

## REPAIR or REPLACE

*Julian Davies takes a closer look at the complexities of window replacement projects in listed buildings*



Windows are some of the most prominent, public-facing features of any building, from period properties to modern office blocks.

How they look often determines the look of the whole building, as well as its functionality - which means any changes have to be carefully considered. This is particularly true in blocks of flats, where differences of opinion between the various leaseholders, or between leaseholders and the landlord, can cause problems.

On top of the practical issues of deciding what alterations are necessary, how they should be carried out and what materials should be used - frames as well as the glass itself - legal issues often arise, making the process far more complicated than it might first appear.

And if it might seem like you need a degree in 'window studies' to manage a window replacement project in an ordinary block of flats, when it comes to listed buildings, things get even more complicated. This is because before work can begin, it is necessary to obtain listed building consent from the local planning department to ensure the special interests of the building as a heritage asset are taken into consideration.

Fortunately though, it is not necessary to advance to a PhD in window studies - instead, you can bring in an expert in the shape of a chartered surveyor, who can take responsibility for the whole process.

### Alterations: what and why?

Attractive, environmentally-friendly, efficient windows generate huge benefits for any property. They can improve a building's value, its appearance and its warmth. However, like almost every part of any property, windows have a lifespan and need to be maintained - and the majority of costs and headaches associated with window-related projects have to do with the frames. But replacing frames can also make all the difference to a building's appearance and functionality. A 1960s tower block, for instance, with relatively harsh lines and a concrete exterior, can be re-invigorated



Could existing windows be repaired?

by the introduction of new windows that enhance the look of the whole building.

For an older property, replacement windows can have considerable practical benefits too, allowing reversible cleaning for example, or substantially improving heat retention leading to energy cost savings. However, if the building is listed, planning and listed building controls will dictate the design for the replacement windows and will regularly prohibit replacement.

In any case, before undertaking to replace windows, it is always worth considering whether existing windows can be repaired instead - especially in listed buildings. Often when people see areas of rot in a window frame, they jump to the conclusion that the window must be replaced. Often, the older windows which are manufactured from high quality materials are replaced with poorer quality modern units, which is to the detriment of the building.

In fact, the latest guidance from English Heritage, titled *Traditional Windows: their care, repair and upgrading*, is not to replace windows in listed buildings at all, but to repair existing windows. This is sound advice: repairs to existing windows are always preferable in the interest of maintaining a building's character and - most important - avoiding the loss of historic fabric.

Many people do not appreciate that older windows can often be repaired. For example, wooden sash windows are designed to be taken apart if necessary, so that any damaged sections can be replaced. In the case of listed buildings, permission for repairs may still be required from the planning department, but obviously this is more likely to be granted for less dramatic alterations than for wholesale replacement.

The effect of the latest English Heritage guidance, however, is that local planning authorities may require robust evidence that



Windows in listed buildings before and after (below) repair

the existing windows are beyond practical (not just economic) repair. In the next issue of *Flat Living*, we will provide further advice on the repair strategy for historic windows.

### Practical complications of replacement

There is a huge upside to getting the strategy for window replacements right. But the process of changing, replacing and maintaining them is fraught with issues. For a start it is important to grasp the differences between the four standard types of frame, as each has a significant effect in terms of look, cost and ongoing maintenance.

**Timber:** The oldest and often the most visually appealing material. However the downside is that it requires regular maintenance, including a repaint typically every six years. Timber deteriorates over time, but an area of rot isn't terminal and incremental repair is sometimes an option. Timber windows will often be a feature of

listed buildings, and one the planning department will want to protect.

**Steel:** The most expensive and robust, steel frames are designed to last for more than 50 years and often come with a polyester coating that lasts for 25 years and the up-front cost can be offset by a minimal maintenance regime. Steel windows are often seen in listed buildings, particularly the common Crittall windows, in use since the 1930s.

**Aluminium:** Mid-range in cost terms, aluminium looks like steel; so much so that it is often used to replicate it to keep budgets down. It is cheaper to maintain than timber, but requires more ongoing work than steel.

**Plastic PVCu:** Appealing for its being by far the cheapest option but the considerable downside is that it can look cheap is thick in profile, has a short lifespan and negative environmental impact. For this reason, PVC windows will be seldom seen in listed buildings.

In general, it is always advisable to make a like-for-like replacement of types of window frame. In listed buildings, this will typically be required by the planning department anyway, particularly in the case of timber frames. However, steel frames can be potentially replaced by aluminium.

Ultimately, in any building, the choice of windows and the schedule for replacement and maintenance involves a choice between short-term gain and long-term pain. There will always be a temptation for those responsible to plump for the lowest outlay on hardware. But in almost every case, this will create serious maintenance costs in the future. For example, a PVCu frame may be many thousands of pounds less than steel up front; but it will require ongoing work and replacement in the relatively near future. Steel windows, on the other hand, require a larger up-front installation cost, but the design life is longer (circa 60 years) reducing the ongoing maintenance and replacement costs.

Scaffolding is another major factor here. Irrespective of the type of window, erecting scaffolding around a large apartment block can incur significant expenditure. If painting is required every few years, that's a huge extra investment. If, on the other hand, none is required, it may even be possible to extend the time between maintenance cycles on the rest of the property, saving yet more money in the process. This is a particular issue to be considered when deciding on the finish of the new windows. For example, modern steel and aluminium replacement windows have a factory or Polyester Powder Coating (PPC) that does not require regular painting. Timber windows can also come with a factory finish that will not need painting for some years.

**Stained glass windows:** These constitute a separate category all of their own. Planning departments will almost certainly want to preserve stained glass in listed buildings, even



# Features ALTERATIONS TO WINDOWS IN LISTED BUILDINGS

if other substantial alterations are permitted. For example, when former churches are converted, planning departments and developers alike will usually want to maintain the character of the building by retaining stained glass windows. If they have to be removed during the course of other alterations and then replaced, this is a substantial and specialist job.

## Legal complications

In the context of residential blocks, the key legal question is who is responsible for maintenance and replacement of the windows themselves. There are commonly two possibilities:

### ■ The landlord is responsible

In this case, the landlord (either a private landlord, RTM or freehold management company) may instigate a window replacement project if there are compelling economic grounds to do so. When windows are beyond repair, it is the landlord's responsibility to implement the design and installation of the new/replacement windows.

In some cases (although rarely for listed buildings), the planning authority may prohibit partial window replacement works unless a like for like replacement is used. This will influence the choice of replacement window system and in some cases require a landlord to replace all windows at the same time, even if only a proportion of the windows are beyond repair and require replacement. The planning authority may therefore have a significant influence on the timing and extent of the window replacement works.

In the case of listed buildings, if a landlord intends to replace all windows at the same time, they will be required to demonstrate the compelling grounds to do so. It is not likely that the planning authority will permit the replacement of historic windows on merely economic grounds, such as economies of scale, reducing ongoing maintenance and scaffolding costs. Instead, it will require evidence that the windows cannot be repaired.

### ■ The leaseholder is responsible

In this case, the landlord may not be able to instigate a window replacement project, but individual leaseholders can replace their own windows. Leaseholders can do so at different times as long as they conform to the window policy for the building. In this case, the landlord may need to issue a Licence to Alter, as the new windows would constitute external alterations that are often prohibited under a lease without landlord's consent. In this scenario, the landlord may also prepare and circulate a *Window Replacement Policy* - a document that sets out the technical requirements that the leaseholder will need to comply with when implementing individual replacement works (for example design style, use of scaffolding, security, preferred window



installers, making good external brickwork). In some cases, the landlord may assist with implementing a larger window replacement project with the collective of leaseholders that intend on replacing their windows, perhaps during a cycle of external major works (for which the landlord would usually remain responsible).

In a typical building, 70% of leaseholders may request change and 60% of them may agree on the preferred outcome. One leaseholder who doesn't agree to change their windows can ensure that the building will have at least one window that looks out of sync with the rest. It is also possible that leaseholders will insist on work being carried out by their own contractors over different periods of time.

Again, in the case of listed buildings, difficulties can occur where the planning authority will only permit the replacement of windows that are beyond repair. In this scenario, the responsibility for preparing and submitting an application may be best placed on the leaseholder undertaking the works - the landlord can rest safe in the knowledge that the planning authority will control the design and quality of the work. It is unlikely that planning/listed building consent will be provided for partial window replacement works, particularly where the new/replacement windows will differ in appearance.

In some cases it is unclear where ownership of the windows lies and legal interpretation is required. Things are complicated further by the fact that the landlord is responsible for

scaffolding and windows in communal areas even when the leaseholder has responsibility for the windows themselves.

Some serious issues can result even when the landlord remains in complete control. For example, we have worked on one case in central London, where two identical neighbouring buildings, built as a pair, were owned by different landlords, each with conflicting views on the type of windows they should choose!

## Statutory controls

Window replacement works are covered by various statutory controls.

### ■ Listed building consent

In the case of listed buildings, whoever has responsibility for windows will also need listed building consent from the local authority's planning department before making any changes that will affect the special interest of the building in question. This is in addition to the planning permission itself and conservation area consent, if required for the proposed work.

Applications for listed building consent or conservation area and planning consent should be made and considered together, since the same heritage conservation considerations will apply. The government's policy for the historic environment on deciding all such consent and permissions is set out in the National Planning Policy Framework (NPPF). The framework does not distinguish between the type of application being made and it is

the significance of the heritage asset and the impact the proposals will have that will determine the application.

The planning department can provide advice before and during the application process, so the best strategy is to consult them early to avoid any unpleasant surprises. The planning department may require an applicant to provide drawings and samples of proposed materials. These are all additional costs to be taken into consideration. And whoever has responsibility for the windows, the planning department also has the final say on whether all the windows in a particular building must be replaced, or whether some can be replaced and others left as they are.

## FENSA

FENSA is the government authorised Competent Persons Scheme for the replacement of windows, doors and roof lights in England and Wales. While replacement windows are covered by the Building Regulations, if the installer of the new windows is FENSA-certified, a FENSA Certificate can be provided to demonstrate compliance with the Building Regulation requirements.

## The Construction (Design and Management) Regulations 2007

A window replacement project will be covered by the Construction (Design and Management) Regulations 2007 (soon to be updated), which will influence the design of the windows to improve health and safety. For example, modern windows should be reversible to facilitate cleaning safely. Dependent on the scale of the window replacement project, the works may be notifiable to the Health and Safety Executive.

## Landlord and Tenant Act

A window replacement project carried out by a landlord, under a major works project, will require statutory consultation under Section 20 of the Landlord and Tenant Act 1985.

## Further considerations

Once negotiations are completed, there are still issues to handle. Replacing windows will create other issues inside and outside the building. Inevitably, there will be damage caused to walls and decorations within each apartment. Frustratingly, its effect will differ from flat to flat, particularly when one leaseholder may have much more expensive interiors; gold leaf wallpaper is much harder to make good than a wall painted in white Dulux!

Any damage and repairs to internal finishes may need to form part of the application for listed building consent, such as where damage to internal finishes will occur. This is likely to affect buildings that have Grade I and II\* listed status.

In some cases the window contractor will take responsibility for the internal finish. In others the landlord will arrange for a separate

contractor to go through every flat to re-plaster and decorate once the work is completed. Either way, this will need to be agreed in advance with strict budgeting and timetabling.

Clearly these issues will be particularly important in the case of listed buildings, and the planning department will want to see evidence that they have been fully considered.

## Conclusion

In short, a windows replacement project is far from straightforward. And as with almost every other element of building maintenance and major works, it will benefit from detailed planning and objective decision making, especially in the case of listed buildings. This is where a chartered surveyor comes in.

A window cleaner ensures transparent glass. A

good surveyor ensures a transparent project. They will take into account the requirements of landlords, leaseholders, contractors, planning and CDM, or Construction (Design and Management) Regulations. They can also calculate a lifecycle cost for the project, balancing initial prices with long-term maintenance, along with secondary considerations including the effect of the project on the rest of the property.

The key to a successful project is the avoidance of surprises, the management of expectations and the integration of everyone's requirements. The negotiations, planning, work and finishing required will take at least six months even when replacing windows in buildings that are not listed. In some cases, the process can take years. So it is vital to make the right decisions, and to clarify the legal and planning aspects from the very start. ●

### About listed buildings

Listing marks a building's special architectural and historic interest, with the aim of protecting it for posterity. This does not mean the owner is not allowed to do anything to the building at all, or even to demolish it, but that it is brought under the remit of the planning system so that any proposed alterations are considered in the context of its special interest. The older a building is, the more likely it is to be listed. All properties built before 1700 are listed unless they have already been changed beyond recognition, and most built between 1700 and 1840 are also listed. Buildings of the period after the Second World War require special consideration, but buildings that are less than 30 years old are very rarely listed. In England there are approximately 374,081 listed building entries.

### Categories of listed buildings as defined by English Heritage

- Grade I buildings are of exceptional interest, sometimes considered to be internationally important; only 2.5% of listed buildings are Grade 1.
- Grade II\* buildings are particularly important buildings of more than special interest; 5.5% of listed buildings are Grade II\*.
- Grade II buildings are nationally important and of special interest; 92% of all listed buildings are in this class and it is the most likely grade of listing for a home owner.

Listed status covers a whole building, inside and out. Naturally, Grade I buildings are the most carefully protected, while permission is most likely to be granted for heritage-sensitive alterations to Grade II buildings. The first step is for the owner to apply for listed building consent.

### Obtaining listed building consent

Listed building consent is administered by local authorities through their planning departments and these should always be the first port of call. In the first instance, they will confirm whether consent is indeed required for the proposed work. If so, they will indicate what might be acceptable or how the proposals could be adapted to make them more likely to succeed. Common works requiring consent might include knocking down internal walls, painting over brickwork or altering fireplaces and, of course, the replacement of windows or doors.

Once an application has been submitted, in the case of relatively small-scale projects, the planning department should be able to come to a decision to within eight weeks, but major proposals can take up to 13 weeks (and of course, any complications can make the process much longer). This includes a statutory 21 day consultation period during which neighbours and other stakeholders are consulted. In particularly important or complicated cases, the planning department will contact English Heritage for advice. If consent is refused the applicant has six months in which to appeal to the Secretary of State for Communities and Local Government, or they can amend their plans, based on the written advice provided, and re-apply.

Carrying out unauthorised works to a listed building is a criminal offence and individuals can be prosecuted. A planning authority can also insist that all work carried out without consent is reversed. Moreover, an owner will have a great deal of trouble selling a property which has not been granted listed building consent for work undertaken. ●

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