



Appeal Decision

Site visit made on 30 May 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/Y5420/W/19/3222338

59, 61 and 63 Wellington Avenue, Tottenham, London N15 6AX

- 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 Messrs Mossberg, Dreyfuss and Katz against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0078, dated 18 December 2018, was refused by notice dated 6 February 2019.
 - The development proposed is described on the application form as a combined application for the erection of rear ground and first floor extensions to Nos. 59, 61 and 63.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Procedural Matter

2. The Location Plan (Drawing No. WA.59-61-63.LP) for the appeal identifies the properties referred to in the address of the site set out in the heading to this decision letter (i.e. the address set out on the application form although I note that the appeal form refers to the address only as 59 Wellington Avenue). However, during the site visit it was observed that the location and configuration of these properties are inconsistent with the proposals identified on the proposed plans (Drawing Nos. WA.59-61-63.PR.01, WA.59-61-63.PR.02 and WA.59-61-63.PR.03). These detailed plans for the proposed development show the appeal scheme being erected across the rear elevations of 61, 63 and 65 Wellington Avenue.
3. The Location Plan omits No. 65 and the detailed plans do not include No. 59. The site visit identified that No. 59 has already been extended at the rear and the additions can be seen on the right hand edge of the Existing Rear Elevation included on Drawing No. WA.59-61-63.EX.03.
4. Accordingly, there is a technical discrepancy between the submitted drawings and the observations made during the site visit. The opportunity was given to the parties to comment about the discrepancy between the Location Plan and the plans identifying the proposed extensions. The Council referred to the comment in the Planning Officer's report concerning the inconsistency between the submitted drawings. However, this is a specific comment related to a wooden structure at the first floor level of No. 59. The appellant confirmed that the properties proposed to be extended are Nos. 59, 61 and 63 as referred to on the application form but did not comment about the discrepancy in terms of the plans.

5. Planning control is a creature of statute and is, in turn, governed by a comprehensive body of legislation that sets out how it is to operate. This includes technical matters related to the manner in which an application for planning permission is to be made and what such an application is required to contain. The Town and Country Planning (Development Management Procedures) (England) Order 2015 (the Order) requires under Regulation 7(c)(i) *a plan to be submitted which identifies the land to which a planning application relates* and (ii) *any other plans, drawings and information necessary to describe the development which is the subject of the application*'. These provisions are replicated in Regulation 3(1)(b) of the Town and Country Planning (Applications) Regulations 1988, where an application form shall be accompanied by a plan which identifies the land to which it relates and any other plans and drawings and information necessary to describe the development which is the subject of the application.
6. My assessment is that the correct address of the properties to which the proposed development relates and their identification on a location plan of the type required by the Order and Regulations remains unresolved. Even if this appeal succeeded then I am not satisfied that the proposed extensions could be erected to the rear of the properties identified on both the appeal form and the Location Plan.
7. My decision must be based on the submitted plans. Those are the plans on which interested parties were consulted. Given the ambiguities and contradictions, I am not persuaded that either myself, the Council or those with an interest in the outcome of the application can be confident as to what is being proposed or where, nor assess and judge its impact with any degree of certainty. Moreover, in the event that the appeal was to succeed, it would not be clear as to what exactly had been approved. Despite endeavours to clarify the position, the appellant has not been able to provide the necessary certainty. As a consequence neither I nor others can properly assess the likely impact of the development. On that basis, I conclude that the appeal should be dismissed.

D J Barnes

INSPECTOR