

Appeal Decision

Site visit made on 8 February 2017

by M C J Nunn BA BPL LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th March 2017

Appeal Ref: APP/R5510/D/16/3165520

1 Birchway, Hayes, Middlesex, UB3 3PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Anjana Sharma against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 53788/APP/2016/2523, dated 27 July 2016, was refused by notice dated 22 September 2016.
 - The development is described as "first floor side extension".
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Decision

1. The appeal is dismissed.

Reasons

2. The appellant has made this appeal on the basis that the architect acting as the agent submitted the wrong set of plans to the local authority without consent, and then failed to submit another set of plans that were considered more suitable. The appellant now requests that the alternative plans be considered that apparently should have originally been submitted to the Council. The Council has not, as part of this appeal process, had the opportunity to comment on the alternative plans. Nor have others been consulted or had the opportunity to comment.
3. It seems to me that even apparently minor changes can materially alter the nature of an application. Moreover, the appeal process should not be used as a mechanism to evolve a scheme, and generally speaking, it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested persons' views were sought. If an applicant considers that amending their application proposals would overcome the Council's concerns, they should normally make a fresh application.
4. Having regard to the '*Wheatcroft Principles*'¹, I shall determine the appeal on the basis of the plans originally submitted to the Council and on which it made its decision. The plans are as follows: Location Plan (1:1250), Site-Block Plan (0-1), Ground Floor Plan (7), First Floor Plan (8), Roof Plan (10), Front Elevation (11), Rear Elevation (12), Flank Elevation 1 (13), and Flank Elevation 2 (14).

¹ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 p37]

5. The submitted plans before me are not clear in that the ridge height of the roof of the extension on the front elevation appears to be shown as much lower than on various other roof and elevation plans. In other words, the plans do not tally up. This gives rise to confusion, making it difficult to properly assess the proposals, and their impact on the locality. This being so, I cannot safely conclude whether the scheme would comply with the policies cited by the Council. These include Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies which requires new development to improve and maintain the quality of the built environment; Policies BE13, BE15 and BE19 of the Unitary Development Plan, which together seek to achieve development that harmonises with the original building and the street scene. In these circumstances, I have no option but to dismiss this appeal.

Matthew C J Nunn

INSPECTOR