

Officer Report

Application Number:	HGY/2026/2616
Application Type:	Lawful development: Proposed use
Address:	91 Grove Avenue, Hornsey, London, N10 2AL
Proposal:	Lawful Development Certificate for a Proposed use or Development: Replacement single glazed timber windows (Like for like)
Case Officer:	Mabs Bahrami Jovein
Valid Date:	29/09/2026
Applicant:	6
Agent:	Ms Susan Clayson Mr Marc Wetherill, Capital Architectural Design

RECOMMENDATION

Permitted Development

1. DESCRIPTION OF APPLICATION

This is an application for a certificate of lawfulness to confirm that the replacement of the existing single-glazed timber windows with new like-for-like timber double-glazed windows is an 'operations' which does 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

The planning history of the site has been taken into account when coming to this decision.

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 proposed works are limited in scope and comprise the replacement of the existing timber windows with new like-for-like engineered timber double-glazed windows within the existing window

openings. The proposed replacement windows retain the existing proportions, opening arrangements, glazing patterns, bay configurations and traditional detailing, and do not involve any enlargement or alteration of the existing window openings. The works therefore constitute a like-for-like upgrade of the existing fenestration, improving thermal performance while maintaining the established external appearance of the building.

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 two-storey residential semi-detached dwelling. The site is subordinate compared to the surrounding dwellings along the street which is mainly residential in nature and comprises a mix of detached 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 use 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 single-glazed timber 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.