

**Enforcement Report into Breach of Control
at
2F1
29 Spottiswoode Street
Edinburgh
EH9 1DQ**

**Development Management Sub-Committee
of the Planning Committee**

Owner/s Mr William Boucher
Occupier Mr William Boucher
Reference No: 07/00823/EOPDEV

1. Purpose of Report

Breach of Control:

Without planning permission, the installation of six uPVC windows on the front elevation at second floor level of the property situated at 29 (2F1) Spottiswoode Street within the Marchmont and Meadows Conservation Area.

Recommendation:

That committee initiates statutory enforcement action to ensure the removal of the six uPVC window units, and the installation of six single glazed timber, sash and case units to match the originals in terms of proportions and design.

The Site

Site Description

The site is a second floor flat within a four storey, stone built tenement, situated on the east side of Spottiswoode Street.

The site is primarily residential and is located within the Marchmont and Meadows Conservation Area. It is not listed

Site History:

There is no relevant planning history for the site.

Representations

One enquiry has been received, advising that the original timber sash and case windows have been replaced with uPVC units on a property within the Marchmont and Meadows Conservation Area.

Description of Development

The installation of six, double glazed uPVC windows on the front elevation at second floor level of a property within a conservation area.

3. Officer's Assessment and Recommendations

The committee should note that the current owner of the property, who organised the replacement windows is an elderly gentleman who has submitted representations explaining why he replaced the windows, and that he is now unable to afford to reinstate more appropriate units.

Notwithstanding this, the Committee needs to consider whether the unauthorised uPVC windows are acceptable, with regard to the provisions of the development plan and other material considerations.

Therefore, the determining issues in this case are:

The effect the unauthorised uPVC windows have on the character of the building as well as the character and appearance of the Marchmont and Meadows Conservation Area. The window frames are noticeably heavier than those of the original windows and have a significant adverse impact on the appearance of the building.

The site is covered by an Article 4 Direction which requires works normally classified as permitted development to be subject to a formal planning application. The installation of the uPVC windows requires the benefit of planning permission.

The uPVC windows are contrary to statutory and non-statutory requirements on the replacement of windows within conservation areas.

Given the predominant use of timber sash and case windows within the vicinity, the uPVC windows are such that they have an adverse affect on the character and appearance of the building and of the conservation area as a whole.

For the above reasons the uPVC windows currently in situ are considered unacceptable. The planning authority therefore requires the reinstatement of the traditional, one over one, single glazed, timber sash and case units.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Alexander Gudgeon on 0131 529 6126
Ward affected	Ward A10 - Meadows/Morningside (NEW)
Local Plan	Central Edinburgh
Statutory Development Plan Provision	Conservation
File	
Date Complaint Received	27 November 2007

Planning Policy

Central Edinburgh Local Plan

Policy CD20 (Window Alterations):

Proposals to alter or replace windows will be carefully controlled to protect the special character of listed buildings and conservation areas. The basis of control will be as follows: Non listed buildings in conservation areas – proposals for replacement windows using modern materials may be acceptable providing the proposal is to match the proportions of the original and its means of opening in normal use.

Edinburgh City Local Plan

Policy ENV 5 (Conservation Areas – Development):

'Conservation areas are areas which the Council has determined are of special architectural or historic interest, the character or appearance of which it is desirable to conserve or enhance. Development within a conservation area will be permitted which; preserves or enhances the special character or appearance of the conservation area; demonstrates high standards of design and utilises materials appropriate to the historic environment.'

The City of Edinburgh Council's Non Statutory Guidance on 'Replacement Windows and Doors' paragraph 1 states:

'Windows should be sensitively replaced, in keeping with the character of the original building, the quality of its design and in an environmentally sustainable way. The character of Statutorily Listed Buildings and conservation areas should be protected and enhanced.'

The City of Edinburgh Council's Non Statutory Guidance on 'Replacement Windows and Doors' paragraph 1 states:

'Replacement windows on all elevations of unlisted properties in conservation areas should match original proportions, appearance, materials, and should open in a manner that does not disrupt the elevation. Appropriate timber sealed unit double glazing will normally be considered acceptable.'

Appendix A

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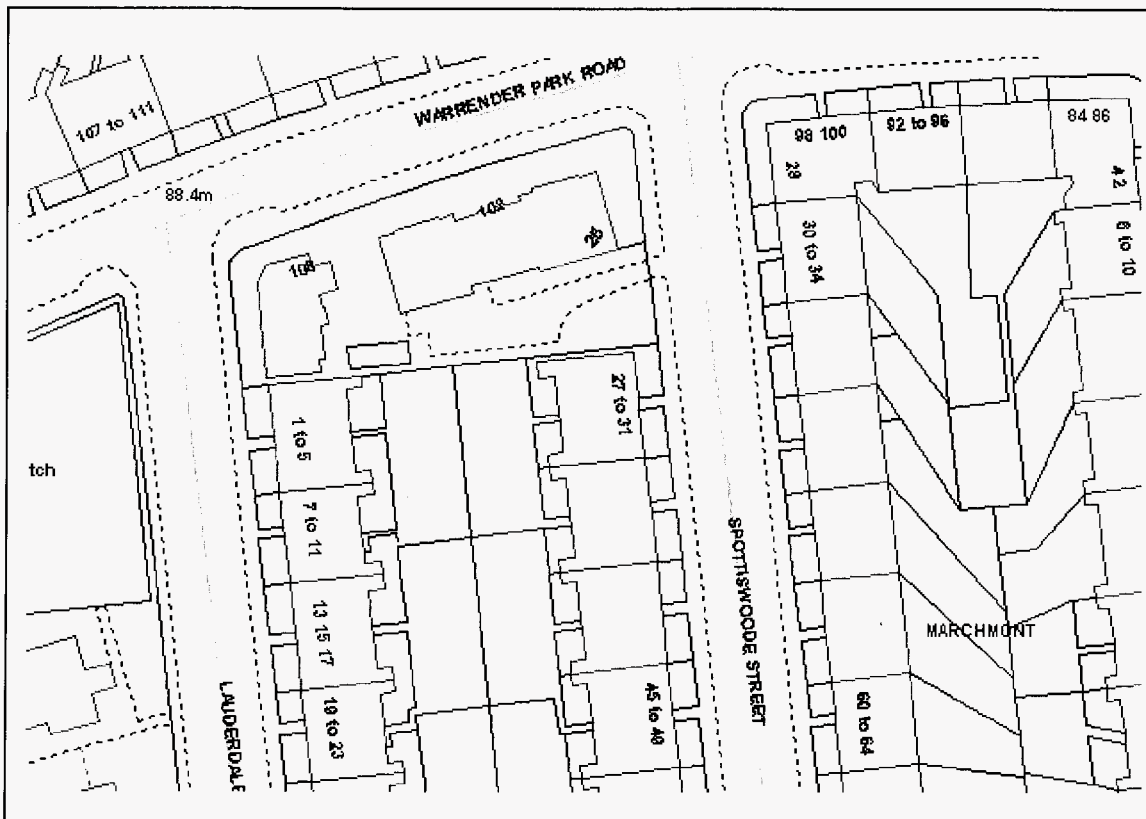
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Location Plan



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