

Local Review Body

3 November 2010

Planning Application for Review

Mr F Findlay

**Installation of Replacement Front Windows:
107 Eldon Street, Greenock (10/0161/IC)**

Contents

- Planning Application, photographs (also submitted with Notice of Review) and plans (NB plans circulated separately)
- Site photographs
- Report of Handling dated 9 July 2010
- Planning Practice Advice Note No 11 - Replacement Windows
- Decision Notice dated 13 June 2010
- Notice of Review form and supporting statement



FOR OFFICIAL USE ONLY

Reference No. 10/0161/EC
Date of Receipt 20.05.10
Fee Paid £160.
Date Fee Received 20.05.10.
Date Valid
Receipt No. 619

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undernoted applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name FRANK FINDLAY	Name
Address 107 ELDON STREET	Address
GREENOCK Postcode PA16 7RJ	Postcode
Telephone Number	Telephone Number
	Profession

see note 2

2. Description of Development	
INSTALLATION OF REPLACEMENT FRONT WINDOWS	
Site Location 107 ELDON STREET	
Site Area (hectares) ✓	Number of dwellinghouses proposed ✓
	New gross floorspace (sq. metres) ✓

see note 3

3. Application Type (Tick appropriate box/es)	
(a) Outline Permission <input type="checkbox"/>	(c) Detailed Permission <input checked="" type="checkbox"/>
(b) Approval of Reserved Matters <input type="checkbox"/>	(d) Change of Use of land/buildings <input type="checkbox"/>
(e) Other (please specify)	

see note 4

4. Applicants interest in site (Tick appropriate box)	
(a) Owner <input checked="" type="checkbox"/>	(c) Tenant <input type="checkbox"/>
(b) Lessee <input type="checkbox"/>	(d) Prospective Purchaser <input type="checkbox"/>
(e) Other (please specify)	



SCANNED

see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: C.I.F. FLAT

(b) Was the original building erected before 1st July 1948? Yes No

Has the original building been altered or extended Yes No

If yes, please indicate nature of alteration / extension and if possible approximate dates REAR KITCHEN EXTENSION 1948

If the land / buildings are vacant, please state last known use.....

see note 6

6. Access Arrangements and Parking (Tick appropriate box/es)

(a) Not Applicable (e) Number of existing on site parking places

(b) New vehicular access proposed (f) Number of proposed on site parking places

(c) Existing vehicular access to be altered / improved (g) Detail of any available off site parking

(d) Separate pedestrian access proposed

see note 7

7. Drainage Arrangements (Tick appropriate box/es)

(a) Not Applicable (c) Connection to existing public sewer

(b) Public Sewer (d) Septic Tank

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc).....

see note 8

8. Water Supply (Tick appropriate box/es)

(a) Not Applicable (c) Existing private supply

(b) Public Main (d) Proposed private supply

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

9. Building Materials (Complete as appropriate)

(a) Not Applicable

(b) Outside Walls Material.....
Colour.....

(c) Roof Covering Material.....
Colour.....

(d) Windows Material UPVC
Colour WHITE

(e) Boundary Treatment Material.....
Colour.....

see note 10

10. Landscaping

Is a landscaping/tree planting scheme proposed?

Yes

No

Are any trees/shrubs to be cleared on site?

Yes

No

If yes, please show details of scheme on a SITE PLAN

see note 11

11. Costings

What is the estimated costs of any works to be carried out?

£ 3'500

see note 12

12. Confirmation

Signature of applicant/agent

on behalf of.....

Date 19/5/10

see note 13

CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008

Either certificate A, B or C must be completed together with certificate E

CERTIFICATE A (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than * myself/the applicant was an owner (refer to note (a)) 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

CERTIFICATE B (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that:

* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than * myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner

Address(es)

Date of Service of Notice(s)

.....

.....

.....

.....

.....

.....

.....

.....

.....

* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

CERTIFICATE C (To be completed in EVERY CASE)

I further certify that:

* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding ✓

* (2) I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

These persons are:

Name(s)	Address(es)	Date of Service of Notice(s)
.....
.....
.....

CERTIFICATED

I confirm that I have been unable to notify all parties under Certificates A, B and C

* Delete whichever is inappropriate

Signature of Applicant/Agent

On behalf of

Date 19/5/10

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

TWO APPLICATION FORMS

DESIGN & ACCESS STATEMENT
(National and Major applications only)

FOUR SETS OF PLANS

PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only)

FEE (Where appropriate)

WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009



INVERCLYDE COUNCIL
TOWN AND COUNTRY PLANNING
(SCOTLAND) ACTS

APPLICATION
NUMBER..... 10/0161/IC

REFUSED ON ¹² 13 JULY 2010



INSTALLATION OF REPLACEMENT FRONT WINDOWS
AT 107 ELDON STREET, GREENOCK, PLANNING APPLICATION 10/0161/IC

107 ELBOW STREET, GREENOCK.
PLANNING APPLICATION 10/0161/IC
EXISTING FRONT ELEVATION.
PHOTOGRAPHED 04.06.10.



107 ELDON STREET, GREENOCK
PLANNING APPLICATION 10/0161/IC.
EXISTING FRONT ELEVATION.
PHOTOGRAPHED 04.06.10.



REPORT OF HANDLING

Report By: Mike Martin
Report No: 10/0161/IC
Local Application Development

Contact Officer: 01475 712412
Date: 9th July 2010

Subject: Installation of replacement front windows at
107 Eldon Street Greenock PA16 7RJ

SITE DESCRIPTION

The application site comprises a semi - detached two storey flatted villa which is situated on the south side of Eldon Street close to its junction with Bentinck Street, Greenock. The property is of traditional construction and the location is within the Greenock West End Conservation Area. The neighbouring properties are similar in terms of their scale, design and materials.

PROPOSAL

The proposal consists of the replacement of all the windows on the front elevation. These comprise a three bay window and a double window which are situated on either side of the centrally positioned front door. The existing windows are timber sash and case, which feature a stepped profile, and are painted dark green. The proposed windows are white upvc, do not feature a stepped profile or have a sash and case appearance. With the exception of the central window within the three bays in which both panes will be fixed, all windows shall have a fixed lower pane with the upper pane top opening, hinged at the top. A separate planning application has been submitted in respect of the replacement of the windows on the rear and side elevations of the property.

LOCAL PLAN POLICIES

Local Plan Policy HR11 - Development Within and Adjacent to Conservation Areas

Development proposals both within and adjacent to Conservation Areas will be acceptable where they are sympathetic to the existing character, pattern of development and appearance of the area and the following matters are satisfactorily addressed, as appropriate:

- (a) siting and orientation of new buildings;
- (b) overall design and style;
- (c) scale of building, extension or alteration;
- (d) design details;
- (e) finishing materials; and
- (f) landscaping and boundary materials.

Local Plan Policy HR12 - Impact of Development Within Conservation Areas

When assessing Conservation Area development proposals (both within and adjacent to it) consideration will be given to the impact they will have on townscape and the wider landscape, especially when viewed from adjacent transport routes and vantage points accessible to the public.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes.

PPAN 11 - Replacement Windows applies.

CONSULTATIONS

No consultations were required.

PUBLICITY

The application was advertised in the Greenock Telegraph on 4th June 2010 as a Development Affecting Conservation Areas.

SITE NOTICES

A site notice was posted on 4th June 2010 for Development Affecting Conservation Areas,

PUBLIC PARTICIPATION

No representations have been received.

ASSESSMENT

The material considerations in the assessment of this application are the Local Plan, Planning Practice Advice Note no 11, Scottish Historic Environmental Policy, Historic Scotland's Technical Advice Notes (formerly appendix 1 of the Memorandum of Guidance), and the effect upon the architectural integrity of the building and impact upon the wider conservation area.

In terms of the Local Plan, Policies HR11 and HR12 provide criteria for the assessment of development proposals both within and adjacent to conservation areas and Policy DC1 supports applications which accord with the Council's Planning Practice Advice Note (PPAN) no. 11 on Replacement Windows.

The following windows comply with the advice given in PPAN no.11;

- . Traditional timber sash and case (painted in the original colour);
- . uPVC sliding sash and case (finished in the original colour);
- . Aluminium with a plasticated wood grain effect finish sash and case (finished in the original colour);
- . Tilting sash windows in timber, uPVC or aluminium with a plasticated wood grain finish (finished in the original colour);
- . Stepped windows with a combination of sliding, tilting, or side opening in timber, uPVC or aluminium with a plasticated wood grain finish (finished in the original colour);

In all cases glazing bars should match the original in position and size. Bars inserted into double glazed window units are inappropriate.

I further note Historic Scotland's Technical Guidance Notes on Listed Buildings and Conservation Areas which provides guidance for planning authorities determining planning applications in conservation areas. This supports the replacement of windows when absolutely necessary and requires that the original proportion of the windows be retained. Modern substitutes for original sash and case windows should be discouraged and attempts to replace sash windows by altering the outward projection of the upper sash above the lower sash should be avoided. It is further noted that there is a need to ensure the compatibility of the windows with originals when open as well as closed. While acknowledging the strong line taken by Historic Scotland, the Council has sought to recognise the substantial number of flatted properties, particularly in the Greenock West End Conservation Area, and the substantial cost burden to residents of installing timber sash and case windows. As such tightest control is limited to listed buildings. Nevertheless, there still remains a requirement to ensure that window replacement does not harm the visual integrity of a building with consequential detriment to the conservation area. The replacement windows as proposed, clearly conflict with the terms of Historic Scotland's Technical Guidance Notes and fail to accord with the Council's more relaxed guidelines.

In order to safeguard and maintain the character of the conservation area, proposals for alterations to individual buildings require to be in keeping with their original character. Whilst the property is not listed, it is an attractive building which commands a prominent position within the streetscape. A change to front elevation windows in appearance and profile would not be in accordance with policies HR11 and HR12 of the Local Plan. The proposed replacement windows would have an adverse impact on the visual and architectural integrity of the building as they are not in character with the Greenock West End Conservation Area. The replacement windows conflict with the criteria contained within PPA no.11. Failing to accord with the Council's guidelines, the replacement windows clearly conflict with the terms of Historic Scotland's guidance.

In conclusion, I consider that the replacement of the original sash and case windows with uPVC windows, without a sash and case appearance, would substantially alter the appearance of the building to the detriment of the building's architectural integrity and the character of the conservation area. The proposal is therefore not in accordance with the advice contained within policies HR11 and HR12 of the Inverclyde Local Plan and the Council's Planning Practice Advice Note no.11 on Replacement Windows. The windows, in addition to failing to comply with the local guidelines, also conflict with the terms of Historic Scotland's Technical Advice Notes. As such I am unable to support the application.

DECISION

That the application be refused

Reasons

1. The style and design of the replacement windows unacceptably alter the appearance of the frontage of the building to the detriment of its architectural integrity and the character of the Greenock West End Conservation Area. As such the proposal is contrary to policies HR11 and HR12 of the Inverclyde Local Plan, the Council's Planning Practice Advice Note no. 11 on Replacement Windows and Historic Scotland's Guidance on Listed Buildings and Conservation Areas.

Signed:

Case Officer: Mike Martin

Stuart Jamieson
Head of Regeneration and Planning

Listed Buildings (Category C(s))

Traditional sash and case windows (top and bottom sashes should slide vertically to open), or tilting sash windows manufactured in either timber, uPVC or aluminium with a plasticated wood grain effect finish. The window should be finished in the original colour. Glazing bars should match the original in position and size. The bottom sash should be capable of opening inwards.

Conservation Areas

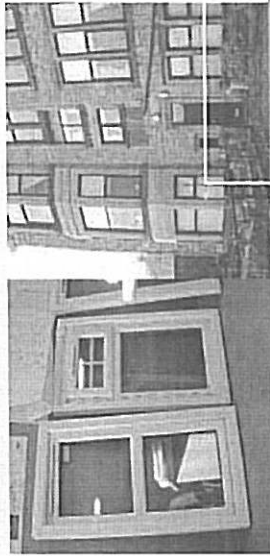
The following windows comply with policy :-

- Traditional timber sliding sash and case (painted in the original colour)
- uPVC sliding sash and case (finished in the original colour)
- Aluminium with a plasticated wood grain effect finish sash and case (finished in the original colour)
- Tilting sash windows in timber, uPVC or aluminium with a plasticated wood grain finish (finished in the original colour)
- Stepped windows with a combination of sliding, tilting or side opening in timber, uPVC or aluminium with a plasticated woodgrain finish (finished in the original colour)
- In all cases glazing bars should match the original in position and size. Bars inserted into double glazed window units are inappropriate.

Note: Where the original windows in a building were not sash and case, applications should be considered on their individual merits, however the replacement windows will be expected to reflect the original design, proportion and method of opening.

Other PPLAN's available:

- PPAN No. 1 Backland and Tandem Development
- PPAN No. 2 Single Plot Residential Development
- PPAN No. 3 Private & Public Open Space Provision in New Residential Development
- PPAN No. 4 Residential Care in the Community
- PPAN No. 5 Design & Siting of Houses in the Countryside
- PPAN No. 6 Design Guidelines for Farm Buildings in the Countryside
- PPAN No. 7 House Extensions
- PPAN No. 8 Balconies
- PPAN No. 9 Dormer Windows
- PPAN No. 10 Roof Lights in Listed Buildings and Conservation Areas
- PPAN No. 11 Replacement Windows
- PPAN No. 12 Shopfront Design
- PPAN No. 13 Signage and Advertisement
- PPAN No. 14 Satellite Television Dishes
- PPAN No. 15 Garden Decking
- PPAN No. 16 Planning Enforcement



PLANNING PRACTICE ADVICE NOTE - No. 11

REPLACEMENT WINDOWS

Regeneration and Planning
Calhcart House
6 Calhcart Square
Greenock PA15 1LS

Tel: 01475 712408 / 2942

Fax: 01475 712468

E-mail: devcont.planning@inverclyde.gov.uk

web: www.inverclyde.gov.uk



Inverclyde
Council

Revision 'A' - March 2004

Revision 'B' - March 2008

Revision 'C' - November 2008

Revision 'D' - April 2010

Inverclyde
Council
regeneration and planning

PLANNING PRACTICE ADVICE NOTE No. 11

REPLACEMENT WINDOWS

Introduction

Buying new windows is not simply a case of selecting windows and arranging their installation. A number of permissions may be required. Failure to obtain them may devalue and delay the sale of the property. In the worst case, the windows may require removal.

This advice note offers guidance on the permissions which are required as well as the types of windows available and technical requirements necessary to ensure that consents can be given.

Feu Superiors Consent and Dispositions

The title deeds to the property will detail the alterations which require the prior approval of the feu superior. In some instances the feu superior's consent is required for replacement windows and the title deeds may specify to whom application should be made. If you do not hold a copy of the deeds, you may find that your bank / building society and / or solicitor is able to assist.

In the case of ex-Council houses, applications should be made through the local Area Housing Office.

Residents in former Housing Association properties should contact the Housing Association directly for advice.

Building Warrant

There are some exemptions for replacement windows within the Building Standards (Scotland) Regulations 1990, as amended. These standards are available on the Scottish Executive Building Standards Division web site at

<http://www.scotland.gov.uk/development/bc/>

It is always advisable to seek detailed guidance from Building Standards officers who are located at Building Standards, Cathcart House, 6 Cathcart Square, Greenock PA15 1LS, by telephone 01475 712426, or by e-mail at building_standards@inverclyde.gov.uk

Planning Permission

The requirement to obtain planning permission only applies to the following types of properties :-

- Residential flat;
- Commercial buildings;
- Houses within a Conservation Area where "permitted development" rights have been withdrawn. Presently these are - William Street, Greenock, Inverkip, Kilmacolm and Quarriers Village.

Planning permission is required if it is proposed to replace windows with others which are made of different material, have a different appearance or profile, or open differently.

If there is any doubt please contact Development Control at Planning and Housing by telephone 01475 712421 or write to:

Head of Planning and Housing, Inverclyde Council, Cathcart House, 6 Cathcart Square, Greenock PA15 1LS enclosing details of the proposed windows.

You may also visit the Service in person (it is advisable to telephone in advance to make an appointment).

Listed Building Consent

If a building is included in the List of Buildings of Special Architectural or Historic Interest, then listed Building Consent is required if it is proposed to replace windows with others which are made of different material, have a different appearance or profile or open differently.

The Development Control Section in Planning Services can offer advice on Listed Buildings.

Planning and Listed Building Window Policy

The appearance of a building and the impressions of a street and area can be impacted greatly by detailed features such as windows.

Where windows are replaced in a piecemeal manner, resulting in a variety of different materials, profiles, colours and methods of opening, the quality of the building can be significantly reduced.

The Council has a duty under legislation to introduce policies and practice aimed at improving and enhancing the quality of Conservation Areas and Listed Buildings. As a planning authority, the Council also seeks to ensure that the general quality of Inverclyde's built environment is improved to the benefit of all.

Accordingly the cases where Listed Building Consent and / or planning consent is required, proposals which accord with the following principle will be recommended for approval.

Listed Buildings (Category A and B)

Traditional timber sash and case windows (top and bottom sashes should slide vertically to open) should be used in all elevations. The windows should be painted to accord with the original colour. Glazing bars should match the original in position and size. The bottom sash should be capable of opening inwards.

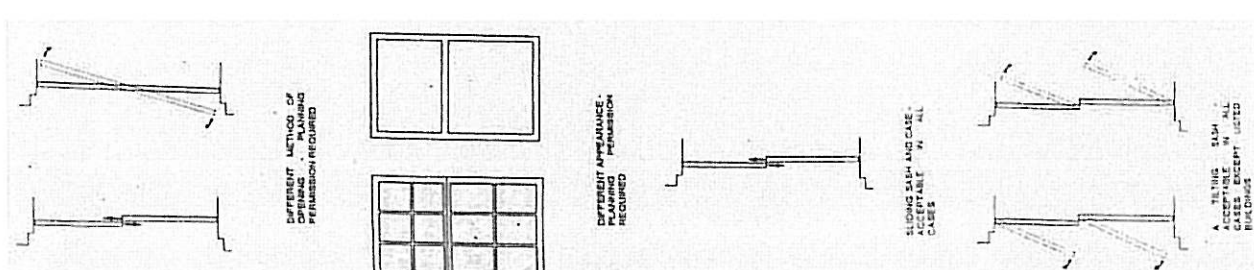


figure 11.1

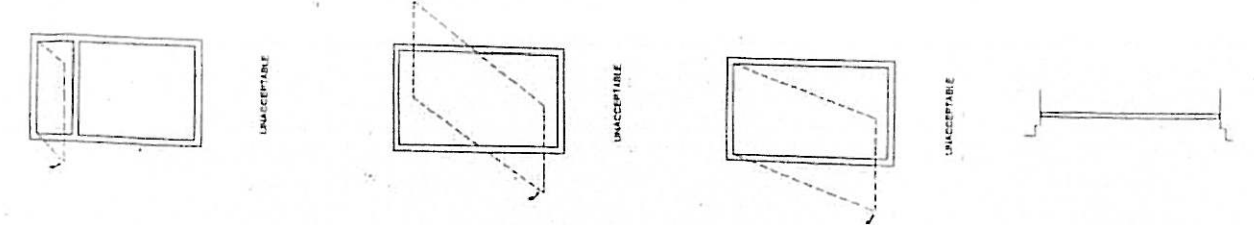


figure 11.2

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Inverclyde
council

Regeneration and Planning
6 Cathcart Square
Greenock PA15 1LS

10/0161/IC

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008*

Frank Findlay
107 Eldon Street
GREENOCK
PA16 7RJ

With reference to your application dated 20th May 2010 for planning permission under the above mentioned Act and Regulation for the following development:-

Installation of replacement front windows at

107 Eldon Street, Greenock, PA16 7RJ,

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The style and design of the replacement windows unacceptably alter the appearance of the building to the detriment of its architectural integrity and the character of the Greenock West End Conservation Area. As such the proposal is contrary to policies HR11 and HR12 of the Inverclyde Local Plan, the Council's Planning Practice Advice Note no. 11 on Replacement Windows and Historic Scotland's Guidance on Listed Buildings and Conservation Areas.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 13th day of June 2010

Head of Regeneration and Planning

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months from the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.
- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans:

Drawing No:	Version:	Dated:
00179100		13.01.2010
1		01.05.2010
2		01.05.2010
PHOTO		01.05.2010
3	2	01.06.2010

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

I WOULD LIKE THE OPPORTUNITY TO PUT MY CASE FORWARD .

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See attached sheets .

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- COPIES OF ORIGINAL APPLICATION AND CORRESPONDENCE
 - ATTACHED STATEMENT

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

21/08/10

Planning permission was refused on the basis that:

“The style and design of the replacement windows unacceptably alter the appearance of the building to the detriment of its architectural integrity and the character of the detriment of its architectural integrity and the character of the Greenock West End Conservation Area.”

1. Style and design of the replacement windows

Background information- I contacted planning in October last year and was advised that as long as the top pane protrudes further than the bottom pane planning permission is not a problem, after a lot to running back and forward trying to gather all the required information to submit the application and speaking to several different members of the planning section, I spoke to [redacted] who advised the windows (similar to the ones shown below) were not acceptable as the stepped profile was not sufficient. [redacted] directed us to the Inverclyde Council leaflet on replacing windows in a conservation area, as this mentions the stepped profile. I advised that as far as I was concerned the windows we wanted to install did have a stepped profile as the top pane opens and is fixed outside a fixed lower pane. [redacted] again referred back to this leaflet several times and advised that the proposed windows do not protrude as far as the existing windows. When asked where it is mentioned in this leaflet that the top pane must protrude out by a certain measured amount, [redacted] was unable to do this, when asked how this is judged, it is how he interprets the legislation.



I think it is unfair to refuse planning permission on this basis as this can be interpreted differently and is very confusing for applicants applying. As far as I am concerned the windows I wish to install have a stepped profile and as there is no guidance (therefore leaving this to the individuals interpretation) to say how far the top pane must protrude I cannot understand why planning has not been granted.

2. Appearance of the building

To say that the proposed windows would unacceptably alter the appearance of the building is untrue.

There are four owners in our building, the right hand side of the building (no's 109 & 109A) have both UPVC and aluminium windows of different designs and opening methods. As shown in the photograph below.



In addition the property at 105 has different UPVC style windows, again with different designs and opening methods.



Therefore to say that the installation of UPVC windows would be to the detriment of the building is untrue as there are various designs and materials in the immediate vicinity of 107 Eldon Street, none of which match the requirements we are being held to. I understand that these may not have applied for planning consent or may have been granted prior to August 2009, however I am of the opinion that the style and design of windows I am proposing is more sympathetic to the existing windows and legislation due to the addition of the decorative horns to echo those on the existing windows, therefore enhancing the overall appearance.

3. Greenock West End Conservation Area

There are numerous properties throughout the conservation area where replacement windows have been installed with little or no regard for aesthetics or the “like for like appearance” we are being expected to replicate.

I have looked into the cost of refurbishing the front windows, but further investigation shows the windows to be in very poor condition. I have been advised by [redacted] (and [redacted] associates) that there are manufacturers of windows which he deems appropriate, however these examples cost considerably more and are out-with the constraints of my budget. This leaves me the only options to replace the existing windows with the UPVC windows detailed in section 1 or leave the windows as they are.

The second alternative which I may be left with if planning is not granted is unacceptable in today’s energy efficiency climate. As such the property does not meet the Scottish Housing Quality Standard with single glazing, I understand this is a standard applied to rented properties, however it would be more energy efficient if double glazing could be installed. I have spent a great deal of money and time upgrading this property and feel I would be wasting money trying to heat the property in winter if the current windows remain in situ.

At present none of the front windows are operational and as such I am unable to open any of the windows, this is due to the removal of the cords and many have been nailed closed, this is not an acceptable situation in terms of fire safety. In order to rectify this a considerable amount of money would have to be spent to bring the windows up to an operational standard, however this would still leave me in a position of having windows which were not energy efficient.

Therefore I am asking for my application to be reviewed as I feel:

- 1.The windows meet the stepped profile requirements
- 2.The windows are sympathetic to the original windows in their overall appearance
- 3.The windows will enhance the area as it will upgrade the property to a higher standard