



Officer Report

Application Number:	HGY/2026/2042
Application Type:	Lawful development: Proposed use
Address:	Flat B, 101 Talbot Road, Hornsey, London, N6 4QX
Proposal:	Certificate of Lawfulness (proposed) for replacement of existing first-floor front elevation windows with new like-for-like timber double-glazed windows.
Case Officer:	Anna Anderson
Valid Date:	20/07/2026
Applicant:	Ms Fiona Gibson
Agent:	

RECOMMENDATION

Permitted Development

1. DESCRIPTION OF APPLICATION

This is an application for a certificate of lawfulness to confirm that the works for the replacement of the existing first-floor front elevation windows with new like-for-like timber double-glazed windows are 'operations' which do not materially affect the external appearance of this building and do not constitute development by virtue of 55(1A) of the Town and Country Planning Act 1990.

2. PLANNING HISTORY

Flat B, 101 Talbot Road, Hornsey, London, N6 4QX

HGY/2005/1355 – Replacement of existing windows with UPVC double glazed windows – Refuse
25/08/2005

2. RELEVANT LEGISLATION AND GUIDANCE

Section 55(1) of the Town and Country Planning Act 1990 as amended (1990 Act) states that 'development' (which requires planning permission) means the carrying out of building, engineering, mining or other operations or the making of a material change in the use of land. Section 55(1A) of the 1990 Act states that 'building operations' includes demolition, rebuilding, structural alterations or additions to buildings, and other operations normally undertaken by builders. Section 55(2) then excludes certain operations from the definition of development, including works for the maintenance, improvement or other alteration of any building which only affect the interior or do not materially affect the external appearance of the building. Section 336 of the 1990 Act defines the word 'building' as 'any structure or erection'.

Case law has clarified that 'operations' for the purposes of the Act are essentially activities which result in some physical alteration to the land which has some degree of permanence, and that there are three primary factors which are decisive of whether something is a building: size, permanence and physical attachment.

3. ANALYSIS/ASSESSMENT

The building works as described on the submitted application form comprise the replacement of the existing first-floor front elevation windows with new like-for-like timber double-glazed windows.

The proposed works are limited in scale and involve only minor alterations to the existing building fabric. The window replacements seek to upgrade the existing fenestration arrangement for Flat B, located at first-floor height on the external façade of the building, as the existing windows are in poor condition.

In considering whether the works would materially affect the external appearance of the building, regard has been given to the scale and context of the host building. The application site forms part of a small two-storey residential block comprising two flats, one at ground floor level (Flat A) and one at first floor level (Flat B) at 101 Talbot Road. The site is subordinate compared to the surrounding dwellings along the street which is mainly residential in nature and comprises a mix of terraced and semi-detached properties. The proposed works would not materially alter the appearance of the building as they solely seek a like-for-like replacement. As such, the works would constitute a de minimis alteration and would not materially alter the character, appearance or visual composition of the building.

Furthermore, the proposed window replacements would not alter the function or use of the residential flats and would have no adverse impact on the amenity of neighbouring residents. The works would not result in additional overlooking, loss of privacy, noise, disturbance or other material amenity impacts.

Having regard to the scale, location and visual effect of the building works, it is considered again that the replacement windows would not materially affect the external appearance of the building. The works therefore constitute a minor and de minimis alteration which falls within the scope of Section 55(2) of the Town and Country Planning Act 1990 and do not amount to development requiring planning permission.

As such, a Certificate of Lawfulness can be issued.

4. RECOMMENDATION - GRANT CERTIFICATE

The Council hereby certifies that the works proposed, comprising the replacement of the existing first-floor front elevation windows with new like-for-like timber double-glazed windows, are operations which do not materially affect the external appearance of the building and therefore do not constitute development by virtue of Section 55 of the Town and Country Planning Act 1990 and as such a certificate can be granted.