

Committee: Planning Applications

Date: 21st January 2016

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Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphryes

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

DETAILS

Application Number: **14/P2958**
Site: 20 Belvedere Grove, Wimbledon SW19 7LR
Development: Erection of three-storey extension with basement level
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 11th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085655/14P2958_Appeal%20Decision%20Notice.pdf

Application Number: 14/P3856
Site: 34-40 Morden Road, London, SW19 3BJ
Development: Outline permission for demolition of existing buildings and erection of 1 x five storey aparthotel plus 1 x house and 8 x flats
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000086000/1000086510/14P3856_Appeal%20Decision%20Notice.pdf

Application Number: 14/P4051
Site: Enterprise House 181 Garth Road, Morden SM4 4LL
Development: Development of ground floor undercroft to create 9 x flats
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000086000/1000086692/14P4051_Appeal%20Decision%20Notice.pdf

Application Number: 14/P4539
Site: Ground floor shop 180 Rowan Road SW16 5HX
Development: Change of use of store from retail (class A1) to hot food takeaway (class A5)
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 15th December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087166/14P4539_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0053
Site: 15 Ravensbury Avenue, Morden SM4 6ET
Development: Erection of 1 bedroomed bungalow
Recommendation: Refuse Permission (Committee decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087380/15P0053_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0276
Site: 177 Green Lane, Morden SM4 6SG
Development: Demolition of existing care home and erection of 2 x care home buildings for 10 residents and 4 x off-street parking spaces
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087595/15P0276_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0699
Site: 1 Deburgh Road, Colliers Wood SW19 1DX
Development: Erection of addition storey to provide office space
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088006/15P0699_Appeal%20Decision%20Notice.pdf

Application Number: 15/P0963
Site: Ground floor flat, 418 Durnsford Road SW19 8DZ
Development: Variation of condition 2 (approved plans) to increase size of extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 23rd December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088258/15P0963_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1059
Site: 133A Kingston Road, Wimbledon SW19 1LT
Development: Erection of rear roof extension
Recommendation: Refuse Permission (Committee decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 24th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088349/15P1059_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1232
Site: 18 Morton Road, Morden, Surrey, SM4 6EF
Development: Retention of existing single storey outbuilding
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088512/15P1232_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1345
Site: 48 Mostyn Road SW19 3LN
Development: Erection of replacement single storey rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088621/15P1345_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1457
Site: Flat 1, 57 Merton Hall Road SW19 3PR
Development: Excavation of basement level
Recommendation: Non-Determination
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th January 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088726/15P1457_%20Appeal%20Decision%20Notice.pdf

Application Number: 15/P1918
Site: 115 Chestnut Grove, Mitcham CR4 1RF
Development: Erection of single storey rear and two storey side extensions
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 9th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089170/15P1918_Appeal%20Decision%20Notice.pdf

Application Number: 15/P2180
Site: 56 Palmerston Road, Wimbledon SW19 1PQ
Development: Erection of rear roof extension, erection of part single part two storey rear extension and replacement windows
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 10th December 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089420/15P2180_Appeal%20Decision%20Notice.pdf

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
 1. That the decision is not within the powers of the Act; or
 2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

- 1.1. None required for the purposes of this report.

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

- 4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

- 6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 7.1. See 6.1 above.

8 BACKGROUND PAPERS

- 8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.