazing or draught-stripping. This indicates that replacement will be accepted where the windows are beyond repair or are modern replacements. It recommends that the replacement windows are exact copies, or are near copies where the timber sections can accommodate double-glazing units. The Council's guidance states that there may be opportunities

for installing slim-profile double-glazed units into existing sashes where historic glass no longer survives. It also recommends that the replacements should be made in timber and that applications for UPVC replacements will not be supported on principal or street facing elevations.

It is worth noting that all of the repair options listed above would have been significantly more economical than any replacement windows regardless of whether these were timber or UPVC, and could have enabled the existing timber windows to survive with double glazing inserted into existing timber frames.

In support of the proposed application the applicant has submitted a character appraisal of surrounding properties in the conservation area, making case that there are other properties with similar UPVC windows. The preparation of the replacement windows and doors guidance was intended to provide a pragmatic and consistent approach to dealing with the replacement of historic unauthorised UPVC window units in Conservation Areas. From review, the UPVC windows in highlighted buildings have been installed for more than 4 years and would be immune from any planning control despite the damage caused to the character of the conservation area.

The vast majority of historic properties along St Leonards Road retain timber windows on the front or street elevations. Timber windows and doors play an important role particularly in vernacular architecture where they are the dominant elements. Where building frontages have been modified with modern uPVC framing it is accepted that this plays a part in eroding the appearance and architectural character of the historic streetscape leading to the erosion of historic fabric. However, in this case the essential character of the Conservation Area has been preserved and the predominant window material, contributing to the character of the road, is timber and not UPVC.

The style of UPVC windows installed do not match the existing or originals in terms of appearance with external trickle vent detail visible or material finish and are contrary to the above policy provisions and guidance in relation to replacement windows and doors.

### **Conclusion**

The retention of timber sash and case windows replicating the historic style of windows is an important way of preserving the historic appearance and fabric of the building and the character of the Conservation Area. Modern day standards of insulation can be applied to historic buildings whilst minimising changes to its character and it is therefore important to ensure that alterations to buildings are as historically accurate as possible. Relevant Moray Development Plan Policies, guidance and national policy guidance enable change and do not preclude it. There are opportunities to improve the thermal efficiency of traditional buildings whether through repairs or new windows provided appropriate traditional materials are used. The replacement windows guidance is clear on this subject and states that the use of non-traditional materials such as UPVC on principal elevations will not be acceptable in a Conservation Area.

The proposed uPVC replacement windows would be damaging to the special architectural and historic interest of the building. In addition these would be out of character and damaging to the attractive and well preserved maintained appearance of the conservation area in which Craigmhor is located. The retrospective windows UPVC windows will not preserve or enhance the character or appearance of the Conservation Area.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

### **HISTORY**

<b>Reference No.</b>	<b>Description</b>
----------------------	--------------------

18/00223/APP	Replace existing timber windows with UPVC sliding casement windows at Craigmhor 67 St Leonards Road Forres Moray IV36 1DW		
	<b>Decision</b>	Refuse	<b>Date Of Decision</b>

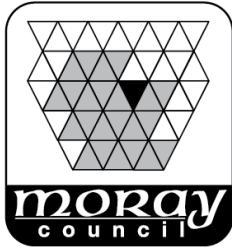
<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>Yes</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Forres Gazette	Planning application affecting LB/CA	29/09/20
PINS	Planning application affecting LB/CA	29/09/20

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>N/A</b>

<b>DOCUMENTS, ASSESSMENTS etc. *</b>	
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>	
Supporting information submitted with application?	YES
Summary of main issues raised in each statement/assessment/report	
Document Name:	Design Statement
Main Issues:	Supporting statement providing background to project and examination of proposal in context of conservation area

<b>S.75 AGREEMENT</b>		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Forres]  
Application for Planning Permission**

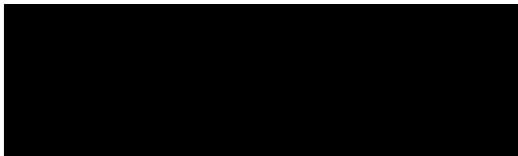
TO Mr S Waterson  
c/o Wittets Architects  
26 Hay Street  
ELGIN  
Moray  
IV30 1NQ

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Retain installed uPVC windows at Craigmhor 67 St Leonards Road Forres Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **12 November 2020**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
Council Office  
High Street  
ELGIN  
Moray  
IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The application fails to comply with the following policies (Moray Local Development Plan Policies EP9 & DP1) and should be refused for the following reasons:

- The proposal is contrary to Policy EP9 Conservation Areas as the removal of original timber windows and replacement with modern UPVC units located on the principal elevations would fail to preserve or enhance the character of the building or conservation area.
- By introducing modern UPVC windows into the conservation area, the proposal is considered to be contrary to Policy DP1 Development Principles as the appearance and material finish of the windows is not appropriate to the established traditional character of the surrounding area.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

<b>Reference</b>	<b>Version</b>	<b>Title</b>
20:43:LP		Location plan
20:43:01		Existing and proposed elevations

**NOTICE OF APPEAL**  
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk).

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 5 of the Town and Country Planning (Scotland) Act 1997.

