

## ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

20 FEBRUARY 1997

SUBJECT: REPLACEMENT WINDOWS - POLICY REVIEW

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

**Abstract:** Angus Council operates a policy for the replacement of windows in historic buildings, which is aimed at protecting and enhancing the built heritage. The policy is based on consistent and nationally agreed standards, which also take account of energy conservation. However, there is constant pressure to permit a more relaxed approach to replacement windows in historic buildings, particularly in respect of double glazing. This report indicates how that demand can be accommodated, without damaging the integrity of historic buildings and areas

### 1 RECOMMENDATION

- 1.1 It is recommended that the Committee approves the contents of this report as a basis for consulting with Historic Scotland and window manufacturers. It is also recommended that the Council agrees to allow monies from the Conservation Budget to be awarded for the repair of traditional windows and the installation of Council-approved draughtproofing systems and secondary glazing.
- 1.2 Following the consultation process it would be the intention to report back to Committee (hopefully 10 April meeting) to agree adoption of the policies, adjusted as necessary.

### 2 BACKGROUND

- 2.1 Traditional timber sash and case windows are an important aspect of the historic environment. Factors such as the materials used, external finish, method of opening and the proportion of the individual timbers, particularly astragals, are all based on traditional details. All of these issues are considered in the Technical Appendix to the Memorandum of Guidance on Listed Buildings and Conservation Areas and Technical Advice Note No. 1, Performance Standards for Traditional Windows; both documents are published by Historic Scotland and represent best practice. This best practice forms the basis of Advice Note 9 which currently contains the Council's policies on window replacement.
- 2.2 Unfortunately old, single glazed, timber framed windows are often perceived as antiquated and unsatisfactory by homeowners who, reinforced by high pressure marketing on the part of double glazing firms, are desirous of replacing their outdated windows with modern products. Once the seed has been sown, it is very difficult to convince owners of historic buildings that their windows have a proven lifespan in excess of 100 years, compared with the 10 year guarantee usually offered on modern replacement windows.

- 2.3 Double glazing is the most sought after feature of modern windows despite, evidence that traditional windows are in fact capable of meeting a thermal performance that approaches that of double glazed windows, provided they are overhauled and draughtstripped. Backed up by well designed, secondary glazing, the thermal and acoustic (insulation against airborne sound) properties of traditional, timber sash and case windows usually exceeds that of modern, replacement windows.
- 2.4 Secondary glazing, however, is not regarded as being as convenient or neat as double glazing although it would appear to offer an acceptable solution to perceived thermal and noise insulation problems associated with traditional windows.
- 2.5 Despite the historical and visual correctness in retaining traditional windows and their ability to achieve high performance levels, there is enormous pressure to allow replacement windows of modern design and detailing in historic buildings. This pressure is unlikely to diminish, so a balance has to be struck between accommodating that pressure and conserving an important element of our historic buildings.

### 3 ISSUES

- 3.1 To date, the policies in Advice Note No. 9 have worked fairly well. Where applications to install inappropriate windows have gone to appeal, the Secretary of State has always supported the planning authority's stance. This is true across a range of both listed and unlisted buildings.
- 3.2 Nevertheless, experience in operating the policy, has revealed a number of issues which require careful consideration:-
- pressure to remove perfectly sound windows from Listed Buildings, in the mistaken belief that double glazed, sash and case windows are superior;
  - the existence of groups of buildings within Conservation Areas which have little, or no townscape merit, where the present policy could be relaxed;
  - the existence of unspoilt groups of unlisted buildings within Conservation Areas, which currently have permitted development rights for replacement windows;
  - numerous cases of unauthorised window replacements, some of which have had adverse impact on the character of Conservation Areas and Listed Buildings;
  - a certain amount of difficulty in applying the present policies.
- 3.3 Some of these issues have arisen out of diminishing resources, which have to cope with an ever-increasing range of responsibilities. That being said, there are a number of policy modifications that could be made, without undermining the quality of the built heritage.

3.4 These modifications should be aimed at realising the following objectives:-

- identifying those areas and circumstances where more rigorous application of policy and/or higher standards of design should be applied;
- redefining the circumstances in which formal Listed Building and/or planning applications will be required for replacement windows;
- encouraging the use of the best quality and most appropriately designed windows, in the widest sense;
- redefining the circumstances in which enforcement action should be pursued against unauthorised windows.

#### **4 LISTED BUILDINGS: RECOMMENDED POLICY**

- 4.1 The current policy in Advice Note 9 does contain a degree of flexibility in permitting double glazing but only in very restricted circumstances. Despite the evidence that traditional windows can be highly effective, there is enormous pressure to allow replacement windows that incorporate double glazing. This pressure is unlikely to diminish, so a balance has to be struck between accommodating that pressure and conserving an important element of our historic buildings.
- 4.2 Many sealed units require a substantial increase in the structural sections of the sashes (the sliding parts of the window) which renders them clumsy and heavy in appearance and visually unacceptable in listed buildings. However, traditional windows can now be manufactured to incorporate slim section, sealed units without affecting the character of historic buildings. For clarification and to assist agents, window manufacturers and the general public, it is recommended that a specification for double glazing of such windows, is prepared by the officials.
- 4.3 If this specification is adhered to the Council can advise that the work does not require an application for Listed Building Consent, thus minimising paperwork. This dispensation reflects the Planning Authority's prerogative under Section 53 of the 1972 Act, to decide that certain works to Listed Buildings do not affect their historic or architectural character, and thus, do not require Listed Building Consent.
- 4.4 There is, however, a real problem with the double glazing of astragaled windows relating to the thickness of the astragal (glazing bar) that is required to accommodate the sealed units. Typical Georgian astragals are around 20mm in section, whereas a double glazing astragal can be up to 50% thicker. The heavy effect that this creates in multi-paned windows adversely impacts on the character of historic buildings, to the point where applications for Listed Building Consent have been refused and the Local Authority's decision has been supported on appeal to the Secretary of State. The effect is exacerbated where the building in question is part of a unified terrace or other, homogeneous building group. It will be for applicants to demonstrate that double glazing can be acceptably incorporated in astragaled windows although it is doubtful the technology exists at the present time to produce acceptable solutions. It may do in the near future, however.

- 4.5 One alternative to the double glazing of multi-paned windows is to recommend the use of thicker glass, i.e. 6 millimetres, rather than the standard 4 millimetres. 6 Millimetre glass has a U-value (measure of thermal insulation) close to that of some double glazed units, and does not require any increase in astragal thickness. In view of this problem, it is recommended that double glazing of multi-paned windows in Listed Buildings requires a formal application, except where the windows involved are not important to the building's character.
- 4.6 Given their national historic importance, double glazing units will not be permitted in Category A Listed Buildings. These are limited in number and comprise the best historic buildings in Angus, e.g. castles, churches etc.
- 4.7 In addition to the more relaxed approach to double glazing in Listed Buildings, further concessions are felt to be acceptable for Category B Listed Buildings which have been much altered and are sited in isolated or very mixed quality locations, namely, replacement windows need not exactly replicate the original but merely appear to be similar in general style, proportions etc. They should, however, still be of sash and case construction utilising timber.
- 4.8 Category C Listed Buildings, except those largely still intact and in important groups or locations, could also be treated less strictly and depending on the circumstances would receive the same concession in terms of appearance as in 4.7, even to the extent of permitting the use of double pivot windows.

## **5 CONSERVATION AREAS: RECOMMENDED POLICY**

- 5.1 Whilst the Memorandum provides general advice in relation to new development within Conservation Areas, it does not provide detailed advice on window replacements in Conservation Areas. A greater degree of flexibility is therefore available to the Council to determine its own policy on this matter.
- 5.2 A particular complication for determining a policy towards window replacement in Conservation Areas is the different planning status accorded to flatted and non-flatted residential properties. Generally speaking to change the windows of non-flatted dwellings within conservation areas is permitted development not requiring planning consent while to do so in flatted property does require consent. Therefore, there is a differential approach which makes it impossible to simply apply a pre-determined policy on window replacement.
- 5.3 This anomaly or inconsistency can be removed by seeking Article 4 Directions for the Secretary of State which would bring all window replacements within Conservation Areas within the ambit of planning control. It is intended that the issue of Article 4 Directions be raised through the Local Plan currently in preparation.

- 5.4 There are at present 19 Conservation Areas within Angus. Despite these designations, however, some of them, or more frequently parts of them, have experienced inappropriate development which has already affected their character and undermined their value. As part of the ongoing Local Plan process it is intended to review the existing Conservation Area boundaries and look at the possibility/potential for identifying "prime frontages" or "core areas" and "fringe areas" where different policies may be applied.
- 5.5 As it may take some time to survey the Conservation Areas and secure Article 4 Directions, the proposed policy must be sufficiently flexible to accommodate both the longer term and immediate circumstances.
- 5.6 Accordingly, until Article 4 Directions are in place (at which time non-flatted properties will simply be added) it is proposed to apply the following policies towards window replacements in unlisted flatted properties located in Conservation Areas:-
- a) Where all (or most) of the frontage windows are still intact - replacement windows should replicate their general appearance, dimensions etc. but may be double glazed and of UPVC construction. However in the more important locations (the potential "prime frontages" or "core areas") the method of opening should still be sliding sash and case with a secondary method of opening for cleaning purposes where required. In other areas ("fringe areas") double pivot windows will be acceptable.
  - b) Where few or no original windows remain in buildings that are nevertheless in important locations - a traditional pattern in terms of appearance should still be required but UPVC and double pivot windows will be accepted.
  - c) Where the building has been subjected to considerable change or is located in a more isolated situation, there will be no restrictions on the method of opening or materials, only on general appearance which should still reflect the traditional style and even this can be relaxed for windows hidden from general public view.

## **6 FLATTED PROPERTIES OUTWITH CONSERVATION AREAS**

- 6.1 Few blocks of older, unlisted flatted properties retain their original windows intact and in such cases continued control over the style of window replacements serves little purpose. Although it might be felt desirable to try and retain a degree of control over unspoilt buildings, this may be outweighed by the need to have an unambiguous, easily applied policy and to concentrate scarce staff resources on protecting and enhancing the more vulnerable areas and buildings.
- 6.2 Accordingly, it is proposed that window replacement in unlisted flatted properties outwith Conservation Areas be regarded non-material alterations exempt from the necessity to seek planning consent. This dispensation would only apply where the size of the window opening remains unaltered and would not, for instance, permit for the removal of any solid mullions between windows.

- 6.3 Notwithstanding, this very relaxed policy, owners approaching the Department for advice will still be encouraged (but not compelled) to install windows that visually recreate traditional proportions and features.

## **7 ENFORCEMENT: RECOMMENDED PROCEDURE**

- 7.1 Although the Council has received support for enforcement action from the Secretary of State, pursuing each and every breach of planning control has enormous resource implications. It is recommended that the following approach be adopted:-

- In the short term, to pursue unacceptable replacements (i.e. not in compliance with even the relaxed policies now being advocated) on the public face of listed buildings unless in remote or non-sensitive locations.
- Not to pursue replacements that have occurred contrary to the recommended policy in non-listed buildings within Conservation Areas, prior to the adoption of this revised policy. For those installed after adoption of the policy, but which do not comply, action may be justified in the better unlisted buildings occupying important or sensitive locations within Conservation Areas.
- Following determination of "prime frontages" or "core areas", breaches within those areas will generally necessitate action being pursued.

## **8 THE ROLE OF GRANT ASSISTANCE**

- 8.1 At present, the Council operates a Conservation Grant scheme which awards monies for a range of heritage-related works, including replacement windows. Experience in operating the scheme suggests that it is both popular and successful.

- 8.2 Given the desirable aim of retaining existing, traditional windows and the proven benefits of repair, draughtproofing and secondary glazing, it is strongly recommended that the scope of the Conservation Grant scheme is widened so as to encourage this as follows:-

- Awarding grants for repairs which meet the Council's specification.
- Awarding grants for Council-approved draughtproofing and secondary glazing systems.

- 8.3 The measures would benefit owners, encourage the use of local contractors and compliment the Council's policy in general. It is recommended that the level of grant for these measures is restricted to £1,000 per building in any one financial year, in keeping with the current level of grant for replacement windows.

## **9 FINANCIAL IMPLICATIONS**

- 9.1 It is anticipated that grant assistance for repairs could be accommodated without an increase in the Conservation Budget.

**10 CONSULTATION**

- 10.1 The Chief Executive, the Director of Finance and Director of Property Services have been consulted in the preparation of this report.

**11 CONCLUSION**

- 11.1 The above revised policy, for consultation purposes at present but if adopted, would provide an acceptable balance between the aspirations of home owners to modernise their property while still safeguarding the integrity and visual appearance of all but the least important of our historic buildings.

**NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/PM/IAL/KW  
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