

Babergh and Mid Suffolk District Councils

LOCAL LISTED BUILDING CONSENT ORDER

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Local Listed Building Consent Order) (Procedure) Regulations 2014

Consultation Draft:

Works to windows in Grade II Listed Buildings

Statement of Reasons

This Draft Statement of Reasons provides reasoned justification for making a Local Listed Building Consent Order ('LLBCO') relating to the replacement or upgrade of windows to improve energy efficiency in listed buildings. This Draft Statement therefore explains the rationale for proceeding with a LLBCO for the works to be consented and includes an assessment of the likely effect of the consented works on the special architectural or historic interest of the listed buildings to which the LLBCO would relate, alongside other relevant considerations.

Background

The Babergh and Mid Suffolk District Councils have declared a climate emergency and are committed to supporting Suffolk's ambition to achieve carbon neutrality by 2030. The respective districts are also characterised by their rich cultural heritage with a total of over 6,000 listed buildings. The sheer number of buildings involved inevitably makes them a factor in meeting this challenge. In order to make a meaningful reduction in emissions, significant intervention is required whilst following statutory duties to preserve heritage. It is hoped that a balance can be struck between those two very important goals.

LLBCO allow local planning authorities to make a pro-active and blanket grant of consent for listed buildings within a defined area. The consequence is that owners of those buildings would not have to make individual applications but would be able to proceed with the specified works, subject to any conditions that may be attached. The benefits of this include efficiencies in reducing the need to make formal applications, and avoiding the costs associated with such applications. Therefore, drafting a LLBCO in the interests of improving the efficiency of listed buildings would also encourage

more building owners to act proactively, rather than being deterred by the consent process.

The Councils are aware that LLBCO relating to window works have been adopted elsewhere. This has provided an opportunity to review, and where possible improve upon, initiatives that have already been found to be acceptable by those authorities (but recognising the need to consider the potential impacts of the proposed works afresh and at a local level). This has set the basis for the LLBCO that is now proposed, recognising that in respect of secondary glazing alone, substantial improvements to overall efficiency can be made through reducing heat loss (in some cases improvements in energy performance and noise reduction can exceed the use of double glazing).

A review of listed building consent applications granted over the last five years (2019-2024) has been helpful in identifying the utility of the proposed LLBCO.¹ Window works are a common application type and are nearly always granted unless new windows are proposed that would involve the loss of historic fabric; conditions are sometimes required to clarify points of detail, however. In respect of secondary glazing in particular, there have been seven applications made that included such works and all were approved. Each consented application will have yielded significant environmental gains in meeting low carbon objectives but will have taken many weeks to determine with additional costs to the owner in the preparation of the application and to the Councils in determining them (at a financial loss where no application fee is payable).

Whilst the number of identified applications is relatively low as a proportion of the overall number of listed building consent applications received by the Councils, this does not diminish the significance of the public and private benefits to be derived. The Councils also have good reason to consider that uptake is likely to increase through the promotion of the LLBCO and other low-carbon initiatives, combined with a generally improving public awareness of the need to make positive sustainable changes at home. The Councils have also previously undertaken a public consultation exercise regarding the prospective use of LLBCO (and related Local Development Orders); the responses received were overwhelmingly positive, in principle.²

Assessment of Impact

Section 26F of the *Planning (Listed Buildings and Conservation Areas) Act 1990* ('listed buildings Act') provides that, in considering whether to make a LLBCO, the local planning authority must have special regard to the desirability of preserving listed

¹ Searching listed building applications relating to "secondary glazing" and "replacement windows".

² 88% of the 242 respondents who replied agreed with the principle of introducing such tools.

buildings of a description to which the order applies, their setting or any features of special architectural or historic interest which they possess.

In drafting the LLBCO the Councils have considered the significance of the prevailing building typologies, of which there are many, within the area. Windows are normally an integral and important part of the original design and construction of historic buildings, forming a distinctive element of their architecture and thus significance. Windows can also reveal developments in style over time and technological advances such as the increasingly industrialised production of glass. They can comprise important historic fabric in their own right, providing evidence of historic skills and the use of materials of greater quality than that available today. For those reasons, the architectural and historic interest of surviving historic windows is almost inevitably positive and therefore they should be retained and repaired wherever possible. This is considered to be the case across the building typologies and uses encountered within the districts.

The proposed LLBCO would allow the installation of secondary glazing to historic windows, and the installation of double glazing or energy efficient glass to windows which have previously been consented and introduced after listing, or which are already installed within a consented modern/post-listing extension. Such works are conditionally consented across three Classes – A, B, and C. The Councils have considered the nature of the works to be carried out under those Classes and the likely effects. In drafting the LLBCO, the Councils have sought to identify circumstances where they might support the positive efficiency benefits that are capable of being secured whilst also ensuring that the relevant works can be done without causing harm.

In relation to Class A, secondary glazing is an independent window system which can be installed to the interior of existing windows, normally within a window reveal and using simple, reversible fixings, while the existing windows remain in position and do not require any alterations as a result. It can take a number of forms and is normally openable or removable for ventilation and cleaning. If carefully designed to relate to the design of the primary windows, the secondary glazing units will be hard to see from the outside. The LLBCO therefore consents the installation of secondary glazing subject to conditions to ensure that it will be appropriately designed and fixed and that no alterations to the existing windows or their surrounding fabric are made as part of their installation. It is recognised that not all secondary framing elements need be timber, and there are various examples of other materials such as metal ‘Crittall’ styles being employed within the District, so provision is made to ensure that any painted or coated finish shall match the windows and their surrounds. A condition is also added, following Historic England technical advice, preventing the installation of draft proofing of the windows in addition to secondary glazing, to avoid the build-up of harmful moisture in the gap between the two; ventilation should be incorporated to reduce the risk of condensation and resulting decay.

Classes B and C will necessarily relate to windows or parts of a listed building introduced after listing i.e., not relating to historic fabric. It is therefore possible to consent works that might otherwise be objectionable if relating to surviving historic windows. Double glazing requires greater intervention, including the removal of historic windows and frames, and would not normally be acceptable if historic windows survive and can be repaired or refurbished. However, modern or replacement windows may have previously been legitimately installed in a listed building³, perhaps due to the decay of original windows or their replacement prior to the date of listing, and it is considered that it would not be harmful to the special interest of a listed building if these in turn are replaced in their entirety with new double-glazed windows or sealed double glazed units of a slim design inserted in the existing frame and in accordance with the previously consented or existing appearance. Vacuum glazing units, slimmer still, are also capable of insertion in existing frames in such windows with no harm to the special interest of the building as whole. The advent of slim double-glazing units also means that there is now likely to be a very limited change in appearance over single glazing. Replacement of non-historic windows, including with double glazed windows or units is now regularly granted consent (and review of consents granted by the Councils confirms this).

Integral glazing bars are required by condition, as it is considered that applied glazing bars can have a non-traditional and inauthentic appearance which would be at odds with the architectural special interest of a listed building. As they have the potential to create a cold bridge, they should normally contain appropriate insulation to combat this.

Clear glass has a greenish tint when viewed obliquely due to the presence of iron, as opposed to low-iron glass where this is unnoticeable. In most cases of domestic windows, the thickness of the glass means that this effect will not be unduly pronounced. Conditions are intended to prevent the use of darker, deliberately tinted glass, which may have an alien appearance in a traditional building.

Any integrated draught proofing contained within replacement windows is also covered by the LLBCO. The installation of new draft-proofing strips where existing modern windows are to be reglazed is considered not to affect the special interest of the listed building and may also be carried out in conjunction with these changes.

Therefore, in order to protect historic fabric, the LLBCO is drafted in such a way that later, replacement windows in the listed building or new windows in an extension to it (in either case added after it was listed), may be replaced outright or reglazed. The LLBCO applies only to such windows; any replacement of original or historical windows must remain the subject of full consideration under the process of a listed

³ The LLBCO would conditionally ensure that only previously consented windows are applicable.

building consent application. Where new windows have been installed with the benefit of listed building consent their design will normally have been agreed because it respects the design of the listed building, and so if this design and appearance is replicated in the replacements then special interest will be preserved. Classes B and C of the Order are conditioned to ensure appropriate design and to prevent the inadvertent removal of original cills or any elements of window surrounds.

At this time, it has been determined that Grade II* and Grade I buildings should be excluded from the LLBCO. This is in recognition of their more than special or exceptional levels of interest. As such, the usual listed building consenting process is considered to be the more appropriate means to ensure that their special interest is preserved. Likewise, ecclesiastical buildings are excluded recognising that they are subject to their own consenting process.

To ensure that no historic fabric is lost, technical and installation detail is annexed to the Order. This will give owners more clarity about what works can be undertaken, including model examples, and would prevent inadvertent breaches of the LLBCO and harm occurring to any listed building. A basic illustrated glossary relating to the different parts of each relevant window type is also included. This will give further clarity for owners.

Overall, the Councils consider that the proposed consented window works, subject to the conditions specified, would have no adverse effect upon the significance of the listed buildings affected by the LLBCO. At the same time and notwithstanding a clear private benefit to the owner of the building, there would be an important public benefit through contribution to the important environmental objective of moving to a low-carbon economy. The LLBCO is therefore considered to be in compliance with the duty of S16 of the listed buildings Act.

Management and Monitoring

The Council will review the operation of the LLBCO on an ongoing basis with a report prepared annually from the date of adoption. Based on the notifications received (prescribed in the LLBCO), the annual review will consider the number of instances of the works (by relevant Class) being carried out alongside an assessment of the effects of those works upon the listed building in question. If at any time it is considered that the LLBCO has been ineffective in facilitating the consented works, or is giving rise to unexpected and unacceptable outcomes, it will be varied or revoked. If at the end of the term of the LLBCO it is considered that it has been operating effectively and without giving rise to undue harm, it will be renewed, and a longer term considered.

The Council is content that the LLBCO is capable of being managed effectively if applied across the administrative area of the District and is confident that it has

sufficient resource available across its joint Heritage and Enforcement services to monitor outcomes. The Order is proposed to run for a limited period of 3 years and will be subject to further review at the end of that period.

Planning permission would not be required for the consented works. This is because the Class A works would affect only the interior of the building, and the Class B and C works are conditioned to ensure that the works would not materially affect the external appearance of the building.

Justification and Conclusion

The proposed LLBCO has been prepared to make it faster and easier for residents to improve the thermal efficiency of windows in their properties, and to signal the Councils' ongoing commitment to meeting their net zero ambitions.

The proposed consented works have been designed to ensure that the architectural and historic special interest of listed buildings is conserved through minimal intervention to, and no removal of, historic fabric, and no adverse effect upon their external appearance.

For the above reasons, the creation of a LLBCO as drafted is considered to be reasonable and justified where it would support homeowners in making important efficiency improvements to their buildings, without the burden or possible deterrent of additional costs and delays. Such works can be undertaken in a sustainable manner.