



Appeal Decision

Site visit made on 10 March 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/Y5420/C/24/3344079

35 Lorne Road, Hornsey, London N4 3RU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Wilf Murray on behalf of Stroud Green Housing Co-Operative Ltd against an enforcement notice issued by the Council of the London Borough of Haringey.
- The notice was issued on 25 March 2024.
- The breach of planning control as alleged in the notice is *without planning permission, the installation of PVCu windows and first and second floor levels on the front elevation of the property*.
- The requirements of the notice are:
 1. *Remove the PVCu windows that have been installed at first and second floor levels on the front elevation of the property in their entirety.*
 2. *Restore the condition of the land to its original condition prior to the breach of planning control taking place.*
 3. *Remove all resultant debris*
- The period for compliance with the requirements is *5 months beginning the date this notice takes effect*.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the 1990 Act (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Formal Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the installation of uPVC windows at the first and second floor levels on the front elevation of the property at 35 Lorne Road, Hornsey, London N4 3RU.

Appeal under ground (c)

2. An appeal under ground (c) is that those matters (if they occurred) do not constitute a breach of planning control. In a legal ground of appeal, the onus of proof is firmly on the appellant to make their case, on the balance of probabilities¹.
3. The appellant alleges that the installation of the uPVC windows would not constitute development under the meaning of the 1990 Act (as amended), citing Section 55 and the definition of development.
4. Section 55 provides the relevant meaning of 'development', which includes the carrying out of building operations. Subsection (1a) provides a non-exhaustive list of what 'building operations' include. These are: (a) demolition of buildings; (b) rebuilding; (c) structural alterations of or additions to buildings; and (d) other operations normally undertaken by a person carrying on business as a builder. In

¹ *Thrasivoulou v SSE & Hackney LBC (No 1)* [1984] JPL 732

this context, section 336 of the 1990 Act explains that ‘building’ includes any structure or erection and any part of a building.

5. Section 55(2) further provides that the following operations or uses of land shall not be taken for the purposes of the Act to involve development of the land; (a) the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building.
6. Case law² establishes that for alterations to the exterior of a building to fall within development they must materially affect the external appearance of the building. In reaching a judgment, the decision maker will need to have consideration of the change to the external appearance of the building as a whole and not just a part in isolation; the degree of visibility by an observer outside the building; the nature of the building; and the nature of the alterations/works.
7. The appellant contends that there is an abundance of other uPVC windows within the area and the provision of the window units at the appeal site would not be seen as ‘jarring’, thus not materially effecting the external appearance of the building. Whilst I would acknowledge that there are other uPVC windows in the area, the test is in connection with the building as a whole, rather than the area in general.
8. The appellant has sought to replicate the divisions of the windows, which in part have been successful. However, the transoms between the upper and lower windows at the first and second floor levels are markedly deeper than the timber frames at the ground floor level. I noted during my site observations, the uPVC frames appear thicker, thus more noticeable than the more slender timber frames that previously existed in the upper floors at the appeal site. The provision of trickle vents also provides an additional feature not generally found in traditional timber frames. Collectively, these changes result in the windows appearing noticeably different in terms of their visual effect.
9. Overall, the materials used for the windows are non-traditional and visually different from those they originally replaced. Given that the windows front the street scene, they are highly visible from public vantage points. The works described in the enforcement notice therefore constitute development, as they materially affect the external appearance of the building as a matter of fact and degree.
10. Therefore, the appeal on ground (c) does not succeed.

Appeal under ground (a), the deemed planning application

11. An appeal under ground (a) is that planning permission should be granted for the matters alleged in the enforcement notice, in whole or in part. Consequently, the deemed planning application is for the installation of uPVC windows at the first and second floors in the front elevation at 35 Lorne Road, Hornsey, London N4 3RU.

Main Issues

12. The main issues are the effects of the development on the character and appearance of the host property and the street scene and whether it would preserve or enhance the Stroud Green Conservation Area (SGCA).

² *Burroughs Day v Bristol CC* [1996] 1 PLR 78; 1 EGLR 167

Reasons

Character and appearance and impact on the SGCA

13. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LB Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the SGCA.
14. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
15. The appeal property is located in the SGCA which is a large conservation area. The significance of this part of the SGCA derives from its architectural importance as a historic residential area. Many of the properties contain Victorian and Edwardian features providing the feel of a traditional middle class suburb. As with the appeal site many other properties within the SGCA have had their windows replaced over time, which provides a degree of variation in the window treatments found in the area. These include single and double glazed timber sash and double-glazed uPVC units with sash and casement openings, with a varying degree of success.
16. The appellant has provided an extensive survey³ of the window treatments in the locality, with specific regard to Lorne Road and the roads immediately adjoining the appeal site including Victoria Road and a section of Florence Road. The survey highlights that there is a variety of window treatments in the area including sash windows (both timber and uPVC), top hung uPVC casement windows and side hung uPVC casement windows.
17. I would acknowledge that the use of uPVC is generally discouraged within such a setting, given that it is not an authentic or sustainable material. However, the new uPVC units were installed as replacements, as the appellant considered that they were more energy efficient and would reduce heating loss, thus adapting to climate change.
18. As stated above, the appearance of the uPVC units is noticeably different to the original timber sash windows, with particular regard to the deeper transoms and the provision of the trickle vents. That said, in terms of the design quality and proportionality, the overall appearance of the replacement units has tried to remain as similar to the previous windows as possible, although there appears to be some minor variation in the thickness of the visible framework compared to the original windows. Nevertheless, these differences appear minimal, which would provide a less than substantial harm to the host property and the SGCA, as a whole.
19. Paragraph 215 of the Framework, states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage

³ Appendix 1: Window survey in the appellants Statement of Case

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

20. The use of uPVC materials is generally regarded as inappropriate in a historic setting, and the re-use of the original timber frames could have provided a more sensitive approach to the significance of the host property. Nevertheless, the provision of these windows would provide modern, energy efficient flats, which as smaller units are likely to be more affordable to a wider range of occupants. These residents would also provide a small amount of support to services, businesses and facilities in the area and thus to the local economy, albeit limited.

Conclusion on ground (a)

21. Overall, the collective public benefits are sufficient to outweigh the less than substantial harm that would occur as a result of the scheme, and consequently the development would at the very least preserve the character and appearance of the host property and the SGCA. The development would therefore accord with policies DM1, DM9 and DM12 of the London Borough of Haringey Development Management DPD, adopted July 2017 and policies SP11 and SP12 of the London Borough of Haringey Strategic Policies 2013-2026 adopted March 2012, in so far as they collectively seek a high standard of design, which has an understanding and respect for the significance of a heritage asset alongside adapting to climate change. The proposal would be consistent with the Framework which also seeks high standards of design that would conserve and enhance the historic environment, amongst other things.

Conclusion

22. Whilst the ground (c) appeal is unsuccessful, for the reasons given above, I conclude that the appeal should succeed on ground (a). Planning permission will therefore be granted, and the enforcement notice will be quashed. The appeal on grounds (f) and (g) do not therefore fall to be considered.

Robert Naylor

INSPECTOR