

Landlady ordered to take out new windows

A landlady ordered to rip out 16 UPVC windows installed in a listed building faces court action after failing to carry out the work despite sympathy from Midlothian councillors.

Gloria Silvestri replaced windows in the flatted property she owned in Dalkeith High Street saying it had been “a matter of urgency” to protect the health of tenants living in it as the original timber frames were deteriorating.

However Midlothian Council planners said the windows could only be replaced with like for like wooden frames and demanded the new windows were removed.

A meeting of Midlothian planning committee this week heard that an appeal to Scottish Ministers by the landlady had been rejected but no action had been taken to remove the plastic frames.

Councillors were asked to approve non compliance action against the property owner referring the case to the Crown Office and Procurator Fiscal Service.

Successful prosecution can lead to a fine of up to £50,000.

However during the meeting Cllr Dianne Alexander questioned whether the action was necessary given the ‘huge improvement’ the windows had made to the building in question.

She said: "If putting in wooden frame windows is the gold standard do we always have to go with the gold standard when we are looking at the economics of the whole process?"

"I am rather against making them have to do this because, I think, looking at old buildings we really want landlords to make sure they are energy efficient and if we ask them to spend a lot more money to make them more energy efficient I think a lot of landlords just won't do it.

"There is compliance with planning rules but there is also compliance with energy efficiency and I think we have to take all of it into consideration when we ask landlords to make their homes energy efficient."

However fellow councillor Kelly Drummond raised concerns about the precedent it would set if the committee failed to take action when enforcement notices were not complied with.

She said: "It sets quite a dangerous precedent, basically saying we are ignoring both ourselves and the Scottish Government to say we will not do anything.

"We are just saying well do what you want and there will be no consequences if we do not follow through."

The council's planning head Peter Arnsdorf warned failure to follow through on action could 'give hope to others' that the council would not pursue them.

It was also pointed out the breach of planning control would remain on the flats even if they were sold to new owners who would then be liable for them in the future.

The committee voted to refer the case to the Crown Office by 13 votes to 2.

by Marie Sharp Local Democracy Reporter

