

**LISTED BUILDING CONSENT ORDER FOR WINDOW WORKS
GRADE II LISTED BUILDINGS IN THE ROYAL BOROUGH OF
KENSINGTON AND CHELSEA**

This Local Listed Building Consent Order is made under the provisions as set out in the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014 and Sections 26D - G and 28A and Schedule 2A of the Planning (Listed Buildings and Conservation Areas) Act 1990

1. Introductory

**THE LOCAL LISTED BUILDING CONSENT ORDER is made on the
18th day of May 2023**

2. The listed buildings covered by the order: -

- i) For works in Classes A – C: Any listed building within the area of the Royal Borough of Kensington and Chelsea, excluding any building identified in Schedule 1 of this Order.

3. Description of the consented works

3.1 The consented works are as follows: -

- A. Application of internal secondary glazing to windows, subject to the conditions set out in Conditions A below.
- B. Replacement of an existing window, fanlight, glazed or part-glazed external door in an extension to a listed building which was constructed after the date of listing and with the benefit of listed building consent with a double-glazed window or door or replacement of a single-glazed pane of glass with an insulated glass unit or vacuum glazing unit, subject to the conditions set out in Conditions B below;
- C. Replacement of existing window, fanlight, glazed or part-glazed external door where the window or door was installed in a listed building after the date of listing and with the benefit of listed building consent with a double-glazed window or door, or replacement of single glazed panes with insulated glass units or vacuum glazing units, subject to the conditions set out in Conditions C below;

3.2 Consent is granted subject to the following conditions: -

Conditions for Class A:

- i) The secondary glazing is to be designed so far as practicable to minimise its visibility from the exterior of the building;
- ii) No parts of the existing window construction, including frames, cills, sub cills, jambs, aprons, casings, shutters or shutter boxes, ironmongery or other window furniture are to be altered or removed and frames and shutter boxes shall not be cut to accommodate the secondary glazing unless agreed otherwise in writing by the local planning authority;
- iii) Timber framing elements of the secondary glazing system shall have a painted finish and metal elements a painted or colour coated finish.
- iv) No additional draft proofing measures are to be installed to the existing window, and ventilation measures should be incorporated in the secondary glazing as necessary to avoid the build-up of condensation in the air space between the two;
- v) The glass is not to be tinted.
- vi) UPVC is not to be used.
- vii) The Council is to be notified in writing when works consented by Class A have been implemented.

Conditions for Class B:

- i) New windows are to be in timber, with a hand-painted finish to match the consented colour of the existing windows, unless agreed otherwise in writing by the local planning authority;
- ii) The detailed design of new windows, including profile of glazing bars and the glazing pattern, are to replicate the existing window to be replaced, unless agreed otherwise in writing by the local planning authority;
- iii) Glazing bars are to be integral to the window construction, and not applied;
- iv) There shall be no changes to the size of window openings and no alteration or removal of existing features surrounding the windows including cills, sub cills, jambs, aprons, casings, shutters or shutter boxes unless agreed otherwise in writing by the local planning authority;
- v) The double glazing or insulated glass units are to be no greater than 20mm in thickness;
- vi) The spacer bar in double glazed windows or insulated glass units is to be coloured to match the paint colour of the windows;
- vii) The glass is not to be tinted.
- viii) The Council is to be notified in writing within 28 days of the completion of works consented by Class B..

Conditions for Class C:

- i) New windows are to be in timber, with a hand-painted finish to match the consented colour of the existing windows, unless agreed otherwise in writing by the local planning authority;
- ii) The detailed design of new windows, including profile of glazing bars and the glazing pattern, are to replicate the existing window to be replaced, unless agreed otherwise in writing by the local planning authority;
- iii) Glazing bars are to be integral to the window construction, and not applied;
- iv) There shall be no changes to the size of window openings and no alteration or removal of existing features surrounding the window including cills, sub cills, jambs, aprons, casings, shutters or shutter boxes unless agreed otherwise in writing by the local planning authority;
- v) The double glazing or insulated glass units are to be no greater than 20mm in thickness;
- vi) The spacer bar in double glazed windows or insulated glass units is to be coloured to match the paint colour of the windows;
- vii) The glass is not to be tinted.
- viii) The Council is to be notified in writing within 28 days of the completion of works consented by Class C.

Reasons: *In order to safeguard the special architectural or historic interest of the listed building.*

4. Statement of Reasons for the Consent Order

- 4.1 The Council wishes to encourage greater take up of energy saving measures within the borough without the disincentive of the listed building consent process to discourage their installation. We are nonetheless aware of the need to balance this with our statutory duty to preserve the special architectural and historic interest of our listed buildings.
- 4.2 Buildings are listed for their special architectural and historic interest, and listed building consent is required for works which affect this special interest. The law requires that in drawing up the Order the Council has special regard to the desirability of preserving listed buildings 'of a description to which the Order applies'¹, their setting or any features of special architectural or historic interest which they possess. Accordingly, we have reviewed the significance of buildings which conform to the prevailing types within the Borough as well as the exceptions to these. This has been conducted through review of list descriptions, our own assessments of significance, and through consulting other written sources. We have also reviewed our own planning records in respect of the kind of works which are commonly applied for in our listed buildings, and the considerations brought to bear in determining whether or not

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 2, Part 1, para 26F.

they should be consented.

- 4.3 Many of the borough's listed buildings comprise terraces of townhouses, where the special interest resides in their architectural composition as a whole and their contribution to the planned development of the area. Nonetheless other aspects, including features of the individual buildings within the terraces, may also be of interest, including internal plan form, the hierarchy of spaces and internal circulation patterns, and surviving original features, important among which are windows.
- 4.4 Windows are normally an integral and important part of the original design and construction of historic buildings, forming a distinctive element of their architecture. As well as contributing to the architectural composition of the building itself, they may also contribute to that of any related group or terrace within which it sits. Additionally, windows also reveal developments in style over time and technological advances such as the increasingly industrialised production of glass.
- 4.5 Windows also often 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. In RBKC sliding timber sashes, a quintessentially English invention, are present in many of our nineteenth century and earlier buildings and form an important part of their architecture and of the character of our historic areas, although other window types are important in buildings of different eras or styles.
- 4.6 As a consequence of these factors the contribution to architectural and historic interest of surviving historic windows is almost inevitably positive. Therefore, when looking at changes to listed buildings, the Council will normally seek, in line with our legal duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, to ensure that surviving original or historic windows are retained and repaired wherever possible.
- 4.7 However, windows are elements of a building which are relatively easily replaced or altered, and so historical windows are vulnerable to loss or harm, whether inadvertent or deliberate, with consequent harm to the special interest of the listed buildings in which they are sited. As the pressure for increasing energy efficiency becomes still more pressing over time, and as residents seek to secure such improvements to their properties, the Council believes that we should be proactive in facing these competing priorities head on. We have therefore considered the likely effects of window works to secure greater thermal efficiency in listed buildings within the borough and have sought to identify circumstances in which this may be done with minimal or no harm to

the special interest overall, including through avoiding the removal of sensitive historic fabric. The Order has been drafted accordingly.

5. Justification for Making the Order

- 5.1 Secondary glazing has been identified as an appropriate method of securing energy efficiency with minimal effects on special interest provided it is appropriately designed and simply fixed. 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. Advice published by Historic England confirms that fitting secondary glazing may achieve improvements in energy performance and noise reduction comparable to or even exceeding that of double glazing². If carefully designed to relate to the design of the primary windows, say, by omitting or aligning secondary glazing units will be hard to see from the outside.
- 5.2 We have received modest numbers of applications for the installation or replacement of secondary glazing within listed buildings, and these are normally granted consent³. Conditions are sometimes required to clarify points of detail.
- 5.3 The Order 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. 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. As the intervention in the listed building and its effects on special interest will be minimal, it is considered appropriate to consent secondary glazing in the Order in all Grade II listed buildings in the borough. Compliance with condition A i) is likely to be achieved through the use of few or no glazing bars in the secondary windows, or, where they are needed, positioning them so that they are screened by those of the primary windows when viewed from the exterior.
- 5.4 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 building, 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

²Energy Efficiency and Historic Buildings Secondary Glazing for Windows, v1.1, Historic England 2016

³ See Appendix 2 – ‘Casework Statistics’.

double-glazed windows or sealed double glazed units of a slim design inserted in the existing frame. 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. While previously the Council has been reluctant to grant consent for double glazed replacement windows on listed buildings, even where it would not entail the loss of original windows, the advent of slim double-glazing units means 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. Figures for replacement windows in listed building are set out in Appendix 2.

- 5.5 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.
- 5.6 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 B vii) and C vii) are intended to prevent the use of darker, deliberately tinted glass, which may have an alien appearance in a traditional building.
- 5.7 Any integrated draught proofing contained within replacement windows is covered by the Order. The installation of new draft-proofing strips where existing windows are to be reglazed is considered not to affect the special interest of the listed building in most circumstance and may also be carried out in conjunction with these changes.
- 5.8 Therefore, in order to protect historic fabric, the Order is made 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 Order 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 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 is replicated in the replacements then special interest will be preserved. If there are circumstances where an improved design can be identified this would be welcomed, and the Order gives the flexibility for this to be achieved. 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.

- 5.9 It is for the decision maker, the Council, to assess the degree of any harm on the basis of fact and planning judgement. For the reasons set out above in relation to the special interest of buildings within the Borough and the nature of the works, the Council considers that the consented window works set out above, subject to the conditions set out above, would have very limited, if any, effects on the special architectural and historic interest of any listed building to which the Order applies. The Order is therefore in compliance with the requirement of S. 16 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 for the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. For the same reasons it also follows the requirements of paragraphs 197 and 199 of the National Planning Policy Framework (NPPF) in respect of the need to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the need to give great weight to the conservation of designated heritage assets.
- 5.10 Where harm is identified, it is highly likely to be less than substantial in degree. Any harm which might be considered to arise from works carried out under the Order would, following the requirements of paragraph 202 of the National Planning Policy Framework, be weighed against any public benefits arising from the works. As with the identification of harm, it is for the Council as decision maker to identify and assess any public benefits. While there would be a clear private benefit to the owner of the building, the Council also considers that a public benefit is to be identified in improving energy efficiency both for the individual building and adding to the total reduction in carbon emissions collectively, thereby contributing to the achievement of important energy saving targets set locally and reflecting national or even global imperatives. This benefit is considered by the Council likely to balance or in some circumstances outweigh the harm.

6. Purpose of the order

- 6.1 The Council has, in recognition of the Climate Emergency, set out its ambition for the Borough to be carbon neutral by 2040, ten years ahead of the government target. The Council will continue to support and work with businesses, residents, and local organisations to cut emissions to meet this ambitious target. The Borough is characterised by a rich historic environment with over 3,800 listed buildings, and so in order to make meaningful reductions in emissions, these must form part of this equation. Changes in building techniques over the years mean that many of the sustainability measures that are commonly recommended for modern or new buildings are not suitable for

historic properties and might harm what is special about them. Nonetheless, with careful design the twin objectives of protecting significance and improving energy performance/reducing carbon emissions can be met.

6.2 This Local Listed Building Consent Order has therefore been prepared to make it faster and easier for residents to improve the thermal efficiency of windows in their properties, and to signal the Council's commitment to roll out of renewable energy and carbon saving measures where appropriate in our historic buildings and areas.

6.3 The works set out in this order have been carefully designed to ensure that the architectural and historic special interest of listed buildings is protected through ensuring that there is minimal intervention in, and no removal of, historic fabric, and limited effects on the appearance of listed buildings. For that reason, it is considered that an appropriate balance has been achieved between a more streamlined approach to these works and fulfilment of the Council's legal duties to preserve special interest.

7. Term of order

7.1 Dates from 18 May 2023 and to 17 May 2028 (a period of no more than 5 years from the starting date of the Order).

8. Other particulars:

8.1 Operation of the Order

- i) The Order has been made in accordance with the requirements of the Planning (Local Listed Building Consent Orders) (Procedure) Regulations 2014, including a public consultation of at least 28 days, and consultation with Historic England of at least 28 days. Representations received in response to these consultations have been considered in drawing up the final version of the Order.
- ii) The Council will review the operation of the Order on an annual basis both quantitatively, in terms of the instances where window works have been carried out under its provisions, and qualitatively, in terms of the effects on the listed buildings affected. If at any time during the life of the Order it is considered that it is either ineffective in facilitating the implementation of the consented works or is giving rise to unexpected and unacceptable harm to listed buildings to which it applies, it will be varied or revoked.
- iii) If the Council revokes this Order at any point prior to the end date given above, any works authorised by the Order which have been started but not

completed may be completed within six months of the date of revocation. Works which have been started but not completed at the end date given above may also be completed within six months of that date. However, once the Order expires or is revoked, any works previously covered by the Order which have not been started, will no longer benefit from the consent granted through the Order.

- iv) If at the end of the term of the Order it is considered that it is operating effectively and does not give rise to undue harm, it will be renewed, and a longer term considered.
- v) As an Order confers listed building consent for specified works, a breach of the Order by carrying out works not authorised by the Order may lead to enforcement action.

THE COMMON SEAL of the **MAYOR AND BURGESSES OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA** was hereunto affixed in the presence of:-



Sealed By: Kensington and Chelsea Council
Sealed Time: 18 May 2023 | 12:47 BST

A handwritten signature in black ink, appearing to be 'JAD'.

Principal Solicitor

86/66650/2324

9. Supplementary information

Schedule 1: Buildings excluded from the Order: -

- a) All Grade I and Grade II* Buildings
- b) All buildings currently in use for ecclesiastical purposes.

Reasons for the exclusion of certain buildings from the Order

- i) Grade I listed buildings are excluded from the Order as they are of exceptional special interest, and listed building consent for works to windows and glazing in such buildings is considered to be the more appropriate means to ensure that their special interest is preserved.
- ii) Grade II* listed buildings are excluded from the Order. These are buildings of more than special interest and listed building consent for works to windows and glazing in such buildings is considered to be the more appropriate means to ensure that their special interest is preserved.
- iii) Ecclesiastical buildings currently in use for ecclesiastical purposes are also excluded, as those operated by the exempt denominations are subject to their own systems of control over works, and so listed building consent is not required for works to them, including works to windows, in any event. Former ecclesiastical buildings no longer in ecclesiastical use are treated as non-ecclesiastical buildings for the purpose of this Order. This exemption does not apply to buildings associated with churches, such as vicarages or rectories, which are not used for worship.

Appendix 1: Planning Permission

- For all of the consented works, planning permission will not be required where the building is a dwellinghouse.
- For purpose built and converted flats and buildings in other uses (commercial, retail, office etc.), planning permission will not be required for the works in Class A – internal secondary glazing.
- For purpose built and converted flats and buildings in other uses (commercial, retail, office etc.), planning permission may be required for works in classes B to C if there is any material change in the appearance of the building – please check with the planning department if you are in doubt.
- Please note, if your building is the subject of an Article 4 Direction, planning permission may be required for changes to windows. Please check.

Appendix 2: Casework Statistics for Window Works

Planning records for Listed Building Consent applications for the past five years and the first part of 2022 were searched, using the search terms set out in the table titles.

Table 1: 'Secondary Glazing'

Year	Grant ed	Refus ed
2017	6	0
2018	1 0	0
2019	7	1
2020	1	0
2021	3	0
2022	7	0
Total	3 4	1

Table 2: 'Replacement Windows'

Year	Grant ed	Refus ed
2017	1	0
2018	3	0
2019	6	0
2020	2 8	0
2021	5 1	0
2022	3 2	3
Total	1 2 1	3