Planning Inspectorate

Appeal Decisions

Site visit made on 8 October 2026

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2026

Appeal A Ref: APP/Y5420/C/25/3368045
Appeal B Ref: APP/Y5420/C/25/3368046
2 Tower Gardens Road, Tottenham, London, N17 7QA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Joseph Akore against an enforcement notice issued by the Council of the London Borough of Haringey.
- Appeal B is made by Miss Mandy Lecointe against the same enforcement notice issued by the Council of the London Borough of Haringey.
- The notice was issued on 3 June 2025.
- The breach of planning control as alleged in the notice is without planning permission, the installation of UPVC windows to the front elevation at ground and first floor level.
- The requirements of the notice are to:
  1. Remove the unauthorised UPVC windows to the front of the property at ground and first-floor level.
  2. Remove all resultant debris from carrying out step (1) above.
- The period for compliance with the requirements is six months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (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.
- Appeal B is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Decisions

Appeal A

1. Appeal A 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 to the front elevation at ground and first floor level at 2 Tower Gardens Road, Tottenham, London, N17 7QA, as shown on the plan attached to the notice.

Appeal B

2. Appeal B is dismissed but the notice is quashed as set out in the Formal Decision for Appeal A.

Appeal A

Preliminary Matters

3. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published (August 2026) and this is a material consideration which should be taken into account from the date of its

publication. I therefore invited the parties to consider whether the revised Framework has relevance to the cases made.

Appeal A on Ground (a)

Main Issue

4. The main issue is whether the development has preserved or enhanced the character or appearance of the Tower Gardens Conservation Area.

Reasons

5. The appeal relates to an end of terrace dwelling within the Tower Gardens Conservation Area (TGCA), the significance of which is derived from both its architectural and historic interest. In terms of the latter, Tower Gardens is recognised as an important pioneering housing estate and as one of the three seminal London County Council suburban cottage estates of the pre-First World War period. In terms of the former, its special interest is derived from the underlying structure and discipline of the street layout, and the similar massing and eaves level of the terraces, as well as the high-quality design of the individual terraces, including the use of Arts and Crafts and vernacular detailing and the prominent use of gables and tall chimney stacks.

6. Although the Council acknowledges that there are a number of properties within the locality with uPVC windows, it argues that they were installed without planning permission and are now immune [from enforcement action]. Four such properties are highlighted, three in Teynton Terrace and one in Tower Gardens. However, I saw that in Tower Gardens Road alone, a high proportion of the properties have uPVC windows on their front elevation, so much so that they are now a characteristic feature of the street scene, rather than appearing incongruous or discordant, as argued by the Council.

7. Based on my own observations, the replacement windows are generally consistent with those found on many other properties within the street. The ground-floor window also seeks to replicate a traditional sash window design, incorporating two independent sliding sashes arranged in separate planes within the frame, with each sash being multi-paned, divided by slim-profile glazing bars. The upper sash also incorporates decorative sash horns. Although the first-floor window is evidently a casement style window, it is multi-paned and of similar appearance to many other properties in the street, including that of the adjoining property. In overall terms, given the design of the windows and the extent of uPVC replacement windows in the street, there is a neutral effect on the TGCA as a whole.

8. The Council states that it will continue to take enforcement action where it can reduce the further loss of original features within the TGCA. However, despite the presence of numerous examples of uPVC windows just on Tower Gardens Road, no evidence has been provided to demonstrate that the notice served in respect of the appeal property forms part of a coordinated and consistent approach to tackling the same. Indeed, no details have been provided of enforcement action having been taken against any other property. In the absence of such evidence, it is unclear why the appeal property has been singled out for enforcement action.

9. In accordance with my statutory duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the TGCA. In that regard, I find that the replacement windows do not materially affect the way the TGCA appears, nor do they diminish the qualities that define its distinctive character. Accordingly, they have no effect on its significance and the character and appearance of the TGCA is preserved. I do not therefore find conflict with Policy HC1 of the London Plan, Policies DM1, DM9 and DM12 of the Haringey Development Management DPD (2017) or Policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2013 – 2026. Those policies state, amongst other things, that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

10. The reasons for issuing the enforcement notice also cite conflict with DPD Policy DM2 (accessible and safe environments). However, I find that policy to have little relevance to the main issue identified.

11. In light of the above finding that there is no harm to the TGCA, it is not necessary for me to address, in accordance with the Framework, whether there are any public benefits arising from the development.

Conditions

12. The Council does not suggest that any conditions ought to be imposed, and I consider none are necessary.

Conclusion

13. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude that Appeal A should succeed on ground (a). I shall grant planning permission for the installation of uPVC windows to the front elevation at ground and first floor level as described in the notice. The appeals on grounds (f) and (g) do not therefore fall to be considered.

Richard S Jones

INSPECTOR