



Appeal Decision

Site visit made on 4 December 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Appeal Ref: APP/N5090/Y/25/3371178

51 Temple Fortune Hill, Golders Green, Barnet, London, NW11 7XP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Pedram Mazaheri against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 25/0988/LBC.
 - The works proposed are 1. Replace the existing kitchen window with a new glazed door to match the existing one to create a new entrance to the garden. 2. Replace the shower room window on the ground floor with a bigger window. 3. Replace the Kosher kitchen window with a smaller window 4. Relocate the rainwater pipe and the soil pipe on the rear elevation. 5. Remove the chimney breast from the living room and remove the wall between the living room and the kitchen to create an open space. 6. Remove the living room door and create a wider entrance to the living area. 7. Remove the wall between the dining area and the shower room and create an open-plan kitchen. 8. Create a new shower room instead of the second/Kosher kitchen. 9. Replace the existing shower room's window with 3 panelled window that matches the existing one. 10. Replace the existing kitchen window with a smaller window that matches the existing one. 11. Relocate and replace the door to the garden with a single-glazed timber door. 12. Remove the chimney breast from the bedroom on first floor and create a new En-suit shower room. 13. Remove the wall between the toilet and the shower room on the first floor. 14-Add a conservation area skylight on the roof on the rear elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As required by sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issue

3. The main issue in this appeal is whether the proposal would preserve the listed building or any features of special architectural or historic interest it possesses and, linked to that, whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

Special interest and significance

4. The appeal property is a two-storey semi-detached building which forms part of a Grade II listed building¹, 37 – 51 Temple Fortune Hill. The building forms part of a group of blocks by C M Cricker which all differ slightly in detail but are generally of brick and roughcast render, some with upper overhanging gables. Considered as a whole the blocks are both picturesque and striking by reason of their siting and layout. The appeal property was designed as part of a cohesive suburb and the choice of each design element reflects the architectural and social history of the period. Internally, the evidence before me indicates that the appeal property appears to be largely intact and as planned. The floor plan is generally unchanged and a large amount of the historic fabric of the building remains in situ.
5. It is important to note that though the listing description itself does not make specific detailed reference to the internal attributes of the listed building as a whole or to the appeal property which forms part of it, this is not a reflection on the significance of those elements of the building. The listing description is broad and is for identification purposes, particularly those descriptions dating from the period within which this building was listed, and is not a statement of significance. Whilst I note too that the listing description was not updated at a later date, as was the case with some other descriptions of this period, this should also not be considered as a statement regarding the merit of those aspects of the building which are not referenced.
6. In my view, the significance of the heritage asset, in so far as it relates to this appeal, is derived in part from the historic interest and architectural quality of the building as part of a broader set piece but also from the historic plan form of the building and the historic fabric which remains.
7. The appeal site is situated within the Hampstead Garden Suburb Conservation Area (CA). The Hampstead Garden Suburb Conservation Area Character Appraisal Statement Introduction sets out that Hampstead Garden Suburb is internationally recognised as one of the finest examples of early twentieth century domestic architecture and town planning. The CA draws its significance, in part, from the cohesive groups of attractive suburban properties, the architectural quality of buildings in the area and the surrounding open space and landscaping. As an example of a high quality, largely intact, suburban dwelling the appeal property forms part of a listed building which adds positively to the significance of the CA.

Effects of the proposal

8. The proposal involves a number of extensive changes to the internal layout of the property along with associated changes to the fenestration and, consequently, the appearance of the rear and side elevations of the property.
9. At ground floor level the chimney breast in the living room along with the wall within which it sits, which separates the living room and the existing kitchen, would be removed to create a large open plan dining and living space. The living room door would be removed to create a wider entrance into the new open plan space and the kitchen door would be blocked up. The removal of the attractive fireplace, its brick surround and the hearth along with the chimney breast would be a loss in terms of its position as a key design feature of the living room. The removal of the wall, the joinery and the door and the masonry surrounding the door (in order to

¹ National Heritage List for England Number: 1064821.

facilitate the wider opening) and the chimney breast, the fireplace and its surrounds would also represent a considerable loss of historic fabric.

10. On the other side of the house, the walls separating the existing dining room from the rear shower room and second kitchen area would be removed to create a new open plan kitchen and dining area and a separate, central, shower room with WC. New stud walls would be constructed to facilitate the layout. The removal of the walls would strip away further elements of the historic fabric of the building.
11. At first floor level the proposal is to install an ensuite shower room to serve one of the bedrooms and to reconfigure the layout further to create a family shower room. In order to facilitate these alterations a chimney breast and a section of the surrounding wall would be removed and stud walls would be erected. A further section of wall would be removed and an existing doorway would be blocked up to create the new family shower room. These alterations would lead to a further loss of historic fabric.
12. Alterations to the fenestration of the property would be made as part of the scheme before me. The existing window serving the side, garden facing elevation of the kitchen would be removed and replaced with a wooden glazed door. The large rear secondary kitchen window would be replaced with a much smaller window to serve the new shower room. The rear door would be relocated and the small shower room window would be replaced with a larger, three section, window. The single glazed units would be replaced with conservation style double glazing. A new conservation skylight within the roof is proposed. The proposed and existing plans both contain a discrepancy in respect of the position of a vent at first floor level which is situated within the smaller window and not the larger window as indicated. Such inaccuracies cast doubt over the individual design, subsequent appearances and works involved in the construction.
13. Though the new windows and doors would be crafted with the aim of replicating the original designs, would be timber with integral glazing bars and would have conservation style glazing they would, nevertheless, appear visually different to those in situ. Even if the windows and doors which are to be replaced are not historic the revised layout of fenestration would materially alter the visual appearance of the rear and side elevation of the building to the detriment of its historic authenticity. Moreover, the removal of further sections of the existing wall and a section of the roof would further erode the remaining historic fabric of the building.
14. In addition to the substantial loss of historic fabric and architectural features, the floor plan and layout of the dwelling would be markedly altered by the proposed works. The proposed large, open plan, spaces would not be representative of the property's history as a planned, suburban home of its time and the historic integrity and interest of the listed building would be eroded.
15. I note that the evidence before me indicates that the secondary kitchen and the ground floor shower room were not part of the original structure. However, despite the changes to the historic floor plan the fundamental layout and room sizes are consistent with the submitted archived floor plan included within the Appellant's full statement of case and the changes to date are not a vast departure from the original. To my mind, the previous changes to the designated heritage asset, further cement the vital importance of the remaining historic fabric and floor plan.

Were the proposal to go ahead, the changes to the building would be such that the historic significance of the asset would be significantly weakened.

16. At first floor level the historic floor plan would be altered, two bedrooms would be made smaller and an ensuite would be added which would not reflect the archived floor plan which has been submitted. Though these changes would not be as striking as those at ground floor level, they would, nevertheless, result in a further erosion of the historic authenticity and interest of the property.
17. I accept that the structural beams which would be installed and the remaining small sections of the historic wall would enable the original floor plan to be understood, to an extent. I also accept the appellant's suggestion that the property could be further documented for reference purposes. These considerations, however, would not be sufficient to mitigate the harm I have identified or to compensate for the loss of the historic floor plan or historic fabric present on site.
18. In order to facilitate the proposed removal of a number of the walls the aforementioned structural beams/upstands are proposed. However, the details of these elements of the proposal have not yet been provided. It is imperative that proposals are accompanied by accurate and unambiguous drawings and specifications of sufficient detail to illustrate and/or describe the proposed works in order to avoid any uncertainty over the extent of what is proposed, and to allow a robust assessment of any consequent effects. In this instance, the evidence before me does not clearly set out the details of this part of the scheme. As such, the specific details before me are not sufficient to enable a robust judgement to be reached regarding the potential effect of this element of the proposal on the heritage asset. Consequently, I cannot be certain that they would preserve the listed building and not cause harm to its significance. I note the suggestion that conditions could be attached requiring further details to be approved. However, such details go to the heart of the proposal and I cannot be certain that conditions would be an effective mechanism for making the proposal acceptable and ensuring that it would not cause harm. Without evidence to the contrary I must take a precautionary approach in the interests of preserving the listed building and ensuring that any conditions imposed would meet the tests set out by the Framework. Consequently, such conditions would not be suitable.
19. Whilst views towards the proposed alterations would be limited, it is important to note that the host building is Grade II listed and its designation is not based solely on its visibility within the surrounding townscape. Listed status reflects a range of architectural and historic considerations and the significance of the asset derives from these factors rather than from its presence in public views. The proposed alterations would be visible from the appeal property and a number would also be evident from neighbouring properties. The tangible harm which would be caused to the significance of the asset is set out above and the limited visibility of the proposed changes would not overcome this harm.
20. Cumulatively, the proposed alterations are extensive and would result in considerable changes to the property which would not preserve the listed building or any features of special architectural or historic interest which it possesses, and would cause harm to its significance.
21. The proposal would cause harm to an asset which adds positively to the significance of the CA. It follows that the scheme before me would fail to preserve

or enhance the character or appearance of the CA as a whole, and would harm its significance.

22. In finding harm to the significance of a designated heritage asset the National Planning Policy Framework (The Framework) requires the category of harm to be identified. The Planning Practice Guidance (PPG) expands upon this by requiring the extent of harm within that category to be clearly articulated. In this instance, given the extent and nature of the proposed works, the harm to the significance of the listed building would be a moderate level of less than substantial; and the harm to the significance of the CA would be a low level of less than substantial. The identified harm is of considerable importance and weight.
23. The approach set out in the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Public benefits and heritage balance

24. It is not unreasonable to conclude that the proposal would lead to economic, social and environmental benefits. Amongst other things, these would stem from engaging local professionals, trades and suppliers. The proposed new rear elevation fenestration is said to provide a significant improvement to the energy efficiency of the building. The additional shower room on the first floor would improve the functionality of the dwelling as a family home and the proposed changes overall would enable the dwelling to better cater to modern living as well as to the needs of the appellant's own family which includes an elderly relative. Notwithstanding this, there is no substantive evidence before me which demonstrates that the proposed works are necessary to secure the ongoing use of the heritage asset as a family home.
25. I also note the public benefit which exists in respect of enabling care for an elderly relative to be delivered in the home thus reducing the demand on publicly funded residential care services. This would be in accordance with paragraph 8 of the Framework which sets out the social objective of delivering sustainable development by supporting strong, vibrant and healthy communities and ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
26. I also note the appellant's suggestion that the chief architect responsible for Hamstead Garden Suburb believed that the homes created should meet the needs of the occupants.
27. Whilst a number of the benefits outlined above would be private, they would also be such that they could be considered to be of broader benefit to the public.
28. Conversely, on the other side of the balance, I have found that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building and would not preserve or enhance the character or appearance of the CA. The Framework indicates that great weight should be given to the conservation of these heritage assets. Consequently, the public benefits of the scheme do not outweigh the harm identified.

29. The proposal would, therefore, conflict with the statutory presumptions of s.16(2) and s.72(1) of the Act. The proposal would also conflict with Policy CDH08 of the Barnet Local Plan 2021 – 2036, March 2025 (LP) which states that the Council will ensure that Barnet’s designated heritage assets including its conservation areas, statutory listed buildings, scheduled monuments, registered historic parks and gardens, registered historic battlefield, and its non-designated heritage assets are conserved and enhanced in a manner appropriate to their significance. The policy recognises that these assets are an irreplaceable resource which greatly contribute to the Borough’s distinctive character and should continue to be enjoyed by present and future generations. The proposal would also fail to accord with the aims of Policy HC1 of the London Plan 2021 which states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings and notes that the cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.
30. Additionally the proposal would fail to comply with LP Policy CDH01 which expects all new development to be of a high architectural and urban design quality which, amongst other things, responds sensitively to the distinctive local character and design, building form, patterns of development, scale, massing, roof form and height of the existing context.
31. The proposal would also fall short of the expectations of the Framework which sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Other Matters

32. As set out above, the appellant has stated that the proposed changes are intended to make the property suitable for an elderly relative to live independently and with dignity on the ground floor of the property. I understand the situation of the family and attach weight to their circumstances. However, the property already benefits from facilities such as a shower room and kitchen downstairs and whilst the proposal would enhance these it would not seem to me to add anything which isn’t already available. Furthermore, the circumstances of the occupants of the property can be expected to change, whereas the alterations to the designated heritage asset and the resultant harm I have identified would remain in posterity.
33. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. The harm caused by the appeal proposal would outweigh any outcomes in terms of eliminating discrimination against persons with the protected characteristic of age, advancing equality of opportunity for those persons and fostering good relations between them and others.
34. The appellant suggests that other listed buildings within the CA have had listed building consent granted for alterations which they consider to be not dissimilar to the appeal scheme. However, each case must be determined on its own merits based on the specific circumstances at each site. These circumstances will rarely, if ever, be identical.
35. The appellant has drawn my attention, in particular, to a 2022 grant of listed building consent at 21 Heathgate. However, I have limited information before me

and I am not aware of the specific details regarding the previous condition of the property or the degree, if any, of historic fabric which would have been lost. Furthermore, the evidence before me indicates that the consented scheme proposed far fewer alterations to the property and, if historic fabric was lost it would have been to a much smaller degree. Additionally, the scheme included the addition of doors to separate the spaces and not the same fully open plan arrangement proposed in this instance. In any event, the existence of other examples is not, in and of itself, a sufficient reason to justify the grant of listed building consent. Particularly in circumstances where harm to significance has been identified.

36. Though I note the appellant's suggestion that the larger ground floor living space would not be dissimilar to that at No. 49 Temple Fortune Way, the evidence before me indicates that the larger spaces and alternative arrangement at No. 49 were part of the historic planform and not later alterations. Though this indicates that alternative layouts and room sizes were considered representative of the suburb as a whole these variations are within a broad spectrum and do not include the large open plan spaces proposed as part of the scheme before me.
37. I have given careful regard to all of the above considerations. However, none of the other matters raised, individually or collectively, alter my conclusions on the main issue.

Conclusion

38. For the reasons set out above the appeal is dismissed.

L J O'Brien

INSPECTOR