



Appeal Decision

Site visit made on 27 November 2024

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal A Ref: APP/Y5420/C/23/3318391

Appeal B Ref: APP/Y5420/C/23/3318392

5 Topsfield Parade, Tottenham Lane, Hornsey, LONDON N8 8PR

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended ('the Act').
 - Appeal A is made by Mr Dilesh K Patel against an enforcement notice issued by the Council of the London Borough of Haringey ('the Notice').
 - Appeal B is made by Mrs Bhavna D Patel against an enforcement notice issued by the Council of the London Borough of Haringey ('the Notice').
 - The notice was issued on 6 February 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the installation of PVCu windows to the front elevation of the property at first, second and third floor level.
 - The requirements of the notice are: 1. Remove the PVCu windows installed in the front elevation of the property at first, second and third floor levels. 2. Reinstate the windows to match the original timber casement windows. 3. Remove from the land all debris resulting from carrying out step 1, above.
 - The period for compliance with the requirements is: 3 months.
 - The appeals are proceeding on the ground[s] set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the Crouch End Conservation Area.

Reasons

3. Topsfield Parade is an impressive terrace of properties that fronts onto Middle Lane and Park Road before curving around the corner at the latter's junction with Tottenham Lane, and running along that road.
4. The Parade lies at the heart of the Crouch End Conservation Area ('CECA') and forms a part of the suburban town centre that has a wide range of retail, administrative and service uses. It is surrounded by residential streets. At its heart, it has a busy and often quite noisy character.
5. The CECA is a designated heritage asset and, under the terms of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a statutory duty to pay special attention to the desirability of preserving or

enhancing the character or appearance of a conservation area ('the statutory test'). Topsfield Parade plays an important role in the townscape at the focal point of this asset.

6. The townscape across the CECA is of a high quality and this is particularly the case with Topsfield Parade, which has been identified in the Council's Crouch End Conservation Area Character Appraisal as making a positive contribution to the CECA. Each of the Parade's properties has a commercial unit on the ground floor, with residential accommodation above.
7. Each consists of three full storeys with attic rooms over. They all have a highly decorative frontage including full height pilasters, mix of stone and red brick, string courses, cornices and feature hood mouldings over their windows. Like its neighbours, No 5 has a feature gable at attic level, with accommodation at this level recessed behind a decorated arch.
8. They have three window openings on their first and second floors, a wider one flanked by two that are narrower. Its timber framed windows have been replaced by those with PVCu frames. It is more difficult to see the precise nature of the windows at attic level. However, it appeared that there is a glazed door and a window here.
9. The Appellants state that they were not aware that the property lay within a conservation area and that planning permission was required for the replacement windows. They do not challenge that permission was required. The reasoning behind their decision to install the windows was to improve their quality and make the accommodation therein more energy efficient. They point to other properties in the Parade, Middle Lane and Broadway Parade that have PVCu windows.
10. The Council tells me that the windows in the properties cited by the Appellant do not benefit from planning permission. Some have become lawful as a result of the length of time that they have been installed. However, it tells me that it is taking action in respect of three of them, as well as in respect of No 5. Of these: one is the subject of an enforcement investigation; an enforcement notice has been issued in respect of another, and this is currently the subject of an appeal; whilst an enforcement notice has come into effect in respect of PVCu windows installed at the other. None of this is challenged by the Appellant, so I take it to be the case. I find that this demonstrates an effort by the Council to stop the installation of further PVCu windows that it says cause harm to the CECA.
11. Whilst I saw those PVCu windows referred to by the Appellants, there were a substantial number of timber framed windows here. Save for the evidence of the Council, I refer to above, I have been given no evidence as to whether any of the windows have actually been granted planning permission. The windows that were drawn to my attention by the Appellant varied in design. Some bore no resemblance to the traditional timber windows of the Parade, whilst others reflected them better, including some that had arched heads to the frames that is seen in the traditional timber design.
12. The windows that have been installed have a different design and appearance from the traditional timber windows along the Parade. They are not "like for like", as claimed by the Appellant. Their frames are bulkier, and this is particularly apparent where the two panes meet in the wider, middle windows

on the first and second floors. Each of the windows does have a smaller pane above a larger one, which I would estimate at a ratio of about one-third:two thirds, that is traditional in the Parade. However, none of the frames have the arched head. The use of trickle vents at the head of each window, which are clearly visible from the street, adds to the discordant and harmful effect that the windows have.

13. Whilst reflecting some of the features of the Parade's traditional windows, the windows that have been installed at No 5 are markedly different in design and finish. Notwithstanding the presence of PVCu windows close-by of varying designs, the installed windows are incongruous features that cause harm to the CECA.
14. For the above reasons, the development fails the statutory test and is contrary to the terms of Policy HC1 of the London Plan 2021 ('LP'), Policy SP12 of the Haringey's Local Plan Strategic Policies 2017 ('HLP') and Policy DM9 of the Development Management Development Plan Document 2017 ('DPD') which reflect the test. The windows fail to enhance and enrich the borough's built environment and are therefore contrary to the terms of HLP Policy SP11 and DPD Policy DM1. I find that the development is not contrary to the terms of LP Policy D1, as this is a policy that requires planning authorities to undertake assessments of area's characteristics when preparing development plans. It is not a policy that requires an applicant or appellant to undertake a certain course of action.
15. The harm I identify is "less than substantial, as defined by the National Planning Policy Framework ('the Framework'). The Framework requires such harm to be balanced against any public benefits arising from the development.
16. The Appellants set out that the installed windows are more energy efficient. I consider this to be a public benefit, as well as a private one for the property's occupants. However, this does not outweigh the harm that arises to the CECA. I agree with the comments of the Crouch End Neighbourhood Forum and CECA Advisory Committee, that alterations to achieve "energy efficiency goals should not be automatically seen as detrimental to heritage assets". However, those bodies do not support inappropriate alterations, and they support the Council's enforcement action. Furthermore, no evidence has been given that the Appellants looked into less harmful alternative measures to improve the energy efficiency, such as secondary glazing.
17. For the above reasons, the installation of PVCu windows at No 5 Topsfield Parade fails to preserve or enhance the character or appearance of the CECA.

Conclusion

18. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Curnow

INSPECTOR