

**Notice of Review: 8 Lasswade Court, 32 School Green,  
Lasswade****Determination Report**

Report by Derek Oliver, Chief Officer Place

**1 Purpose of Report**

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the installation of replacement windows at 8 Lasswade Court, 32 School Green, Lasswade.

**2 Background**

- 2.1 Planning application 19/00476/DPP for the installation of replacement windows at 8 Lasswade Court, 32 School Green, Lasswade was refused planning permission on 7 November 2019; a copy of the decision is attached to this report.

- 2.2 The review has progressed through the following stages:

- 1 Submission of Notice of Review by the applicant.
- 2 The Registration and Acknowledgement of the Notice of Review.
- 3 Carrying out Notification and Consultation.

**3 Supporting Documents**

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);
- A copy of the decision notice, excluding the standard advisory notes, issued on 7 November 2019 (Appendix D); and
- A copy of the relevant plans (Appendix E).

- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

## **4 Procedures**

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled a site visit for Tuesday 15 September 2020; and
  - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were no consultations required and no representations received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the development plan;
  - Identify and consider relevant material considerations for and against the proposal;
  - Assess whether these considerations warrant a departure from the development plan; and
  - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## **5 Conditions**

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Notwithstanding the plans hereby approved, details of the design and means of opening of the replacement windows shall be submitted to the planning authority for prior written approval. The windows shall be of a traditional design and means of opening to reflect the character of the house. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *For sake of clarity. The application as submitted was unclear in terms of the details of the design and opening method of the replacement uPVC windows. So as to ensure the design and means of opening of the windows reflect the character of the house and are sympathetic to its setting in a Conservation Area.*

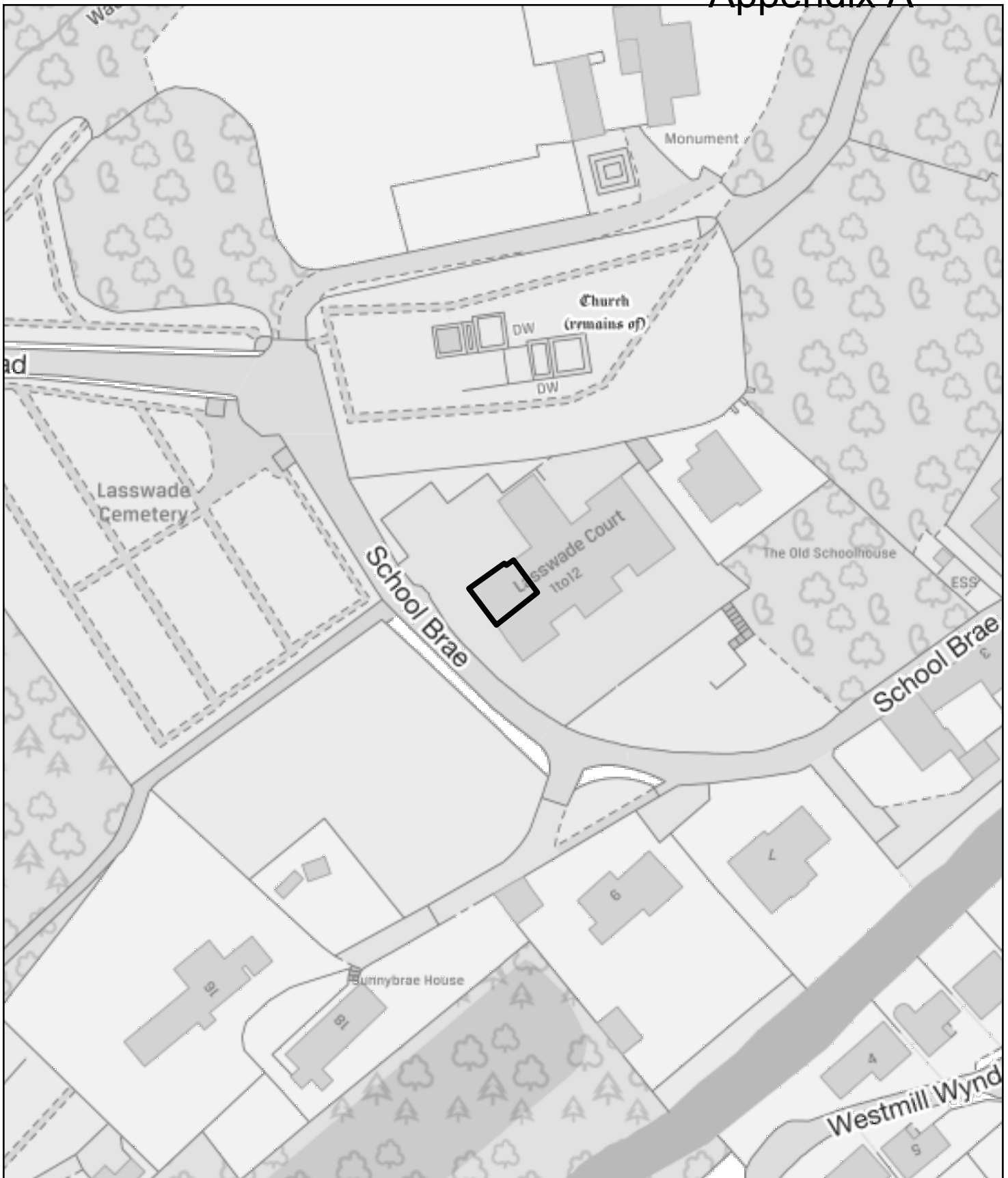
## **6 Recommendations**

- 6.1 It is recommended that the LRB:
- a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 4 September 2020

**Report Contact:** Matthew Atkins, Lead Officer Planning Obligations  
[Matthew.Atkins@midlothian.gov.uk](mailto:Matthew.Atkins@midlothian.gov.uk)

**Background Papers:** Planning application 19/00476/DPP available for inspection online.



**Education, Economy  
& Communities**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Installation of replacement windows at 8 Lasswade Court,  
32 School Green, Lasswade

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File No. 19/00884/DPP

Scale: 1:1,000



Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto:planning-applications@midlothian.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 100210541-001

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.

## 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

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Lasswade Court"/>
First Name: *	<input type="text" value="Alan"/>	Building Number:	<input type="text" value="32"/>
Last Name: *	<input type="text" value="McDonald"/>	Address 1 (Street): *	<input type="text" value="8 Lasswade Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="32 School Green"/>
Telephone Number: *	<input type="text" value="07747607564"/>	Town/City: *	<input type="text" value="Lasswade"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Eh181NB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="theshire64@icloud.com"/>		

## Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

8 LASSWADE COURT

Address 2:

32 SCHOOL GREEN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LASSWADE

Post Code:

EH18 1NB

Please identify/describe the location of the site or sites

Northing

666058

Easting

330189

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*

(Max 500 characters)

19/00476/DPP installation of replacement windows

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We appeal decision based on a) precedent -neighbouring properties within the conservation area have UPVC windows, the most recent planning approval in 2017 for a building the equivalent age as ours. In School Green the majority of properties have UPVC installed, b) environmental impact of not installing double glazing, a significant portion of heat is lost through our single pane windows, c) cost -council support wooden double glazing, this doubles purchase price reducing affordability.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

No supporting documents

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

119/00476/DPP

What date was the application submitted to the planning authority? \*

28/05/2019

What date was the decision issued by the planning authority? \*

07/11/2019

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Alan McDonald

Declaration Date: 30/11/2019



## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 19/00476/DPP

**Site Address:** 8 Lasswade Court, 32 School Green, Lasswade

**Site Description:**

The application property is located within the Lasswade and Kevoch Conservation Area.

The application property comprises a first floor flat within a converted traditional former school building, constructed in stone with a slate roof and a mix of white painted, sash and case and casement, timber framed windows with external vents evident on some of the windows.

**Proposed Development:** Installation of replacement windows

**Proposed Development Details:**

Planning permission is sought for the installation of eight replacement windows. The submitted section plan appear to detail that the proposed replacement windows will contain 28mm profile double glazing.

The five painted white, timber framed windows within the northern elevation are to be replaced with white uPVC tilt and turn windows. It is unclear from the submitted plans if the design of replacement windows are to match the existing and/or contain astragals or not.

The three painted white, timber framed windows within the western elevation are to be replaced with white uPVC, sash and case windows to match the existing windows. Whilst the submitted plan states that the windows will match the existing, it is unclear from the submitted information if the replacement windows will contain genuine astragals.

**Background (Previous Applications, Supporting Documents, Development Briefs):** Planning history sheet checked.

Planning permission was granted in 2017 for the installation of replacement windows at no.2 Lasswade Court, 32 School Green. Planning ref: 16/00884/DPP.

Planning permission was granted in 2015 for the installation of replacement windows at no.9 Lasswade Court, 32 School Green. Planning ref: 15/00025/DPP.

Planning permission was granted in 2009 for the installation of replacement windows at 12 Lasswade Court, 32 School Green. Planning ref: 09/00244/FUL.

**Consultations:** No consultations required.

**Representations:** No representations received.

**Relevant Planning Policies:**

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Historic Environment Policy for Scotland (HEPS) 2019 and Scottish Planning Policy (SPP) offer guidance on the protection and management of the historic environment and Conservation Areas and areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. The Policy Statement and SPP also indicated that the planning authority should consider the design, materials, scale and siting of any development, and its impact on the character of the historic environment.

Historic Environment Scotland's Managing Change in the Historic Environment document on Windows states that windows make a substantial contribution to the character, authenticity and physical integrity of most historic buildings and also to the character and interest of historic streets and places. They are an important element of a building's design. The size, shape and positioning of the openings are significant, as are the form and design of the framing, astragals and glazing. Their style, detailing and materials help us to understand the date when a building was constructed or altered, its function, and advances in related technology.

The relevant policies of the adopted **Midlothian Local Development Plan 2017** are;

Policy **DEV2** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.

Policy **ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.

Policy **ENV19: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.

**Planning Issues:**

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

The planning authority does not encourage the use of uPVC framed windows or doors within conservation areas; uPVC is not a traditional material and it rarely defines the character of a conservation area. The neighbouring flatted dwellings within Lasswade Court have timber framed windows and whilst there is a variation of window types, it is considered that the timber framed windows contribute towards the

character and appearance of the building and this part of the conservation area. The introduction of white uPVC windows is out of character for the area and will result in a negative visual impact on the application building and conservation area. The introduction of white uPVC windows fails to preserve or enhance the character or appearance of the conservation area.

With regards to the design/details of the replacement windows, it is noted on one of the submitted plans that the three replacement sash and case windows within the western elevation are to match the design of the existing windows. The other windows are to be replaced with tilt and turn windows. However, the submitted section plan and window detail show two standard one over one, sash and case windows with no astragals. The examples provided within the submitted brochure detail tilt and turn windows and sash and case windows, both with non-genuine astragals. It is unclear from the submitted plans or information what the final design details and proportions of the replacement windows will be and whether the replacement windows will contain genuine astragals or not. It is noted that had the installation of uPVC been considered acceptable then the design details of the replacement windows could have been covered by condition.

The submitted section plan appears to detail that the proposed replacement windows will contain 28mm profile double glazing. It is noted that double glazed windows have been approved at no.s 12, 9 and 2. It is the usual practice of the Council to require narrow profile double glazing in conservation areas in order to replicate the appearance of traditional single glazed windows. However 20mm deep double glazing has been approved at both nos 12 and 9, and 24mm profile double glazing within no.2. It was noted on the report for no 12 that "The building's main contribution to the character of the conservation area is when viewed from a distance, for example from Polton Road, the replacement windows will therefore have no significant impact on the character of the Conservation Area." Furthermore, the flatted dwelling is located at first floor level. On balance in this instance the use of 28mm double glazing on this building will not have a significant adverse impact on the character of the conservation area.

There is no harmful loss of amenity as a consequence of the development proposal.

Overall, all relevant matters have been taken into consideration in determining this application. It is considered that the proposal does not accord with the principles and policies of the adopted Midlothian Local Development Plan 2017 and is not acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is refused.

**Recommendation:** Refuse planning permission.



## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 19/00476/DPP**

Houseplans  
30 Mortonhall Park Avenue  
Edinburgh  
EH17 8BP

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs McDonald, 8 Lasswade Court, 32 School Green, Lasswade, EH18 1NB, which was registered on 11 September 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Installation of replacement windows at 8 Lasswade Court, 32 School Green, Lasswade, EH18 1NB**

In accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	11.09.2019
Elevations and Floor Plan	1785/19 1:100	11.09.2019
Illustration/Photograph	Existing Elevations	11.09.2019
Illustration/Photograph	VEKA SC Detail Scale 1:5	11.09.2019
Illustration/Photograph	Window Brochure	11.09.2019

The reason for the Council's decision are set out below:

1. *The introduction of uPVC framed windows fails to preserve or enhance the character or appearance of the conservation area or the application building, resulting in a significant adverse impact on the character and appearance of the application property and the conservation area, which is contrary to policies ENV6, ENV19 and DEV2 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

Dated 7 / 11 / 2019

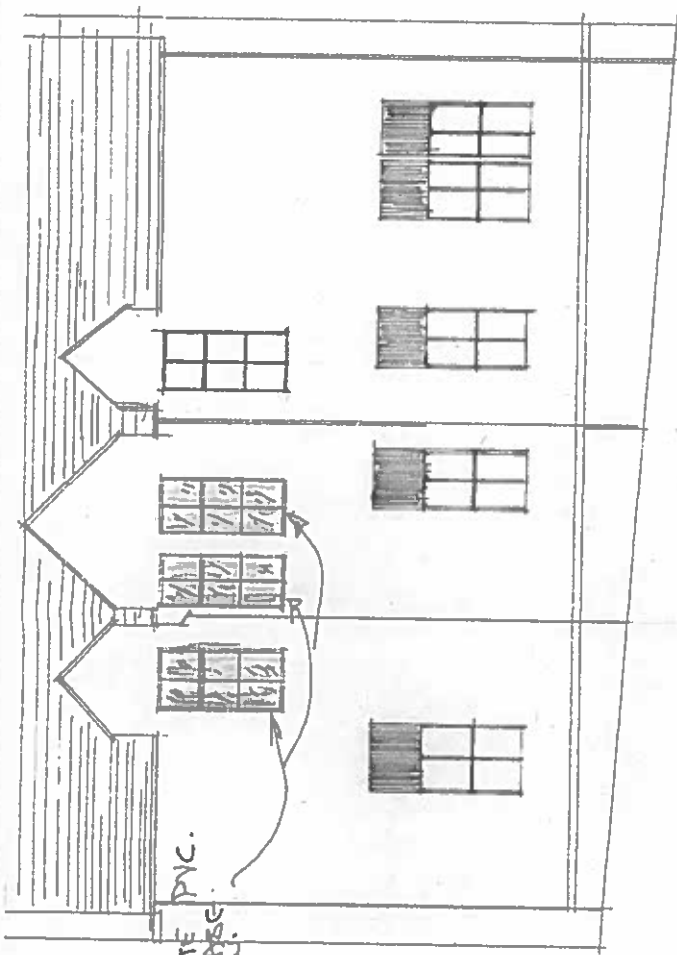
.....  
Duncan Robertson

Lead Officer – Local Developments Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

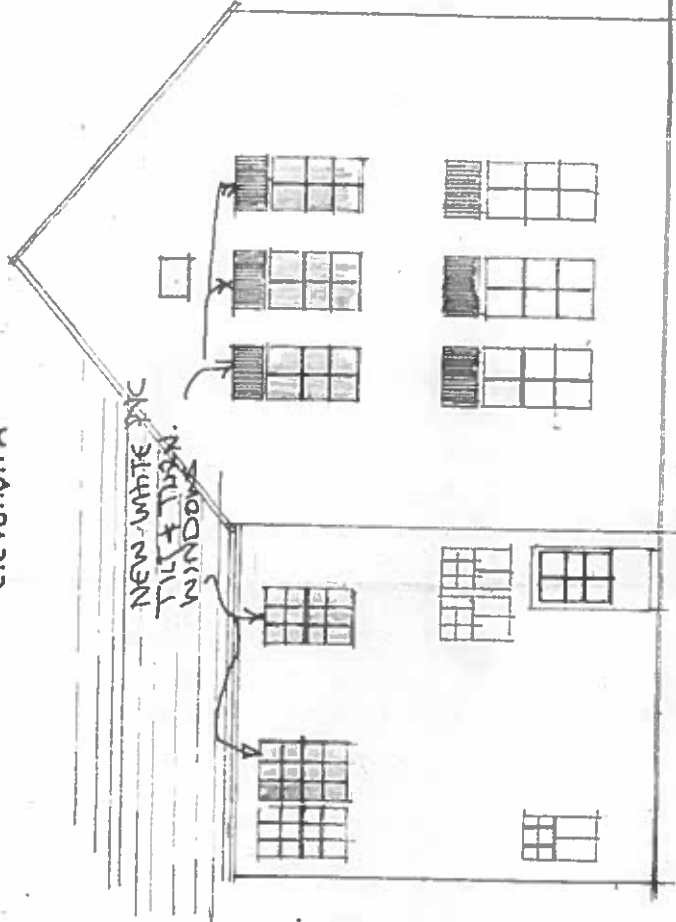
CORPORATE RESOURCES	
FILE:	191004716
RECEIVED	27 MAY 2019

CLIENT		Mr & Mrs A McDONALD	
LOCATION		8 Lassade Court 32 School Green Lasswade	
PROJECT		replace timber windows with white PVC windows	
SCALE	1:100	DATE	May 19
DWG. NO.	785/19		

(P)

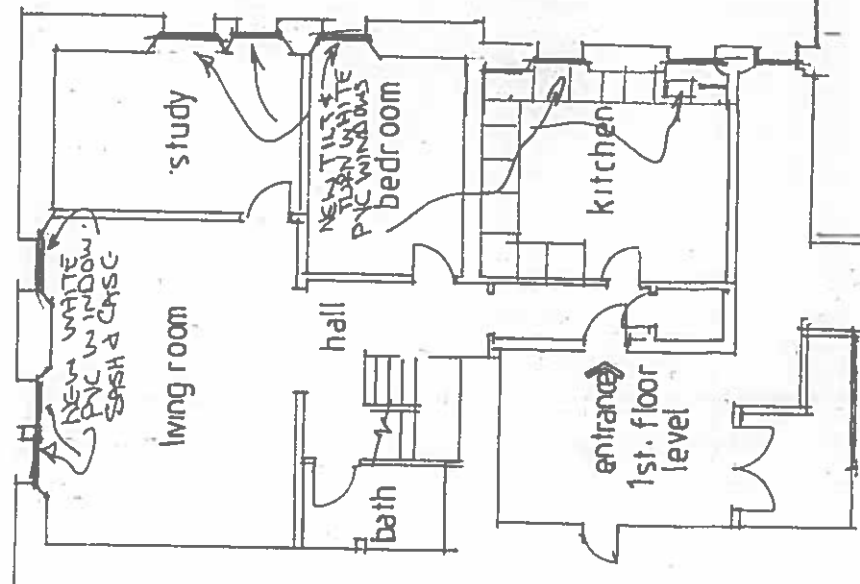


elevation A



elevation B

elevation A





## Tilt & Turn

Tilt and turn windows are characterised by the fact that they open into your home and allow the biggest possible glass area. This style of window provides excellent levels of ventilation and security, whilst remaining highly thermally efficient when required. Ideal for homes with limited clearance outside, or high-rise properties, tilt and turn windows are easy to clean, even from within the home.

Using clever hinge and locking technology tilt and turn windows have two opening arrangements: from the top for gentle ventilation or full opening from the side.



SARAC

## Vertical Slider

Crafted with attention to detail, our vertical slider windows combine the functional benefits and performance of a modern PVCu window with the feel, appearance and operational simplicity of a traditional style window. The modern vertical slider not only emulates the aesthetics of its traditional equivalent, but also offers additional benefits such as the easy maintenance of PVCu.



## Fully Reversible

Fully reversible windows allow maximum light to enter the home with easy maintenance. Rotating at 180 degrees, these windows can easily be cleaned from inside the home and have child safety features which allow safe and secure cleaning and ventilation.

CORPORATE RESOURCES	
FILE	at 1004161 n/m
RECEIVED	27 MAY 2019