

Officer's Report

Application Number	HGY/2022/3421
Type	Lawful development: Proposed use
Location	Flat 4, Old Church Court, Victoria Road, London, N4 3SN
Proposal	Certificate of lawfulness: proposed for the change of windows in a conservation area.
Case Officer	Michelle Meskell
Valid Date	20/12/2022
Applicant	Mrs Tracey Woods
Agent	Mrs Tracey Woods

RECOMMENDATION

Permitted Development

This application is made under section 192 of the Town and Country Planning Act for certificate of lawfulness, proposed for the change of windows (life for like) in a conservation area. The application relates to a former church located on Victoria Road, Flat 4 at Old Church Court a converted church in residential use. The building is located within Stroud Green Conservation Area and is not listed. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful.

Legal Test

Section 55(1) of the Act defines development as including building operations in, on, over or under, land. Building operations comprise such matters as demolition, rebuilding, structural alterations or additions to buildings and other operations normally undertaken by a builder. But section 55(2)(a)(ii) excludes, amongst other things, the carrying out for the maintenance, improvement or other alteration of any building of works which...do not materially affect the external appearance of the building. Section 336(1) of the Act states that a building includes any structure or erection, and any part of a building, as so defined.

There are no relevant statutory explanations of the terms maintenance, improvement or other alteration. But the ordinary definition of these words is as follows: maintenance continuing or keeping something in existence; improvement making something better, or for buildings, more valuable, and; alteration making a change or modification.

Commentary on proposed works

The new windows will be made in red hardwood double glazed glazing to 4-6-4 spec same as existing. The new windows would provide thermal and weatherproofing qualities. As a matter of fact and degree, using the test set out in the judgement of *Street v Essex CC* (1965) 193 EG 537 DC, such works can reasonably be judged to constitute what the Act refers to as improvements or other alterations.

As such as a matter of fact and degree, the works here are included within the exclusions set out in section 55(2)(a)(ii) of the Act, meaning such works do not constitute development under the Act with planning permission not needed. A certificate of lawful can therefore be issued.