

# Appeal Decision

Site visit made on 8 August 2017

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 August 2017**

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**Appeal Ref: APP/Y5420/X/17/3166831**

**Flat 1, 1 South Side, Tottenham Green East, London N15 4DQ**

- The appeal is made under section 26K of The Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant a certificate of lawfulness of proposed works to a listed building.
  - The appeal is made by Ms Hannah Vasdekys against the decision of the Council of the London Borough of Haringey.
  - The undated application Ref HGY/2016/2663 was refused by notice dated 6 October 2016.
  - The application was made under sections 26H and 26I of The Planning (Listed Buildings and Conservation Areas) Act 1990.
  - The development for which a certificate of lawfulness is sought is remediation of rising damp inside flat.
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## Decision

1. The appeal is allowed and attached to this decision is a certificate of lawfulness of proposed works to a listed building describing the proposed works which are considered to be lawful.

## Application for costs

2. An application for costs was made by Ms Hannah Vasdekys against the Council. This application is the subject of a separate Decision.

## Reasons

3. 1 South Side is a Grade II listed building. Section 26H(2) of the Act states that works would be lawful if they would not affect the character of the listed building as a building of special architectural or historic interest. The main issue is the effect of the proposed works on the character of the listed building.
4. The interior walls of the basement flat that is the subject of the appeal are plastered and have modern skirting boards. The proposed works would require the removal of some sections of plaster and some skirting boards but these would be reinstated once the remediation works, the installation of a partial damp proof course and waterproof tanking, are completed.
5. Once the works are completed there would not be any visual evidence of the works having been carried out and there would be no material effect on the fabric of the listed building. The proposed works would not, as a matter of fact, affect the character of the listed building.

## Conclusion

6. For the reasons given above, and on the evidence now available, the Council's refusal to grant a certificate of lawfulness of proposed works to a listed building in respect of 'remediation of rising damp inside flat' at Flat 1, 1 South Side, Tottenham Green East, London was not well-founded and the appeal succeeds. The powers transferred under section 26K of The Planning (Listed Buildings and Conservation Areas) Act 1990 have been exercised accordingly.

***John Braithwaite***

Inspector

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# Certificate of Lawfulness of Proposed Works to a Listed Building

THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: SECTIONS 26H and 26I

THE PLANNING (LISTED BUILDINGS)(CERTIFICATES OF LAWFULNESS OF PROPOSED WORKS)  
REGULATIONS 2014: REGULATION 3

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**IT IS HEREBY CERTIFIED** that the works described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, are lawful within the meaning of section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, for the following reason:

The proposed works do not affect the character of the listed building

Signed

*John Braithwaite*

Inspector

Date: 17 August 2017

Reference: APP/Y5420/X/17/3166831

## **First Schedule**

Remediation of rising damp inside flat

## **Second Schedule**

Land at Flat 1, South Side, Tottenham Green East, London N15 4DQ

## NOTES

This certificate is issued solely for the purpose of Section 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

It certifies that the works described in the First Schedule taking place on the land specified in the Second Schedule are lawful, on the certified date and, thus, are not liable to enforcement action, under section 38 of the 1990 Act.

This certificate applies only to the extent of the works described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any works which are materially different from that described, or which relate to any other land, may result in a breach of listed building control which is liable to enforcement action by the local planning authority.



## Plan

This is the plan referred to in the Certificate of Lawfulness of Proposed Works to a Listed Building dated: 17 August 2017

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**Land at Flat 1, 1 South Side, Tottenham Green East, London**

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Scale: not to scale

