
Appeal Decision

Site visit made on 7 September 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2021

Appeal Ref: APP/V5570/W/21/3270114

32-34 Sheringham Road, Islington, London N7 8NX

- 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 James Davies, Alberto Rodriguez, Francesca Castelli, and Reinout De Bock against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/1593/FUL, dated 16 June 2020, was refused by notice dated 3 September 2020.
 - The development proposed is erection of mansard roof extensions to numbers 32 and 34 Sheringham Road. The creation of an amenity space to 34 Sheringham Road.
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Decision

1. The appeal is invalid, and I am unable to proceed to consider the planning merits of the case.

Procedural Matter

2. The site address is taken from the appeal forms, which more accurately describe the location of the proposed development. Details of the appellants were also clarified as being consistent with the original applicants. The appeal has been dealt with accordingly.

Reasons

3. The application included a 1:1250 Location Plan¹ which identified the application site as 32 Sheringham Road only. It did not identify that 34 Sheringham Road was also part of the application.
4. Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Order), which was the Order in force at the time the scheme was submitted, sets out that an application for planning permission 'must' be accompanied by a plan which identifies the land to which the application relates. In addition, the Government provides advice on validity requirements in Planning Practice Guidance (PPG).
5. It explains that the submission of a valid application for planning permission requires, amongst other things, compliance with national information requirements. In this case, PPG² stipulates that 'the application site should be edged clearly with a red line on the location plan' and that 'it should include all land necessary to carry out the proposed development'.

¹ Location Plan of N7 8NX

² Paragraph ID: 14-024-20140306

6. The proposal is for the erection of mansard roof extensions to numbers 32 and 34 Sheringham Road, and the creation of an amenity space to 34 Sheringham Road. Consequently, the Location Plan is not in accordance with the aforementioned requirements. It does not include 'all' land necessary to carry out the proposed development.
7. It is clear from other plans submitted with the application, that the proposed development does in fact relate to both 32 and 34 Sheringham Road. However, it is not beyond the realms of possibility that interested parties gauged their interest and based their decision on whether or not to submit representations on the Location Plan alone.
8. Consequently, this could be misleading to the extent that it is at least possible that this material discrepancy in the identification of the application site may have prejudiced some interested parties.
9. Section 79 of the Town and Country Planning Act 1990 (the TCPA) empowers the Secretary of State to deal with the application as if it had been made to him in the first instance. It follows that I am entitled to make a fresh judgement on validity.
10. With regard to Article 7 of the Order, there is a fundamental inconsistency between the identification of the site on the Location Plan and as referred to by the description of development and other plans submitted in support of the proposed development. To reflect PPG, the red line must edge both 32 and 34 Sheringham Road, but it does not.
11. I find that the failure to comply with Article 7 of the Order and with PPG, in this case due to the incorrect red line on the Location Plan, means that the application is invalid. Consequently, having regard to Section 79 of the TCPA, planning permission could not have been granted by the Council.

Conclusion

12. For the reasons given above, I conclude that the appeal should not continue.

Liam Page

INSPECTOR