



Officer Report

Application Number:	HGY/2026/2136
Application Type:	Lawful development: Proposed use
Address:	5 Eastern Road, Hornsey, London, N2 9LD
Proposal:	Certificate of Lawfulness (proposed) for removal of glass blocks built in as masonry and replacement with new functioning window to side elevation.
Case Officer:	Anna Anderson
Valid Date:	27/07/2026
Applicant:	MR ANTHONY NAJEV
Agent:	MR Paul Leach

RECOMMENDATION

Approve

1. DESCRIPTION OF APPLICATION

This is an application for a certificate of lawfulness to confirm that the removal of glass blocks built in as masonry and replacement with new functioning window to side elevation consists as '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

5 Eastern Road, Hornsey, London, N2 9LD

HGY/2005/1758 – Certificate of Lawfulness for installation of larger replacement rear velux window, demolition of steps to garden at rear, provision of new patio doors to rear and replacement of fenestration to rear – Permitted Development 10/10/2005

HGY/2017/2997 – Certificate of lawfulness for hardstanding to provide off-street parking – Permitted Development 23/10/2017

HGY/2017/3608 – Certificate of lawfulness: form opening in rear facing extension and insert window – Permitted Development 23/01/2018

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

Existing and proposed drawings have been submitted with this application illustrating the proposed works. The existing south elevation relevant to this application shows a small opening on the side of the three-storey property formed of glass blocks built in as masonry. The proposed is for a new functioning window in the same opening to replace the existing glass blocks.

Based on the plans and information provided the operations for the improvement and alteration by way of replacement with a new functioning window would not materially affect the external appearance of the building so as to constitute development. As such, a Certificate of Lawfulness can be issued.

4. RECOMMENDATION - GRANT CERTIFICATE

The Council hereby certify that the works proposed are an 'operations' which do not materially affect the external appearance of this building and as such do not constitute development by virtue of 55(1A) of the Town and Country Planning Act 1990 and as such a certificate can be granted.