

ITEM No. 5

Report No 518/97

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

6 MAY 1997

SUBJECT: REPLACEMENT WINDOWS - POLICY REVIEW

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: A report on replacement windows was placed before the Committee on 20 February 1997. The Committee endorsed the report as a basis for consultation with Historic Scotland, National Amenity Societies, the Police and window manufacturers. This report contains a summary of the consultation findings and consequent revisions to the Policy.

1 RECOMMENDATION

1.1 It is recommended that the Committee:-

- a) notes the results of the consultation process;
- b) approves the revised Replacement Window Policy as contained in Section 5 of this report;
- c) approves the enforcement procedure indicated in Section 6;
- d) agrees to the awarding of conservation grants for window repairs and installation of secondary glazing which ensures the retention of original windows in listed buildings; and
- e) approves the re-printing of Advice Note 9 to incorporate the policy revisions here agreed.

2 CONSULTATION WITH MANUFACTURERS

- 2.1 Consultation with the industry fell into two categories: traditional and modern. Visits were made to a number of manufacturers.
- 2.2 The purpose of consulting manufacturers of non-traditional windows was to raise the level of debate and to identify areas of common ground. The written responses from these firms indicate that they welcome the opportunity to comment. Subsequent meetings with the firms were amicable and proved helpful to all concerned, regardless of their stance.

- 2.3 In situations where appearance rather than historical authenticity is the issue, ie in unlisted buildings in Conservation Areas, at least one local manufacturer has developed a sliding sash and case window in PVC-U with some potential. Others claim to have the same technological capacity which may be confirmed in due course. As a cautionary note the cost of such windows is very high, but it is clear nonetheless, that the technology is available. There is little doubt that this is the result of concerted pressure from the conservation lobby and a vindication of planning policies.
- 2.4 Turning to traditional timber windows the problems, as stated in the previous report, focus on the change in appearance and detailing when multi-paned traditional windows are double glazed. In particular, the astragal section increases substantially. One Borders manufacturer has overcome this problem by using an ingenious (and confidential) method of glazing. Suffice to say that the technique results in a very slim astragal, even where the windows are multi-paned types. Subject to meeting the Council's quality specification for joinerywork, it is probable that the Director of Housing will recommend the installation of these windows in Council-owned historic buildings.
- 2.5 The technology is, therefore, available and there is scope for local manufacturers to follow suit. The product is not subject to patent restrictions.
- 2.6 Other companies also manufacture double glazed traditional timber windows, but their multi-paned windows are rarely acceptable in Listed Buildings due to the detailing of the astragal sections.
- 2.7 In summation, the main concern of the manufacturers is that policies towards window replacement will prejudice their products. Given the Planning Authority's responsibilities and duties in respect of Listed Buildings and Conservation Areas, this is inevitable to a point.
- 2.8 However, to a large extent the solution to this dilemma lies with the manufacturers and some have responded positively with a determined effort to improve their products. Furthermore the policies emerging are more flexible than those previously operated by Angus District Council and will therefore provide more scope for the use of a greater variety of window types, thus addressing the manufacturer's concerns. Ultimately the historic buildings with which we are concerned represent only a small proportion of the window replacement market.

3 HISTORIC SCOTLAND AND AMENITY SOCIETIES

- 3.1 The main points of concern can be summarised as follows:
- The disadvantages of PVC-U and aluminium, including aesthetics, the failure of seals and components, etc.
 - The dangers of relaxing the policy with specific reference to diminishing the quality of development control decision making, and the introduction of a hierarchical approach.

- The intrinsic value of older windows, original glass and fittings.
- The need to “preserve and enhance” Conservation Areas as required under section 262 of the Town and Country Planning (Scotland) Act 1972.
- The difficulties of double glazing multi-paned windows.

3.2 These concerns may be addressed in turn as follows:

- There are increasing environmental concerns over the manufacture and disposal of PVC in general, a claim which the industry has strongly refuted. At present these concerns are not material planning considerations so the Council could not refuse PVC-U windows on environmental grounds. Similarly, the lifespan of any particular window type, while open to debate, is not a material planning consideration. Moreover, the consultation process has revealed that the technology exists to manufacture very convincing replicas of sliding sash and case windows in PVC-U. In situations where the building is not listed, such windows may be acceptable.
- The policy review is underpinned by experience in over many years. That experience has revealed the need for a varied approach, particularly in Conservation Areas. Some of the larger Conservation Areas contain groups of buildings which are of little architectural or historic merit. Consequently, it is not appropriate to apply the same stringent approach to replacement windows in these buildings. With regard to Listed Buildings, however, the issue is architectural and historic interest, rather than simply public visibility. Nevertheless there is some limited scope for flexibility.
- The intrinsic merit of older windows in historic buildings has never been in question, and is the reason for now recommending grant assistance to encourage their retention.
- The need to “preserve and enhance” Conservation Areas as required by law, does not, in itself, translate as “timber sash and case windows only”. While there will be a strong presumption for using the latter in key parts of Conservation Areas, there is little justification for adopting this as a blanket policy, regardless of location. The approach taken must, therefore, be geared towards the appropriate policy response for different situations.
- One of the happy consequences of the consultation process has been the discovery of the ability to double glaze some multi-paned, traditional timber windows which should be useable in the majority of situations.

4 SECURITY

4.1 A meeting was held with Tayside Police’s Divisional Crime Prevention Officer. The discussion revealed that it is usually an easier exercise to retro-fit locking devices to timber windows than PVC-U windows, although more recent versions of the latter have addressed this problem. The security implications of single glazing were also discussed. Solutions include the application of security film and the installation of

strengthened or laminated glass. In extreme situations a polycarbonate-based sheet has proved successful. It is possible that this product may be suitable for high risk historic buildings where the ground floor windows are at risk, or where windows on the upper floors can be accessed from adjacent areas of roof and so on.

- 4.2 On a more general level, following research, the Building Research Establishment in East Kilbride has suggested that double glazed units are not necessarily more secure than single glazed windows (source: Building Materials Magazine, 10 March 1995).

5 RECOMMENDED POLICY

- 5.1 The starting point for any policy should be Central Government advice as contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas. The document is based on accepted, good practice and the advice contained therein has been consistently supported on appeal, with minor exceptions. Modifying influences include local circumstances, security, the views of the national amenity societies and the findings of the consultation exercise.
- 5.2 **Listed Buildings:** Buildings which are statutorily listed contain fabric that is of intrinsic, historic interest. That is to say, the materials from which they are made and the details they contain are important cultural and historical survivals. This cultural heritage, which includes hand-made windows, many of which are upwards of 150 years old, is irreplaceable. Wherever possible, any policy should be geared towards repair and upgrading.

Particular encouragement should be given to repairing existing traditional windows. In support of this the Council will grant-assist repairs, draughtproofing and secondary glazing.

- 5.3 Where replacement is necessary, where the original windows have been replaced or where the building is either partly or wholly windowless, the policy position shall be:-

New windows will need to exactly replicate the originals in terms of materials, configuration and method of opening.

HOWEVER double glazing will be generally acceptable as long as the proposed windows comply with the Council's written specification (particularly important with multi-paned windows as, at present, very few manufacturers produce an acceptable product).

EXCEPTED will be the very few nationally important Category A Listed Buildings (secondary glazing may still be possible).

FURTHER RELAXATIONS will apply to Category B and C Listed Buildings which have been much altered or are sited in isolated locations or in very mixed quality locations as follows:

- a) **Category B - while the method of opening and materials shall be the same as original, the replacement windows will merely be required to appear similar in general style and proportions; and**
- b) **Category C - replacement windows shall appear visually similar to the originals in general style, proportions, shadow lines, etc and be constructed of the same material but the method of opening can be sash and case or double pivot. Where in the opinion of the Planning Authority a Category C building has been so altered as to no longer warrant listing, alternative/modern materials will also be acceptable.**

- 5.4 **Unlisted buildings in Conservation Areas:** Here, the policy approach should recognise that the issue is appearance rather than historic authenticity.

An Article 4 Direction will be sought so as to apply the same controls over non-flatted residential properties as applies to flatted.

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 or UPVC construction. However, in the more important locations 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 double pivot windows will be acceptable.

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 acceptable.

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.

- 5.5 **Flatted properties outwith conservation areas:** In the interests of an unambiguous and consistent approach and one that concentrates scarce staff resources on protecting and enhancing the more vulnerable and important areas and buildings, the policy will be kept simple as follows:

Where there is any consistency of window style in the building owners will be required to install windows that visually recreate the proportions of the outgoing windows.

Where this is done and as long the size of the window openings remain unaltered and any solid mullions retained, no planning application will be sought for replacing windows in unlisted flatted properties outwith conservation areas.

6 ENFORCEMENT PROCEDURE

- 6.1 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. Accordingly it is recommended that:

No Listed Building that has had replacement windows installed contrary to the new/revised policies will be immune or exempt from enforcement action but the Council will concentrate such action on the most important buildings, the most unacceptable replacements or most visually prominent situations.

Action will not be pursued against replacements contrary to policy that were installed in non-listed buildings in Conservation Areas, prior to the adoption of the revised policy.

7 FINANCIAL IMPLICATIONS

- 7.1 It is anticipated that grant assistance for repairs, secondary glazing, etc (not previously allowed) can be accommodated within the existing Conservation budget.

8 CONSULTATION

- 8.1 The Chief Executive and the Directors of Finance, Housing, Legal Services, and Property Services have been consulted in the preparation of this report.

9 CONCLUSION

- 9.1 The consultation exercise has proved to be very worthwhile. A way ahead has been found in respect of double glazing in traditional windows, suitable PVC-U windows for unlisted buildings have been sourced and some common ground has been found.

- 9.2 All this has helped to confidently propose a number of relaxations to the current policies on window replacement which should help to balance the aspirations of property owners with the Council's duty to protect and enhance the most historic buildings and Conservation Areas of Angus.

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/MR

24 April 1997

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