



Appeal Decisions

Site visit made on 21 January 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal A: APP/Y5420/W/24/3353422

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 under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr H Golshirazi against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/1072.
 - The application sought planning permission for demolition of existing house and erection of replacement dwelling and associated works without complying with a condition attached to planning permission Ref HGY/2019/2944, dated 15/01/2021.
 - The condition in dispute is No 2 which states that: In accordance with the approved plans. The approved plans comprise drawing nos (Applicant's drawing No.(s) HPL - 001, HPL - 400 Rev P1, HPL - 410 Rev P1, HPL - 420 Rev P1, HPL - 430 Rev P1, HPL - 450 Rev P1, HPL - 460 Rev P1, HPL - 470 Rev, P1, HPL - 500 Rev P1, HPL - 501 Rev P1, HPL - 502 Rev P1, HPL - 503 Rev P1, HPL - 504 Rev P1, HPL - 505 Rev P1, HPL - 506 Rev P1, 17049-P-301, 17049-P-311, 17049-P-321, 17049-P-331, 17049-P-090, 17049-P-100, 17049-P-110, 17049-P-120, 17049-P-130, 17049-P-200, 17049-X-001, Arboricultural Impact Assessment Report prepared by Adam Hollis (Sept 2019), Design and Access Statement (2019), Planning and Heritage Statement prepared by Montagu Evans, Basement Impact Assessment by Price and Myers, Energy and Sustainability Statement by Hoare Lea (Revision 1 - 26 September 2019), Below Ground Drainage and SuDs Report (Sept 2019), Acoustic Assessment by Hoare Lea, Air Quality Assessment, Construction Impact Assessment (June 2017). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
 - The reason given for the condition is: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
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Appeal B: APP/Y5420/W/24/3353426

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 under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- 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/2024/1076.
- The application sought planning permission for demolition of existing house and erection of replacement dwelling and associated works without complying with a condition attached to planning permission Ref HGY/2019/2944, dated 15/01/2021.
- The condition in dispute is No 2 which states that: In accordance with the approved plans. The approved plans comprise drawing nos (Applicant's drawing No.(s) HPL - 001, HPL - 400 Rev P1, HPL - 410 Rev P1, HPL - 420 Rev P1, HPL - 430 Rev P1, HPL - 450 Rev P1, HPL - 460 Rev P1, HPL - 470 Rev, P1, HPL - 500 Rev P1, HPL - 501 Rev P1, HPL - 502 Rev P1, HPL - 503 Rev P1, HPL - 504 Rev P1, HPL - 505 Rev P1, HPL - 506 Rev P1, 17049-P-301, 17049-P-311, 17049-P-

321, 17049-P-331, 17049-P-090, 17049-P-100, 17049-P-110, 17049-P-120, 17049-P-130, 17049-P-200, 17049-X-001, Arboricultural Impact Assessment Report prepared by Adam Hollis (Sept 2019), Design and Access Statement (2019), Planning and Heritage Statement prepared by Montagu Evans, Basement Impact Assessment by Price and Myers, Energy and Sustainability Statement by Hoare Lea (Revision 1 - 26 September 2019), Below Ground Drainage and SuDs Report (Sept 2019), Acoustic Assessment by Hoare Lea, Air Quality Assessment, Construction Impact Assessment (June 2017). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

- The reason given for the condition is: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
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Appeal C: APP/Y5420/W/24/3353428

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 under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - 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/2024/1073.
 - The application sought planning permission for demolition of existing house and erection of replacement dwelling and associated works without complying with a condition attached to planning permission Ref HGY/2019/2944, dated 15/01/2021.
 - The condition in dispute is No 2 which states that: In accordance with the approved plans. The approved plans comprise drawing nos (Applicant's drawing No.(s) HPL - 001, HPL - 400 Rev P1, HPL - 410 Rev P1, HPL - 420 Rev P1, HPL - 430 Rev P1, HPL - 450 Rev P1, HPL - 460 Rev P1, HPL - 470 Rev, P1, HPL – 500 Rev P1, HPL – 501 Rev P1, HPL – 502 Rev P1, HPL – 503 Rev P1, HPL – 504 Rev P1, HPL – 505 Rev P1, HPL – 506 Rev P1, 17049-P-301, 17049-P-311, 17049-P-321, 17049-P-331, 17049-P-090, 17049-P-100, 17049-P-110, 17049-P-120, 17049-P-130, 17049-P-200, 17049-X-001, Arboricultural Impact Assessment Report prepared by Adam Hollis (Sept 2019), Design and Access Statement (2019), Planning and Heritage Statement prepared by Montagu Evans, Basement Impact Assessment by Price and Myers, Energy and Sustainability Statement by Hoare Lea (Revision 1 - 26 September 2019), Below Ground Drainage and SuDs Report (Sept 2019), Acoustic Assessment by Hoare Lea, Air Quality Assessment, Construction Impact Assessment (June 2017). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
 - The reason given for the condition is: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for demolition of existing house and erection of replacement dwelling and associated works at Oakleigh, 42 Hampstead Lane, Hornsey, Haringey London N6 4LL in accordance with the application Ref HGY/2024/1072 without compliance with the condition 2 previously imposed on the planning permission Ref HGY/2019/2944 dated 15/01/21 and subject to the conditions in the attached schedule.

Appeal B

2. The appeal is dismissed.
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Appeal C

3. The appeal is allowed and planning permission is granted for demolition of existing house and erection of replacement dwelling and associated works at Oakleigh, 42 Hampstead Lane, Hornsey, Haringey, London N6 4LL in accordance with the application Ref HGY/2024/1073 without compliance with condition 2 previously imposed on the planning permission Ref HGY/2019/2944, dated 15/01/21, and subject to the conditions in the attached schedule.

Preliminary Matters

4. As set out above there are three separate appeals for this site. For ease of reference, I refer to the different cases as Appeals, A, B and C in this Decision Letter as set out in the banner heading. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in my reasoning.
5. Because the appeal site lies in the Highgate Conservation Area (CA), I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA).

Background

6. Permission was granted in January 2021 for the demolition of the existing house and erection of a replacement dwelling and associated works, under LPA Ref. HGY/2019/2944. Condition 2 required the development to be undertaken in accordance with a list of approved plans. Since permission was granted, a number of non-material amendments have been approved. Work has commenced on the development and the house has been demolished.
7. The appellant is seeking under Appeal A to vary condition 2 to allow stone fascias to be added to the front and rear dormers, to change all sash windows to be casement and to omit all glazing bars to windows.
8. The appellant is seeking under Appeal B to vary condition 2 to allow ground floor and first floor quoins to be stone and for the omission of the central bay rear quoins.
9. The appellant is seeking under Appeal C to amend the approved scheme to change the lower ground floor windows to be sliding doors.

Main Issue

10. Therefore, the main issue for all three appeals is the effect that removing condition 2 would have on the character and appearance of the host property and surrounding area, including whether it would preserve or enhance the character or appearance of the Highgate Conservation Area (CA).

Reasons

11. The appeal site is located within the CA which covers a large area with its significance formed by the relationship of its historic pattern of development, its high percentage of buildings of architectural merit, its topography and distant views. The appeal site is located within the Bishops sub-area, which according to the Highgate Conservation Area Character Appraisal is characterised predominantly by Arts and Crafts style development, typically large houses in substantial plots.

Although the area around this part of Hampstead Lane retains the original pattern of development it now has more variation in architectural style as many of the traditional houses have been replaced or significantly altered by modern development.

12. The appeal site adjoins a large, detached property at 40 Hampstead Lane, with stone central porch detailing, central dormer and two gable pitched roofs to either side. Along Hampstead Lane there is a mix of traditional arts and crafts houses with more modern replacement dwellings. The nearby roads of Compton Avenue and Courtenay Avenue are private gated roads and therefore I was unable to view these streets during my site visit.
13. The proposed new dwelling broadly follows the building line of the adjoining property and would be set back from the main road. It would be positioned at a lower ground level than the road, facing towards the fenced boundary of Kenwood House. The proposed dwelling would be prominent when viewed from along Hampstead Lane.

Appeal A – character and appearance

14. I note that the approved design for the dwelling was considered to be broadly in keeping with the architectural character of the neighbouring properties and the CA, which is reflected in the approved fenestration detailing. However, the appeal site is located between No 44 which has since been demolished and No 40 which has casement windows with no glazing bars. The detached dwelling at No 46 has also been demolished. Therefore, there is little residual evidence of the traditional arts and crafts architecture in this part of Hampstead Lane. Even where traditional styles have been preserved, I observed that there are few remaining examples of sash windows with or without glazing bars. Therefore, given the existing context the proposed window amendments would not appear out of keeping with neighbouring dwellings and would preserve the significance of the CA.
15. The approved plan permitted under LPA Ref. HGY/2024/0025 shows that the dormer window would be of a much simpler design in comparison to that shown on the proposed plans. Although the design of the dormer would be more elaborate than the approved dormer it would have a similar appearance to that of No 40 and therefore would not appear incongruous within the street scene. As there is already a mix of materials in the immediate area, I consider that the use of stone fascia as proposed would preserve the character and appearance of the CA.
16. Therefore, I find that the proposal would preserve the character and appearance of the CA. Thereby, it would accord with Policies SP11 and SP12 of the Haringey Local Plan Strategic Policies (2013) (LP) and policies DM1 and DM9 of the Development Management Development Plan Document (2017) (DM). Together these policies seek to ensure that all new development achieves a high standard of design which relates positively to their locality and conserves and enhances the significance of heritage assets.

Appeal B – character and appearance

17. The proposal is for the approved ground and first floor quoins to be changed from brick to stone with the central rear bay quoins omitted.

18. Whilst there is a mix of architectural styles in the area there are limited examples of the use of stone quoins. I have been referred to the example of stone quoins used at 'Kenvarra', however this is a modern dwelling, with stone dressings which has a different appearance to the remaining traditional dwellings. The proposed use of stone quoins would be prominent additions to the new dwelling, which would be at odds with the prevalent use of brick detailing. The proposal therefore would harm the character and appearance of the CA.
19. I find that the degree of harm to the significance of the CA would be less than substantial in this instance but nevertheless of considerable importance and weight. Paragraph 215 of the National Planning Policy Framework (2024) (the Framework) states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use.
20. The appellant has not put forward any evidence of any additional public benefits which would be provided as a result of the proposed changes, which would outweigh the great weight afforded by Paragraph 212 of the Framework to the asset's conservation, and the considerable importance and weight to the less than substantial harm that I have identified to the CA. Accordingly, within the context of my duty under section 72 of the LBCAA, the proposal would conflict with the Framework and Policies SP11 and SP12 of the LP Policies DM1 and DM9 of the DM. Together these policies seek to ensure that all new development achieves a high standard of design which relates positively to their locality and conserves and enhances the significance of heritage assets.

Appeal C – character and appearance

21. The proposal seeks to amend the approved scheme to replace three round arched windows with four flat headed openings with sliding doors. The proposal would be of much simpler design which reflects the character of flat headed openings of other dwellings in the local area. Moreover, due to the topography of the appeal site these changes would not be visible from wider views within the CA or from neighbouring properties.
22. Therefore, I find that the proposed amendments would preserve the character and appearance of the CA. Thereby, it would accord with Policies SP11 and SP12 of the LP and Policies DM1 and DM9 of the DM. Together, these policies seek to ensure that all new development achieves a high standard of design which relates positively to their locality and conserves and enhances the significance of heritage assets.

Other Matters

23. I am aware that the site is proximate to the Grade II listed East Lodge to Kenwood House and Attached Gateways¹. Mindful of the statutory duty set out in s66(1) of the LBCAA, I have had special regard to the desirability of preserving its setting. This single storey lodge fronts onto Hampstead Lane but is set back from the road. The appeal site is also set back from Hampstead Lane and so there would be limited intervisibility between the two buildings. Therefore, given the location and extent of the proposed development, I consider that it would preserve the setting of

¹ List entry 1378705

this listed building and the contribution it makes to its significance. I note the Council has raised no concerns in this regard.

24. The appellant has submitted a signed and executed Unilateral Undertaking dated 17 March 2025, which carries forward the requirements for a carbon offsetting contribution to the sum of £54,000 towards the implementation of projects to reduce carbon emissions in its area to offset the proposed shortfall in meeting London Plan policies. Although this would be a benefit from the scheme it has already been taken into account as part of the original application.
25. The Highgate Conservation Area Advisory Committee have objected to the decision to divide the proposed changes into multiple applications. Whilst I note that there have been various changes to the original scheme, I have considered each appeal on its individual merits based on the evidence before me.

Conditions

26. By allowing Appeals A and C new planning permissions are granted. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The Council has been approached in relation to providing a list of recommended conditions, however this has not been forthcoming.
27. As the development has commenced, I have not imposed a condition relating to standard time limits. As the Considerate Constructors Scheme is a separate regulatory requirement, I have not re-imposed this condition. I shall reimpose all other conditions attached to the original permission with the exception of those relating to amendments allowed as part of this appeal. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
28. As the plans relating to each appeal are different, in order to avoid duplication, conditions 1 to 8 apply to both appeals A and C. I have separated any additional conditions which apply to each specific appeal.
29. I have imposed conditions relating to approved plans for the avoidance of doubt (1, 9 and 10). I have attached a condition requiring details of materials to be provided in the interests of visual amenity (2). In order to protect the character and appearance of the area and protect existing trees I have imposed conditions relating to landscaping and trees (3, 6 and 7).
30. I have imposed a condition which removes provisions relating to permitted development for the enlargement, improvement or other alteration of a dwelling house in order to protect the living conditions of neighbouring residents and the character and appearance of the area (4).
31. A condition relating to the Method of Construction Statement is necessary to protect existing occupiers against noise disturbance (5). In order to meet the requirement relating to carbon management a condition is necessary in relation to renewable energy systems (8).

Conclusion

32. For the reasons given above I conclude that appeals A and C should succeed. I will grant new planning permissions for each appeal subject to conditions. Appeal B is dismissed.

C Skelly

INSPECTOR

SCHEDULE OF CONDITIONS

Appeals A and C

- 1) The development hereby permitted shall be carried out in accordance with the following approved documents:
HPL - 001, HPL - 400 Rev P1, HPL - 410 Rev P1, HPL - 420 Rev P1, HPL - 430 Rev P1, HPL - 450 Rev P1, HPL - 460 Rev P1, HPL - 470 Rev, P1, HPL – 500 Rev P1, HPL – 501 Rev P1, HPL – 502 Rev P1, HPL – 503 Rev P1, HPL – 504 Rev P1, HPL – 505 Rev P1, HPL – 506 Rev P1, 17049-P-301, 17049-P-090, 17049-P-100, 17049-P-110, 17049-P-120, 17049-P-200, 17049-X-001, Arboricultural Impact Assessment Report prepared by Adam Hollis (Sept 2019), Design and Access Statement (2019), Planning and Heritage Statement prepared by Montagu Evans, Basement Impact Assessment by Price and Myers, Energy and Sustainability Statement by Hoare Lea (Revision 1 - 26 September 2019), Below Ground Drainage and SuDs Report (Sept 2019), Acoustic Assessment by Hoare Lea, Air Quality Assessment, Construction Impact Assessment (June 2017).
- 2) Notwithstanding the submitted details, the development hereby permitted shall not be commenced until precise details of the external facing materials to be used in it have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved details.
- 3) Before the relevant part of the development shall commence, a scheme for the treatment of the surroundings of the proposed development including the timescale for the planting of trees and/or shrubs, together with lawns and appropriate hard landscaping including boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details and within 3 months of the approved scheme.
- 4) Notwithstanding the provisions of Part 1, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within that Class shall take place except in accordance with a specific planning permission which has been granted beforehand.
- 5) No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of :

- a) parking and management of vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) wheel washing facilities:
have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.
- 6) No development shall start until all those trees to be retained, as indicated on the approved drawings, have been protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 3998:2010 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.
- 7) A replacement tree (minimum nursery size of 14-16cm stem girth) must be planted on site within 12 months of its removal. A planting plan and specification must first be submitted for approval to the Local Planning Authority prior to its planting. If the new tree, or any replacement for it, dies or is damaged or lost for any reason within five years of the initial planting, another tree of the same species and size must be planted in same location, unless the Local Authority agree in writing to any variation.
- 8) Prior to occupation, the applicant must deliver the renewable energy systems (Be Green) as set out in the approved Energy Strategy, by Hoare Lea dated 26th September entitled Sustainability - Energy & Sustainability Report. The renewable energy systems shall be retained thereafter.

Additional conditions for Appeal A

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans:
20240404_17049 MMA APPLICATION iii. 17049-P-130 Rev F, 17049-P-300 Rev F, 17049-P-311 Rev F, 17049-P-321 Rev F, 17049-P331 Rev F.

Additional conditions for Appeal C

- 10) The development hereby permitted shall be carried out in accordance with the following approved documents:
20240404_17049 MMA APPLICATION iv, 17049-P-090 Rev G, 17049-P-311 Rev G.

END OF SCHEDULES