

KEY INFORMATION

Ward Craigiebank

Proposal

Retrospective consent for replacement windows

Address

Belsize House
Belsize Road
Broughty Ferry

Applicant

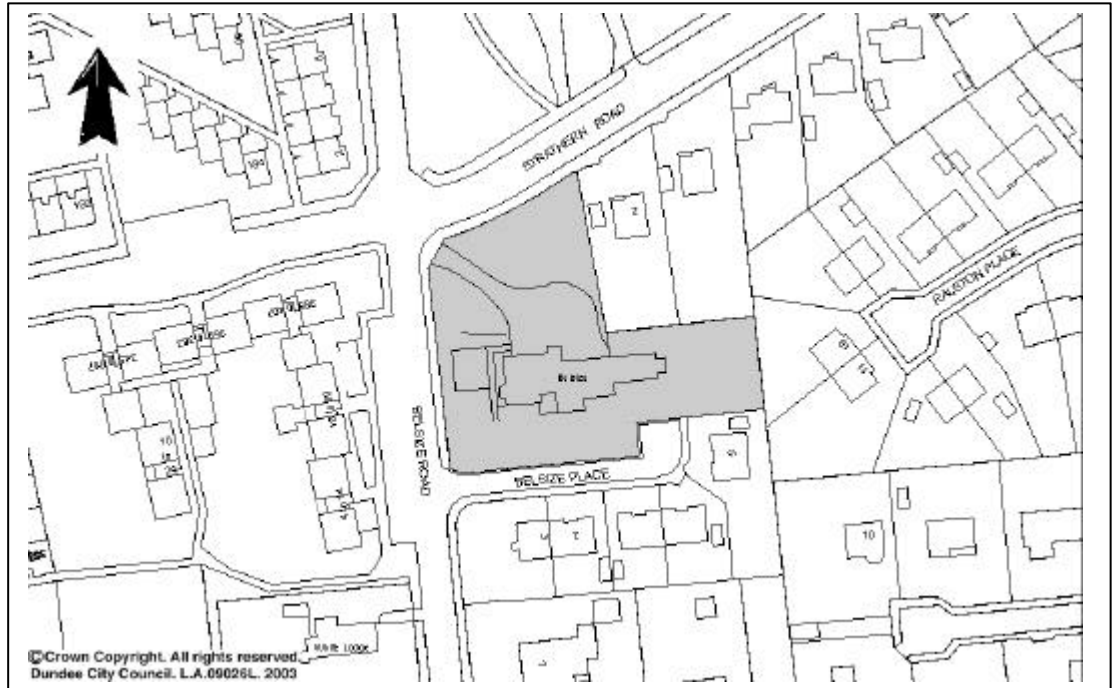
Deanside Ltd
Belsize House
Belsize Road
Broughty Ferry
Dundee
DD5 1NF

Agent

Peter Inglis Architects
30 South Tay Street
Dundee
DD1 1PD

Registered 5 May 2005

Case Officer C Walker



Permission Sought for Replacement Windows in Belsize Road

Retrospective consent for replacement windows is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The windows detract from the appearance of the listed building and Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as well as Local Plan policy require that the application be **REFUSED**.

SUMMARY OF REPORT

- Listed building consent is sought to retain white upvc replacement windows installed on this listed building. Belsize House is a Category C listed Arts and Crafts style building erected in 1910.
- A letter for objection was received from a local resident who is concerned about the "blatant disregard for the building's listed status" and considers that the works represent "architectural vandalism".
- In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- Policy 60 of the Dundee Local Plan Review 2005 requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character.
- In this case the original timber framed windows have been replaced with upvc units and the original genuine astragals and leaded panes have been replaced by windows with false astragals inserted between the panes of glass. The different profile of the windows and in particular the astragal detail are clearly visible even from adjoining roads. The windows which have been installed detract from the listed building.

DESCRIPTION OF PROPOSAL

Listed building consent is sought to retain replacement windows on this Category C listed building. The windows which have been installed are largely of similar design, being white upvc double glazed units. They are multi paned with sandwich astragals (divisions between the panes of glass) and a side hung casement method of opening. The replacement windows were installed in 2003.

SITE DESCRIPTION

The site comprises Belsize House and its grounds, a Category C listed building erected in 1910. It was extended to the east in 1950 and again in 1973. It is an imposing Arts and Crafts villa clearly visible from Strathern Road and Belsize Road and is surrounded by houses.

The building was listed in 1991 and the windows are described as being mainly multi paned timber casements with some windows with leaded panes on the south and west elevations. The applicants have suggested that the original windows were metal but photographs and drawings of the building prior to the replacement of the windows as well as the listed building description clearly show that the windows were timber framed.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

Policy 60 requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character.

Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18 Planning and the Historic Environment sets out the framework for dealing with planning applications affecting listed buildings. It makes particular reference to the "Memorandum of Guidance on Listed Buildings and Conservation Areas"

which provides detailed guidance on the replacement of windows.

Non Statutory Statements of Council Policy

The Council has non statutory policies entitled "Controls and Guidelines for the Replacement of Windows and Doors" approved in 1997.

LOCAL AGENDA 21

The replacement of the original windows with upvc units detracts from the aim to protect local distinctiveness.



SITE HISTORY

The building was purpose built as offices and continued in office use until it was sold and converted to a children's nursery with associated offices in 2002 - application 02/00151/COU refers.

The unauthorized windows were installed some time in 2003 and were drawn to the attention of the Council by members of the public. Enforcement action commenced and a Planning Contravention Notice was served in August 2004 and finally the current application to retain the windows was submitted in May 2005.

More recent applications for planning permission and listed building consent to convert and extend the roofspace to form residential accommodation have been submitted in July 2005 but have not yet been determined - applications 05/00619/FUL and 05/00621/LBC refer.

PUBLIC PARTICIPATION

The development was advertised as a listed building application and a letter of objection was received from a local

resident (copy available for inspection in the Members Lounges). The letter considers that there has been a blatant disregard for the building's listed status and that the works represent architectural vandalism. It suggests that if the matter is not addressed that it will open the flood gates for similar works on other listed buildings.

These views are fully considered in the Observations section of this Report.

CONSULTATIONS

Historic Scotland was not a formal consultee as the building is Category C listed.

OBSERVATIONS

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

In this case the original windows formed a very significant component of the listed building. The "Memorandum of Guidance on Listed Buildings and Conservation Areas" provides detailed guidance on the replacement of windows. As a general principle it states that windows should be repaired rather than replaced and that if replacement is to be permitted then this should only be on the basis that the replacements match the originals in every respect. It states that consent should always be refused for windows with astragals which are sandwiched between the panes of double glazing (as is the case with the replacement windows installed on this building). It also states that windows with leaded panes typical of the Arts and Crafts movement (some of the original windows were in this form) should not be replaced with plain glass or any other form of glazing.

In this case the original timber framed windows have been replaced with upvc units and the original genuine astragals and leaded panes have been replaced by windows with false astragals inserted between the panes of glass. Not only do the windows which have been installed clearly contravene the advice contained in the Memorandum of Guidance but they also detract from the listed building. The different

profile of the windows and in particular the astragal detail are clearly visible even from adjoining roads.

It is concluded that the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to preserve the listed building would not be satisfied by the approval of the windows which have been installed.

Other Material Considerations

a **The Development Plan**

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above. Policy 60 of the adopted Local Plan requires alterations to a listed building to have regard to the restoration or enhancement of its architectural and historic character. For the reasons set out in the assessment of the development under Section 14 of the Act above it is concluded from the installation of these windows does not comply with the provisions of the development plan.

b **The Councils non statutory policies entitled "Controls and Guidelines for the Replacement of Windows and Doors"**

This document essentially reflects the advice in the Memorandum of Guidance when it deals with the replacement of windows on listed buildings. It advocates repair rather than replacement and if replacement is essential it cautions against the use of upvc and sandwiched astragals. Therefore for the reasons set out in the assessment of the development under Section 14 of the Act above it is also considered that the installation of these windows does not comply with the Councils non statutory policies.

c **The views of Objector**

The objector is concerned about the "blatant disregard for the building's listed status" and considers that the works represent "architectural vandalism". It is agreed that the windows which have been installed on the premises are totally unsatisfactory. The

objector adds that if the matter is not addressed that it will open the flood gates for similar works on other listed buildings.

The Council has consistently applied appropriate standards in connection with the replacement of windows on listed buildings. For individual householders this has often resulted in significant additional expenditure to order timber rather than upvc windows. It is agreed that to approve the windows which were installed on this building would set a very undesirable precedent and would be unfair to those who have replaced windows in accordance with the Councils requirements.

It is concluded from the foregoing that the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the windows which have been installed to be refused and that this position is backed by Policy 60 of the Local Plan and the Council's non statutory policies on the replacement of windows and doors.

Members should be aware that if they resolve to refuse this application that this will authorise the continuance of enforcement action to ensure the removal of the windows and their replacement with windows of an appropriate design.

Design

In this case the original timber framed windows have been replaced with upvc units and the original genuine astragals and leaded panes have been replaced by windows with false astragals inserted between the panes of glass. Not only do the windows which have been installed clearly contravene the advice contained in the Memorandum of Guidance but they also detract from the listed building. The different profile of the windows and in particular the astragal detail are clearly visible even from adjoining roads.

CONCLUSION

The statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the windows which have been installed to be refused and that this position is backed by Policy 60 of the Local Plan and the Council's non statutory policies on the replacement of windows and doors.

RECOMMENDATION

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

Reason

- 1 The windows which have been installed detract from the appearance of the listed building because the original timber framed windows have been replaced with upvc units and the original genuine astragals and leaded panes have been replaced by windows with false astragals inserted between the panes of glass. The approval of these windows would contravene the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to preserve the listed building, the advice contained in the "Memorandum of Guidance on Listed Buildings and Conservation Areas" and Policy 60 of the Dundee Local Plan Review 2005.