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18 September 2026

By email only: planningsupport@haringey.gov.uk
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Dear Sir/Madam,

Planning Application: HGY/2026/2163 (“the Application”)

Address: 168A Stroud Green Road, London, N4 3RS

Applicant: Stroud Green Housing Co-operative Ltd (“the Applicant”)

1. OBJECTION TO THE APPLICATION

1.1 This submission is made in objection to the proposed works set out in the Application.

2. SUMMARY OF THE APPLICATION

2.1 The Application is by the Stroud Green Housing Co-operative and entails the replacement of pre-existing uPVC windows and a door with new uPVC windows and a door at the front and rear of a basement flat. The specific proposal is to replace one three-bay window at the front, two rear windows and a rear door. The property is within the Stroud Green Conservation area (“the Conservation Area”).

2.2 The Application is supported by a Planning Statement dated 27 July 2026 (“the Applicant’s Statement”).

3. SUMMARY OF THE APPLICANT’S STATEMENT

3.1 In summary the Applicant’s Statement concludes the following:

- (1) That the planning decision must be made in light of the decision in the Applicant’s successful appeal against the council’s enforcement notice relating to 35 Lorne Road, London, N4 3RU [para 5.15 and throughout].
- (2) That planning permission is not required as the proposed works do not constitute development on the basis that the works do not materially affect the external appearance of the building [paras 5.4, 5.5 and 6.3].
- (3) In the alternative, that if planning permission is required then the proposed works provide less than substantial harm and such harm is outweighed by the public benefit of the works [paras 5.9-5.13 and 6.3].

4. RELIANCE ON PLANNING APPEAL RELATING TO 35 LORNE ROAD

4.1 The principal submission put forward in the Applicant’s Statement is that the Applicant has successfully appealed an enforcement decision of the council ordering the removal of uPVC windows from 35 Lorne Road, London, N4 3RU which is one of the Applicant’s properties on

an adjacent road and also within the Conservation Area [Appeal APP/Y5420/C/24/3344079 dated 13 March 2026 ¹]. Those works were initially carried out unlawfully with retrospective permission now applied by the successful appeal.

- 4.2 However, there is a consideration of to what extent the Lorne Road appeal lays down any precedent. The objection is that the appeal does not lay down precedent as such and that each application must be considered on its own merits.
- 4.3 Furthermore, it is to be noted that the reasoning of the decision in the Lorne Road appeal appears to be questionable and that the decision did not enjoy any rights of appeal and therefore that the decision remains untested and is therefore not authoritative. For discussion on this, see paragraph 7.2 below.

5. WHETHER PLANNING PERMISSION REQUIRED

- 5.1 Whether or not planning permission is required is determined by whether or not section 55(2) of the Town and Country Planning Act 1990 applies. So far as material, Section 55(2) provides as follows:

“55(2)
The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—
(a) the carrying out for the maintenance, improvement or other alteration of any building of works which...
(ii) do not materially affect the external appearance of the building”

- 5.2 Case law has established that there is a material effect where the change is **more than de minimis**:

“(a) a change must be more than de minimis before it can be considered to be “material”;
(b) materiality will be context-specific in every case; and
(c) so long as the first two propositions are adhered to, the conclusion about materiality must be a matter for the planning judgement of the decision-maker.”

(*Dharmeshkumar v Secretary of State for Housing, Communities and Local Government & Anor* [2025] EWHC 25123² at para 80 citing *Burroughs Day v Bristol City Council* [1996])

- 5.3 The Appellant’s Statement submits that since the Lorne Road appeal had concluded that there had been a “material effect on the external appearance” caused by the changing of timber frames to uPVC frames then the proposed works at 168A Stroud Green Road cannot be considered to materially effect external appearance given that the change is from uPVC to similar uPVC.
- 5.4 However, the objection is that the proposed works involve a change that is evidently more than de minimis in that the architectural drawings [TI-HCG-001-003 and TI-HCG-001-004] indicate a clear visual difference between the existing and proposed windows on the following basis:

- (1) At the front of the building, the PVC perimeter encasing the window panes is clearly thicker. Additionally, the drawings suggest that the proposed upper bay windows overlap the lower bay windows in a way that does not occur in the existing arrangement. Furthermore, whereas the existing windows do give a visual appearance of sash windows,

¹ <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3344079>

² <https://www.bailii.org/ew/cases/EWHC/Admin/2025/25123.html>

the proposed windows in the manufacturers' illustrations [**Window Details document**] do not present as sash.

- (2) At the rear of the building, the windows are clearly entirely different visually. To the left, the existing window comprising three panes will be changed to a smaller arrangement of one single pane. To the right, the existing arrangement of a sash window (or sash-style) is replaced by a new arrangement comprising three panes. It is accepted that the rear door appears only marginally different.

5.5 For the reasons discussed in the paragraph above the objection is that the changes are more than de minimis and therefore that the exemption in Section 55(2) cannot apply and accordingly that the proposed works constitute development and must require planning permission.

6. SUBSTANTIAL HARM

6.1 The Applicant's Statement submits that in the event that the proposed works constitute development then the proposal provides a "*less than substantial harm*" for the purposes of an assessment under the National Planning Policy Framework [**paras 5.8-5.12**]. The Applicant's Statement makes direct comparisons to the favourable decision in the Lorne Road appeal. However, that analysis fails to consider the following:

- (1) The analysis pre-supposes that the Lorne Road appeal was correctly decided – which arguably it was not. For discussion on this, see paragraph 7.2 below.
- (2) Each planning decision should be made on its own merits. Despite both properties being within the same conservation area, 168 Stroud Green Road differs in its architecture, age and in its location on the main road passing through the Stroud Green district. As such, the historic significance of the two properties varies.
- (3) In any event, the National Planning Policy Framework has been updated in August 2026 and the amended framework has removed the concept of "*less than substantial harm*" and its associated test. These have been replaced by new categories which include a new category of "harm" within which "substantial harm" may be identified [**National Planning Policy Framework 2026 para HE5**]. As such the 'harm and public benefit' test has been adjusted and the tests used in the Lorne Road appeal no longer directly apply.

6.2 Under the new National Planning Policy Framework 2026, "*substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance*" [**National Planning Policy Framework 2026 para HE5:2**]. This appears to be a lower standard than previously and therefore the suggestion in the Applicant's Statement that the lead must be taken from the Lorne Road Appeal is not in point.

6.3 The objection is that the proposed works seriously affect the property's architectural significance given that the shape and arrangement of the works is markedly different from the existing arrangement (despite that uPVC and aluminium are used in both the pre-existing and proposed works). This includes that the proposed works will mismatch the existing windows on the remaining first, second and third floors. There will be a particularly stark contrast between the proposed front bay windows and the bay window directly above it on the first floor. Consideration must be given to **paragraph HE9 of the National Planning Policy Framework 2026** as relates to conservation areas.

6.4 In the alternative, if it is not agreed that the proposed works will cause substantial harm then the objection is that the proposed works will nonetheless cause the lower standard of harm for the same reasons.

7. PUBLIC BENEFIT

- 7.1 Under the new National Planning Policy Framework 2026, the public benefit test is engaged in one of two different ways. Firstly, if the proposals cause “substantial harm” then this must be outweighed by “substantial public benefits”:

“Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss...”

[National Planning Policy Framework 2026 para HE6:5]

Secondly, if the proposals cause “harm” (at the lower standard) then this must be weighed against any public benefit:

“Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.”

[National Planning Policy Framework 2026 para HE6:4].

- 7.2 Whilst it is noted that the National Planning Policy Framework 2026 makes specific reference to energy efficiency and that the proposed works highlight thermal efficiency, the following issues are raised:

- (1) The impression is that the thermal efficiency of the proposed works is as a result of its double glazing. That said, the energy efficiency could be achieved by introducing the double glazing within quality timber frames so as to avoid the use of uPVC given that the use of uPVC is discouraged in conservation areas. This would result in less harm to the heritage asset as it would be a reversion to the style of the property’s original architectural features.
- (2) The suggestion in the Applicant’s Statement that “...thermal efficiency of the new windows is likely to result in a [circa] 53% improvement” **[para 51.3 bullet 4]** is to be disregarded as it is not based on any authoritative scientific investigations and is instead based on opinion from the AI assistant Microsoft Copilot **[cited in para 51.3 bullet 3]**.
- (3) The objection is that the consideration of energy efficiency as a public benefit is less relevant to small properties such as residential properties. It is noted that in the Lorne Road appeal the Inspector’s reasoning in support of the alleged public benefit is questionable for the following reasons:

The Inspector states “...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.” **[Appeal APP/Y5420/C/24/3344079 para 20]** However, the suggestion that the uPVC windows provide flats which are more affordable to a wider range of occupants is not a logical argument given the following:

- (a) Firstly, the Inspector’s analysis is highly conceptual and not at all relevant to the factual circumstances given that 35 Lorne Road is a rented social-housing property with a low turnover of tenancies (the existing tenancy commencing in 1980

according to official records³). It follows that the property would not therefore be available to a “*range of occupants*”. Nothing about the development works at 35 Lorne Road leads to a conclusion that the addition of uPVC windows would result in a change of tenant.

- (b) Secondly, it is not necessarily the case that improved energy efficiency would improve affordability. If anything, a more energy efficient flat could command a higher rent as it is more desirable and would therefore make the flat less affordable.
- (c) Thirdly, in any event, there is no evidence that a “*wider range of occupants*” by living in a property with uPVC windows would in fact provide any more support to the local economy than the pre-existing resident (or another resident) would by living in a property without uPVC windows. With respect to the Inspector, the argument is not logical as there is an extremely weak link (if any) between whether the windows were uPVC and the occupant’s support to the local economy.

7.3 For the reasons set out above, the objection is that the proposed works do not provide “substantial public benefit” (if any) were it agreed that the works would cause significant harm. Similarly, the objection is that the proposed works do not provide sufficient public benefit (if any) were it concluded that the proposed works would cause harm at the lower standard.

7.4 The more that uPVC is permitted the more uPVC becomes prevalent in adjoining properties and the actual effect of an area being a conservation area is diluted.

8. CONCLUSIONS

8.1 It is not agreed that the appeal relating to the Applicant’s works at 35 Lorne Road are determinative. Each planning application must be considered on its own merits and there are significant differences in the architecture, location and historical significance of 168 Stroud Green Road as compared to 35 Lorne Road. (See discussion at paragraph 4 above.)

8.2 In any event, the policy guidance (National Planning Policy Framework) on which the Lorne Road appeal was based has since been updated and the relevant criteria modified. Further, the Lorne Road appeal appears to have been based on reasoning that was unsound in relation to the analysis of public benefit. (See discussion at **paragraphs 6.1-6.2** above.)

8.3 In the instant appeal, it is noted that the proposed works will introduce a change to the arrangement of the existing windows and to the thickness of the windows’ existing perimeters. As such, the objection is that the proposed works require planning permission as materially affect the external appearance of the building. (See discussion at **paragraph 5** above.)

8.4 The objection is that the nature of the proposed works will cause a substantial harm (or, at least, harm at the lower standard) and in either case engaging a public benefit test. The further objection is that the proposed works do not provide sufficient public benefit and that the benefits such as thermal efficiency may be derived from using timber frames with double glazing in keeping with the discouragement of uPVC. (See discussion at **paragraphs 6-7** above.)

8.5 As a final comment, it is understood that the Applicant has a number of properties in the Stroud Green Conservation Area the majority of which have had windows converted from timber to uPVC (apparently without planning permission – as had initially been the case in the Lorne Road appeal).

³ <https://www.tax.service.gov.uk/check-register-fair-rents/detail/H33082817>

- 8.6** The practice of uPVC is to be discouraged given that the use of uPVC becomes more widespread and defeats the purpose of the Conservation Area. The planning department is encouraged to refuse the Application with recommendations that the Applicant consider re-submitting an application that avoids the use of uPVC and is in keeping with the principles of the Conservation Area.

Yours faithfully

Nathan Alexander