

Appeal Decision

Site visit made on 3 September 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/Y5420/W/24/3343964

Oakleigh, 42 Hampstead Lane, Hornsey, Haringey, London N6 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hassan Golshirazi against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/2890.
 - The development proposed is the erection of a boundary wall (following demolition of an existing boundary wall).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a typographical error in the appellant's name on the application form. I have therefore taken the appellant's name from the appeal form.
3. The site is located close to the Grade II* Registered Kenwood Park and Garden (RPG) and the Grade II listed East Lodge to Kenwood House and Attached Gateways (East Lodge), the latter of which carries statutory protection under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Given my findings in relation to the effect of the proposal on the Highgate Conservation Area (CA), I have not considered the effect on the RPG and East Lodge further.
4. In my consideration of the appeal, I have borne in mind my statutory duty in relation to CAs as set out in Section 72(1) of the Act.
5. At the time of my site visit, the appeal site was under construction. Due to the presence of temporary hoarding, I was unable to view the existing boundary wall. I have therefore based my assessment of the proposal on the submitted plans and evidence, as well as my observations of the area.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of Hampstead Lane and the Highgate CA.

Reasons

7. The Highgate CA covers a large area within the London Boroughs of Haringey and Camden. I have not been provided with a formal designation statement or character appraisal for the CA, but the evidence suggests that its significance lies in its rich stock of historic buildings that reflect the evolution of the area over time. Whilst there is some variety in the style and appearance of boundary treatments near to the appeal site, the prevailing style in this part of the CA includes low walls and railings, with visible hedging behind. This, along with the prevalence of mature street trees, gives the street and the CA a distinctively verdant character.
8. The existing front boundary treatment on the appeal site is a relatively modern addition when compared to the age of the historic buildings and structures nearby. However, its low walled design with railings and hedging behind reflects the traditional boundary treatments in the locality, enabling the site to make a positive contribution to the character and appearance of the CA.
9. The proposed replacement brick wall would be similar in design, height and materials to the front walls at 30/31, 32, and 38 Hampstead Lane. However, like those structures, it would be at odds with the low walls and railings that dominate the frontages to most properties on Hampstead Lane and surrounding streets. Consequently, the development would detract from the cohesive frontage character in the locality, and it would exacerbate the harm that has already been caused to local character and the CA by similar developments nearby.
10. The construction of the brick wall would largely inhibit visual permeability from the road through to on-site hedging, save for views through the metal gates. Whilst upward views over the wall towards the tops of taller trees would be retained, there would be a significant loss of greenery along the roadside. Instead, the wall would present a blank surface to the street which, due to its height and length, would be imposing and unduly dominant, particularly when observed in combination with the long, wooden fence opposite that borders the RPG. Overall, the solid nature of the wall would detract from the leafy character of the street that is distinctive to this part of Hampstead Lane, and it would cause harm to the character and appearance of the CA.
11. Owing to the nature and scale of the development, the degree of harm to the significance of the CA would be less than substantial. In that regard, I acknowledge that the appellant assesses the scale of harm to be slight to moderate. However, the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm. The Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
12. The development would provide security to the occupants of the host dwelling. However, this would be a private rather than a public benefit. Furthermore, I am not convinced the appeal scheme is the least harmful way of providing a secure boundary to the property. Therefore, I attribute limited

weight to the benefits of the scheme, and this would not be sufficient to outweigh the harm that would be caused to the CA.

13. Taking all of the above into account, I conclude that the proposal would cause harm to the character and appearance of Hampstead Lane, and it would fail to preserve or enhance the character or appearance of the Highgate CA. The harm to the CA would not be outweighed by public benefits. It follows that there would be conflict with Policy HC1 of the London Plan (March 2021), Policy SP12 of Haringey's Local Plan Strategic Policies 2013-2026 (March 2013) (SP), Policy DM9 of the Development Management DPD (Adopted July 2017) (DPD), and the Framework, insofar as they seek to conserve and enhance the significance of heritage assets.
14. There would also be conflict with Policy DM1 of the DPD, Policy SP11 of the SP, and the Framework, insofar as they seek high quality design that is sympathetic to local character. Conflict would also arise with Policy DH6 of A Plan for Highgate, Highgate Neighbourhood Plan (2017) which resists new boundary walls that would result in a loss of visual permeability.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

E Catcheside

INSPECTOR