



Appeal Decision

Site visit made on 10 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/X5210/W/24/3357274

Flat A, 23 Hampstead Lane, Hornsey, Haringey, London N6 4RT

- 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 Andrew Thornton & Eudora Pascall of Smart Garden Offices Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/5407/P.
 - The development proposed is the installation of a detached timber outbuilding in a private rear garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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).

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Highgate CA.

Reasons

Character and appearance

4. The appeal property is a three storey plus basement terrace property located on the southern side of Hampstead Lane. The appeal site comprises the rear garden of the lower ground floor flat. Access to the rear garden of the appeal site is via steps from the lower garden, which leads to an upper garden area, which faces towards the windows of the upper flat. The upper part of the garden has been subdivided by a close boarded timber fence with the rear section used by the upper flat, which includes a number of trees.
5. The original rear gardens of the terrace are long, narrow and divided by low brick walls with trellises above. This provides a sense of openness to the rear gardens along the terrace that contributes positively to the verdant appearance of the area. The appeal site is located within the Camden Highgate CA, which covers an area to the south of Hampstead Lane and borders Hampstead Heath along its western boundary. Based upon the submitted evidence, the age and design of its dwellings and its landscape, the significance of the CA is architectural and historical.

6. The Highgate Conservation Area Appraisal and Management Strategy (2007) (CAAMS) states that the site is within the Highgate Village sub area, which comprises a range of well-designed 19th century houses with some 20th century infill. The CAAMS notes that although there is variety in the detail and materials the character is determined by the scale and relationship of the buildings to each other and the road. Specific reference is made in the CAAMS to Nos 23, 25, 27 and 29 Hampstead Lane, which it states forms a short, symmetrical terrace of four villas, with Nos 23 and 29 projecting forward. The appeal property and wider terrace are listed in the CAAMS as making a positive contribution to the CA. The distinctive qualities or features of this part of the CA relate in part to the fine grain of development that is characterised by terraced and closely spaced houses on rectangular plots with long, open rear gardens.
7. The proposed outbuilding would extend across the entire width of the garden serving the flat and would occupy a significant proportion of the upper garden area. Although it would be located to the rear of the upper garden, as it has been subdivided it would have the appearance of sitting within the central section of the original garden. The proposed outbuilding would be physically detached from the host property by the lower ground garden area and would appear as an incongruous addition as it would not relate well to the host property or the form of the original garden. As a result of its scale, the outbuilding would overly dominate the appearance of the upper garden area, whilst its placement within the garden would erode the open character of the rear gardens of neighbouring properties and undermine their relationship to one another.
8. Whilst the outbuilding would only be visible in private views, this would not diminish the adverse effects that would be caused. Accordingly, I find that the proposal would fail to preserve or enhance the character or appearance of the CA. This failing would not be overcome by the outbuilding's use of large windows and the neutral tone of its external materials.
9. I note that an outbuilding in the rear garden of 25 Hampstead Lane was granted a lawful development certificate¹. However this building is set to the rear of the garden, which has not been subdivided and therefore is not directly comparable to the appeal case.
10. The appellant has referred me to an appeal at 95 Castlehaven Road², however in this case views of the proposal would be obscured by existing development and mature planting on the boundary, which is not the case for the appeal site. I have also been referred to permission granted at 16 South Grove, which related to a different type of development to that proposed and therefore is not directly comparable to the appeal case.
11. The appellant contends that the scale of the proposed development would be acceptable in principle if No 23 was a single dwelling house through permitted development rights. However, this is not directly relevant as the property and garden have been subdivided.

¹ LPA Ref 2021/6130/P

² APP/X5210/W/24/3338959

Heritage Balance

12. The proposal would harm the character and appearance of the host building and surrounding area which contributes positively to the CA. The harm caused to the CA would be less than substantial and in terms of the spectrum of harm within this category would be at the lower end. Paragraph 215 of the Framework states that where harm is identified to the significance of designated heritage assets and their setting, it should be weighed against the public benefits of the proposal.
13. The proposal would provide a home office space for the appellant, however the benefits would largely be private. Therefore, there are neutral public benefits which is insufficient to outweigh the less than substantial harm to the CA. Given this and the above, I conclude that the proposal would fail to satisfy the requirements of the LBCAA, paragraph 210 of the Framework and conflicts with Policies A1, D1 and D2 of the Camden Local Plan (2017) and Policy DH1 of the Highgate Neighbourhood Plan (2018), which amongst other things seek to ensure that development respects local context and character and preserves or enhances historic and heritage assets.

Other matters

14. The Council's second reason for refusal relates to insufficient detail being available to demonstrate that existing trees on and around the site would be adequately protected. A Tree Survey was submitted as part of the appeal. This states that the proposed building would extend into the root protection area of T3 (sycamore tree) and therefore recommended that the proposed outbuilding is constructed using screw pile foundations, with any excavation completed by hand. It also recommended that protective fencing and ground protection measures are installed to prevent soil disturbance over root protection areas. The Council have confirmed that based on this additional information that the effect on trees is no longer a reason for refusal. On this basis, the Council agrees that the proposal would not harm trees and I agree with that position.
15. Whilst I note there has been some support for the proposed development, this does not outweigh or alter my conclusion on the main issue.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, for the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR