



Appeal Decision

Site visit made on 11 May 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

Appeal Ref: APP/Y5420/W/20/3245774

35, 37 & 39 Clifton Gardens, London N15 6AP

- 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 Mr Margulies against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/3108, dated 11 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is Erection of three ground and first floor extensions at No. 35, 37, 39 Clifton Gardens.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For accuracy the address in the banner heading above is taken from the appeal form as this refers to all three properties subject of the appeal and the postcode.
3. Since the appeal was lodged the London Plan (2021) was published, replacing the London Plan (2016). I have allowed the parties the opportunity to comment on this matter.
4. I have been provided with plan/drawing Refs PR-E004 and PR-E005 relating to the side elevations of Nos 37 and 39, not referred to in the Council's decision notice. I have been advised they formed part of the application and were before the Council in reaching a decision on the development. Therefore, I have taken these into consideration in determining this appeal.
5. At my visit Nos 37 and 39 Clifton Gardens had been demolished and significant alterations had taken place to No 35. I have allowed the parties to comment upon this matter and taken these views into account below.

Main Issues

6. The main issues are the effect of the proposed development upon:
 - the character and appearance of the host terrace and the area; and,
 - the living conditions of the occupiers of No 33 Clifton Gardens and Nos 15 and 17 Elm Park Avenue with particular reference to outlook.

Reasons

7. The plans show three existing dwellings at Nos 35, 37 and 39 Clifton Gardens proposed to be extended at ground and first floor level. At my visit Nos 37 and 39 Clifton Gardens had been demolished to foundation level and No 35 had been the subject of an additional storey and a larger ground floor rear extension than was set out on the existing and proposed plans.
8. Taking into account the Wheatcroft¹ principles, it is important that I determine the appeal on the basis on which interested people's views were sought. Given the works that have taken place, the development proposed on the plans would now include the construction/rebuilding of two dwellings and the removal of the second floor of No 35. Consequently, I am not considering an application for three ground and first floor extensions, set out in the banner heading above and upon which interested parties have been consulted. Interested parties would be significantly prejudiced without further publicity and consultation taking place. Therefore, my only choice is to dismiss this appeal.

Conclusion

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

Dan Szymanski

INSPECTOR

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]