



Officer Report

Application Number: HGY/2023/2890
Application Type: Householder planning permission
Address: Oakleigh, 42 Hampstead Lane, Hornsey, London, N6 4LL
Proposal: Erection of a boundary wall following demolition of an existing boundary wall
Case Officer: Oskar Gregersen
Valid Date: 26/10/2023
Applicant: Mr H Golshirazi
Agent: Mr Sean Moulton

RECOMMENDATION

Refuse

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

Reasons for Refusal: The proposed replacement boundary treatment would introduce an incongruous feature that would appear in contrast with the surrounding street scene, whilst appearing overbearing and damaging to the character and appearance of Highgate Conservation Area contrary to London Plan 2021 Policy HC1, Local Plan Policies SP11, SP12, DM1, DM9 and the Highgate Neighbourhood Plan Policy DH6.

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the replacement of an existing low brick and metal fenced boundary wall along Hampstead Lane, with a 2.2m solid brick wall complete with two vehicle entrances and a pedestrian entrance.

Site and Surroundings

Application site is a large detached dwellinghouse on a large plot, newly built following permission granted to remove the previous building and its replacement under permission HGY/2019/2944. The site is located within the Highgate Conservation Area and borders Hampstead Heath. The site benefits from a wide variety of architectural features that add to the character of Highgate Conservation area.

The site is located within the Highgate Conservation Area, however is not locally listed.

Relevant Planning and Enforcement history

The most recent planning history in relation to the site is as follows.

HGY/2019/2944 | Demolition of existing house and erection of replacement dwelling and associated works.

Approve w/ Conditions

HGY/2021/2566 | Non-Material Amendment to vary Condition 3 attached to application ref: HGY/2019/2944 to amend the trigger.

Approve w/ Conditions

HGY/2022/4057 | Non-Material Amendment application to planning permission HGY/2019/2944 for "Erection of replacement dwelling" to vary windows (sash to casement); front elevation and dormer alterations; alterations at roof level including addition of lift overrun and removal of projecting rooflight; alterations to rooflight siting; and additional excavation to side of footprint of basement
Refuse

HGY/2022/4212 | Non-Material Amendment application to planning permission HGY/2019/2944 for "Erection of replacement dwelling" to vary windows; front elevation and dormer alterations; alterations at roof level including addition of lift overrun and removal of projecting rooflight; alterations to rooflight siting; and additional excavation to side of footprint of basement
Refuse

HGY/2023/2998 | Non-Material Amendment to approved development HGY/2019/2944 (Demolition of existing house and erection of replacement dwelling and associated works.) for lower ground floor window reconfiguration to the rear elevation; Minor increase in basement excavation under west side ramp; and Rear external staircase reconfiguration.

Approve

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

LBH Conservation Officer:

Conservation colleagues were consulted as a part of this proposal, and a summary of their comments on the application are as follows:

- The surrounding context of frontages is typified by low-medium height brick walls, often with railings above and hedging. The hedgerow, tree-lined street, and woodland opposite create a verdant which helps give the area a more suburban character.
- The retained hedgerow to the front boundary appears to have been a mitigating factor in the approved replacement dwelling application HGY/2019/2944
- The proposed brick wall is significantly higher and solid as opposed to the existing visually permeable frontage. This would be at odds with the surrounding context and would appear incongruous with the surrounding verdant streetscene.
- The materiality of the proposed wall is not established properly in the drawings, as there is concern that the materiality will be incongruous with the streetscene.
- Overall, the proposed boundary treatment would represent a degradation of one of the key characteristics of this part of the Highgate Conservation Area, and this would be considered to

cause less than substantial harm to its significance. As the Highgate Conservation Area is a designated heritage asset great weight should be given to the asset's conservation, and any harm caused to the significance of a designated heritage asset requires clear and convincing justification and should be weighed against public (not private) benefits. The proposals are considered to cause less than harm to the significance of the Conservation Area, Conservation would not support this application.

LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 6 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

The following local groups/societies made representations:

- The Highgate Society
- Highgate Conservation Area Advisory Committee

The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Proposed wall too high
- Overbearing on surrounding area
- Counter to character of conservation area
- Drawings not specific about proposed materiality
- Proposal contrary to Highgate Neighbourhood Planning Policy DH6

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and appearance;
2. Impact on the character and appearance of the conservation area;

Design and appearance

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

Permission is sought for the replacement of an existing low boundary wall complete with metal railings with a large hedgerow filling the space behind the railing. This style of boundary treatment is typical of the area, with many of the large homes surrounding the application site maintaining this. The proposed replacement boundary wall appears to be finished in solid brick for the width of the front elevation of the site at a height of 2.2m, with five pillars proposed at a height of 2.4m to facilitate two vehicle entrances and a pedestrian entrance.

Materially this proposed wall would appear at odds with the surrounding street scene, introducing a feature that is significantly more dominant and obtrusive compared to the existing. This is contrary to Local Plan (2017) Policy SP11 and DPD Policy DM1 as it does not respond sensitively to the context of the surrounding area. As such, it is deemed that by virtue of the harsh materiality compared to the existing, and overt scale of the proposed boundary wall, the proposal would not be acceptable in terms of design.

Impact on the character and appearance of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the legal test that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The importance of properly discharging the duty conferred by these provisions and the need to pay particular attention to potential harm was recently underlined by the decision of the courts in the Barnwell Manor case. This case determined that when considering the impact on heritage assets with other material considerations in the overall planning balance, interpreting S66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 the decision maker should accord 'special weight' or 'considerable importance and weight' to the desirability of preserving the setting of heritage asset.

London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

Highgate Neighbourhood Plan Policy DH6 states that original boundary walls, gate piers or railings should be retained unless their removal is necessary due to the condition of a structure, or replacement provision is proposed which would enhance the character of the area. In areas where matching and similar boundary walls form a recognizable part of the streetscape, for example clinker walls in Cromwell Avenue, replacements should be reinstated to match the originals. With new boundary walls requiring planning permission, and gated developments will not be permitted if they:

- I. Have a detrimental impact on the open character of the street-scene; or
- II. Result in the unnecessary removal of mature hedges or natural features which have a positive impact on the character of the local area;
- III. Would result in a loss of visual permeability or public accessibility where this contributes to local character

The surrounding context of the application site, specifically with reference to boundary treatments, is that of low-medium brick walls with metal railings and hedgerow. As highlighted by LBH Conservation Colleagues, as well as various local societies, the streetscene surrounding the

application site is that of greenery and woodland with trees lining the street, creating a suburban feel to the area. The proposed solid brick wall would be of a height significantly more than that of neighbouring sites, introducing a feature that would appear incongruous with the area that would interrupt the established pattern of fencing along Hampstead Lane.

As such, it is deemed that the proposed solid brick wall 2.2m in height would introduce a feature that would cause less than substantial harm to the character of Highgate Conservation Area, contrary to DPD Policy DM9, which requires proposals to preserve and complement the character of the area and as such the proposal cannot be accepted as it would not preserve or enhance the area.

Conclusion

The proposal is considered not acceptable as it would introduce a feature that would appear in contrast with the surrounding street scene, whilst appearing overbearing and damaging to the character of Highgate Conservation Area contrary to Local Plan Policy, as well as DPD Policies DM1 and DM9.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted/refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

CIL APPLICABLE

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

REFUSE PERMISSION

For the following reason(s)

The following proposal is deemed unacceptable as it would introduce a feature that would appear in contrast with the surrounding street scene, whilst appearing overbearing and damaging to the character of Highgate Conservation Area contrary to Local Plan Policy, as well as DPD Policies DM1, DM9

Refusal Reasons:

The proposed replacement boundary treatment would introduce an incongruous feature that would appear in contrast with the surrounding street scene, whilst appearing overbearing and damaging to the character and appearance of Highgate Conservation Area contrary to London Plan 2021 Policy HC1, Local Plan Policies SP11, SP12, DM1, DM9 and the Highgate Neighbourhood Plan Policy DH6.