

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON THURSDAY, 7 July 2016	
APPLICATION REFERENCE NO: 16/00690/HS	TARGET DATE: 17 June 2016	GRID REF: 503934-488540

REPORT OF THE PLANNING SERVICES MANAGER – PSM/16/143

SUBJECT: Replacement sliding sash uPVC windows to front elevation for Mr A Gibson Flat 2 36 Albemarle Crescent Scarborough NORTH YORKSHIRE YO11 1XX

1.0 THE PROPOSAL

1.1 This application seeks planning permission for the replacement of timber sliding sash window frames to the ground floor bay window of the property with uPVC sliding sash units. The property is a substantial building occupying a mid-terraced position within Albemarle Crescent. The bay comprises three separate timber sliding sash windows with a stone surround and stone mullions.

1.2 Key features of the design of the replacement uPVC units are run-through sash horns, full mechanical joints, a 35mm meeting rail, a deep bottom rail and authentic external putty lines with a foil finish to the appearance of the uPVC.

1.3 Albemarle Crescent is situated within the designated Conservation Area of the town.

2.0 SCREENING OPINION REQUIRED?

2.1 No.

3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None.

4.0 CONSULTATIONS AND COMMENTS

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

4.1 No consultations were undertaken with regard to the application.

Publicity - Consultation period expired on the 19.05.2016.

4.2 L Fratson, Flat 5, Albemarle Crescent, Scarborough - Objects to the proposal. I purchased my flat in 2003 with unauthorised uPVC windows installed to the front. I was required to replace them with wooden ones, at great expense. I understand this is a conservation area and we are not allowed uPVC to the front elevation. If this application is granted it is not fair on the rest of us.

5.0 RELEVANT SITE HISTORY

5.1 2003 - Enforcement Notice served for insertion of uPVC in both dormers on the front elevation along with the replacement of the timber construction of the pediments, transoms and dormer sides also in uPVC. Dismissed at appeal.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan (Saved Policies)

E14 - Extensions and Alterations to Existing Buildings

E23 - Detailing in Conservation Areas

Scarborough Borough Local Plan (Proposed Submission)

None relevant

National Planning Policy Framework

NPPF12 - Conserving and enhancing the historic environment

NPPF10 - Meeting the challenge of climate change, flooding and coastal change

Scarborough Borough Supplementary Planning Documents

None relevant

Local Planning Policy Guidance

None relevant

7.0 ASSESSMENT

7.1 The main issue to consider in relation to this application is whether the proposal would preserve (or enhance) the character or appearance of the Scarborough Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the National Planning Policy Framework (NPPF), at Paragraph 131, focuses on the desirability of sustaining and enhancing the significance of heritage assets, emphasising that development should make a positive contribution to local character and distinctiveness.

7.2 Policy E23 of the Local Plan states that "On period properties in the conservation areas built prior to 1914 the replacement of the authentic style of windows and doors by modern units in inauthentic materials or design will be unacceptable other than in exceptional circumstances".

7.3 The proposed uPVC window frames, which would replace the existing single-glazed timber frames within the ground floor bay of the property, are to be Roseview Windows' 'Ultimate Rose', which is a vertical sliding sash frame, that would have a white foil finish.

7.4 The ground floor bay windows in Albemarle Crescent are generally elevated above pavement level with a short flight of steps leading to the front door of each property. The properties have small forecourt areas and although elevated the bay windows are relatively close to the public highway. The existing timber window frames are traditional in design and appearance, although it is assumed that they may be replacements, rather than original fabric, as they are slightly heavier in section than frames within neighbouring properties. The proposed windows would be constructed as three separate elements within the bay, and would be recessed between the decorative stone mullions. On the face of it, the proposal is in conflict with Policy E23 of the Local Plan as the application proposes the introduction of inauthentic materials and offers no 'exceptional circumstances'. However, your Officers consider that the quality of the design and technical specification of the product proposed replicates as closely as possible the appearance of the existing timber windows within the application property. The uPVC windows proposed in this case have authentic putty lines, mechanical rather than welded joints and run-through sash horns. The use of a foil finish to the frames softens the harsh appearance of shiny plastic, giving a more natural grained appearance. Previously uPVC products have struggled to achieve this level of refinement.

7.5 The Roseview Windows' product proposed in this application has been accepted as appropriate in other conservation areas, and similar products have been approved by Appeal Inspectors. An example, quoted in the Rose Collection Conservation Brochure refers to the replacement of traditional timber frames in a large block of flats within the Eastbourne Conservation Area. Your Officers have looked at this case in some detail. The Eastbourne application sought the wholesale replacement of the original windows to the historic facade of a large five-storey property that had been previously converted to 12 no. flats. Having researched the application and considered the Inspector's approach to the proposal your Officer's consider that the decision contains information which is relevant to the assessment of the proposal in Albemarle Crescent.

7.6 In the Eastbourne Borough Council case, the original decision was to refuse an application for the replacement of the timber windows with uPVC sliding sash units. Following this the applicant lodged an appeal and the proposal was subsequently 'allowed' on appeal in April 2014. In reaching her decision, the Inspector took account of the Eastbourne development plan which sought to preserve the character and appearance of the conservation area, together with the Eastbourne Townscape Guide (ETG), a supplementary document adopted in 2004, which normally expects that historic buildings in conservation areas will retain the original design and material of their windows and doors. The policy advice is similar to that of Policy E23 of the Scarborough Borough Local Plan.

7.7 In the Eastbourne case the Inspector stated that:

"On the basis of the information before me, I am satisfied that the various styles of the original/replacement timber windows could be closely replicated, including in respect of meeting rails, bottom rails and horns. In such circumstances, the proposed windows would be practically indistinguishable from the original/replacement timber windows to a casual passer-by. As such, there would be no, or at most little, harm to the character of the appeal premises and the Conservation Area, especially given the heritage significance of this part lies in the architecture of the buildings when read as a group".

7.8 This said, the Inspector recognised that there would be a conflict with the ETG as the material of the windows would change. However, she felt that there was some flexibility built into the ETG as the word 'normally' is within its guidelines, thereby suggesting "that exceptions may be allowed". The Inspector also felt that there would be a benefit in terms of energy efficiency, in accordance with the NPPF. The appellant had advised that it would be impractical to use secondary glazing due to the limited internal depth of the window frames which would hamper improving the performance of the existing windows. In concluding, the Inspector notes the appellant's comments on the difficulties of improving the insulation of the original windows. "Given this, and that the design of the original/replacement windows could be closely replicated, I consider an improvement in energy efficiency to be a benefit that outweighs the small risk of harm to the Conservation Area".

7.9 It is considered that in certain situations an appropriate 'heritage' uPVC frame, such as the Ultimate Rose window frame, could be installed without any material detriment to the historic fabric of a building or the character or appearance of the conservation area. You Officers consider that this is one such situation, given the relatively simple detailing of the large sliding sash window frames within the properties within the Crescent. That said, your Officers are mindful of the fact that there is currently little uPVC framing within Albemarle Crescent, and only a small number of non-traditional timber replacement frames. throughout, the Crescent the predominant feature is windows that are split 50/50 horizontally, finished in a white colour finish. This is despite the fact that the Crescent is predominantly an area where the original properties have been converted into self-contained residential flats with a small number of commercial properties and dwellings remaining.

7.10 In this case, the proposed installation of 'heritage' uPVC sliding sash frames is considered to preserve the character or appearance of the Conservation Area, despite the conflict with Policy E23 of the Local Plan in terms of the introduction of an inauthentic material. That said, the quality of the replacement window frame, which very closely replicates the appearance of the timber frames within the application

property, could be argued to be an exceptional circumstance. Mindful of the Inspector's reasoning in the above appeal, your Officers consider that in this case, the small risk of harm to the Conservation Area is outweighed by the improvement in energy efficiency that would arise. The NPPF at Paragraph 95 advises local planning authorities that they should, amongst other things "actively support energy efficiency improvements to existing buildings" as a mechanism to support sustainable development.

7.11 The comments made by the neighbour are noted with regard to the expense involved when unauthorised uPVC windows had to be returned to timber. However, this followed the dismissal of an appeal against an enforcement notice in 2003 and the design and appearance of frames at that time bore little resemblance to the quality of the products that manufacturers are now able to offer.

7.12 On balance, your Officers consider that the proposed uPVC window frames can be supported in this case and that permitting the proposal would not conflict with the Local Planning Authority's general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Scarborough Conservation Area.

POSITIVE AND PRO-ACTIVE STATEMENT

The proposed development as submitted is considered on balance to be acceptable, but there are certain aspects where specific safeguards need to be put place. The Local Planning Authority acted proactively by attaching planning conditions which can adequately address such matters.

RECOMMENDATION

PERMISSION BE GRANTED, subject to the following condition(s)

- 1 The development hereby granted shall be carried out in strict accordance with the specification sheet submitted on the 30 March 2016 which states that the product is the "Ultimate Rose Vertical Sliding Sash" with a white foil finish, unless any amendment is first approved by the Local Planning Authority.

Reason: For the avoidance of doubt.

- 2 Notwithstanding the specification sheet referred to within Condition 1, the sliding sash windows to be utilised in the principal elevation shall be designed with run-through sash horns, a deep bottom rail, a 35mm deep meeting stile, polished welds and mechanical joints, unless any variation or alternative is first agreed in writing by the Local Planning Authority.

Reason: In the interests of the protection of the character of the host property (as a heritage asset) and to preserve the character and appearance of the Conservation Area as required by Policy E23 of the Scarborough Borough Local Plan.

- 3 The external face of the frame to all window elements shall be set in reveals to match those of the existing windows on the principal elevation of the building.

Reason: In the interests of the protection of the character of the host property (as a heritage asset) and to preserve the character and appearance of the Conservation Area as required by Policy E23 of the Scarborough Borough Local Plan.



Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MRS K LAWTON ON



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