



Speaking for Scotland's Buildings

12 February 2019

A worrying trend - Casework news from Dumfries and Galloway

Several recent cases in Dumfries and Galloway that seem to contradict historic buildings advice from the Scottish Government, Historic Environment Scotland and the local authority planning department have been a cause for local concern. These are cases where the AHSS Cases panel have objected and the local authority have refused the application, twice supported by HES advice. Two cases have led to successful appeals, and the third is in progress. If all three are to prove contrary to what we consider to be the correct conservation approach our Panel, and possibly the planning department as well, will be left confused as to the way forward.

The first case is that of 1 Old Union Street, a Category B listed building in the centre of the Dumfries Conservation Area and concerns the replacement of eleven timber-framed casement two pane windows on the High Street elevation (of a non historic type) with white uPVC casement windows to match the existing design.

The Reporter's decision was to allow the appeal, with the condition that a new design in uPVC should be approved by planning.

'The council has referred to Dumfries and Galloway Local Development Plan policy on the Historic Environment – HE1 Listed Buildings. Supplementary Guidance on the Dumfries Conservation Area and the Historic Environment is also referred to. As this is an appeal against refusal of listed building consent not planning permission, development plan policies do not have the status afforded to them by section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended). Nevertheless, the policies and guidance are a relevant consideration and I have taken them into account in reaching a decision.'

Legal advice has supported the Reporter's view as expressed above. The end result is that uPVC windows are to be allowed on an important listed building in the historic core of the Dumfries Conservation Area apparently on the grounds that the building will be enhanced in appearance through the reintroduction of windows with glazing bars, to a design approved by planning, and the alien material will not matter because they are on first floor level and above. The decision is regrettable in that it undermines the locally approved policy of using traditional materials in these situations and thereby supporting skills needed for the proper maintenance of our historic buildings. It also makes the final details of design a matter between the appellant and the planners, rather than a matter for public comment. This decision reflects another recent appeal in Annan (Sussex House, listed B) where new uPVC windows were allowed, subject to approval of details by planners, because they were deemed an improvement on the existing uPVC windows.

The second case is that of the Old Manse, Thornhill where timber double glazed sashes were refused as replacements for the apparently original sashes on the grounds that no case had been made for the necessity of their replacement through a proper condition survey. Such a survey was eventually provided only for the Reporter who then allowed the appeal. The Reporter said, *'I consider that the window condition survey as submitted by the*



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appellant responds directly to the reason for refusal of the application and so could be considered as part of this appeal....The appellant has submitted no evidence of exceptional circumstances that prevented the timely submission of the window condition report, or any justification for the lack of response to the council's request for a report under Section 9 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997. While this could be considered unreasonable behaviour by the appellant, I am satisfied that the consideration of the window condition report as part of this appeal is appropriate as it directly addresses a reason for refusal, although the document was not before the planning authority at the time of its decision.'

This decision appears to set a dangerous precedent for the way cases with inadequate background information are dealt with, if the public and amenity bodies such as the AHSS lose the opportunity to study and comment on details of proposals. The Dumfries and Galloway Panel see many cases where there is no Design Statement, or with misleading or inadequate information to make a proper judgement. Condition surveys for windows have been particularly poor.

A third case is that of Meikle Dalbeattie Farmhouse, Dalbeattie, where retrospective listed building consent was refused for the total replacement of apparently original timber sash windows in a mid nineteenth century C listed farmhouse. The replacements are uPVC and of designs not matching the originals in any respect. This has gone to appeal and we await a decision.

HES guidance 'Managing Change in the Historic Environment - Windows' states

'Generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials. In replacing sash windows, materials other than timber, e.g. uPVC, will rarely be acceptable. (page 18).

Despite the best efforts of the planning department to apply their approved policies, based on accepted best practice advice, the character of listed buildings and conservation areas continues to be eroded. Contractors continue to offer standardised inappropriate replacement windows and doors. At 10 Lovers Walk, in Dumfries Conservation Area, the doorway with overlight of a paired Victorian villa has been changed without planning permission. It now has an ill-matched uPVC door with an overlight of a different size from the immediately adjoining original doorway of the house next door, giving a completely unbalanced appearance. The council has refused retrospective consent and we wait to see the outcome.

We can only hope that our disappointments in Dumfries and Galloway are not being repeated across Scotland. Input from other regions would help build a national picture.

Dumfries and Galloway Cases Panel
AHSS