

**Committee:** Planning Applications

**Date:** 13<sup>th</sup> October 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](http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165)

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**THE PLANNING APPEAL DECISIONS WERE OMITTED FROM THE AUGUST AND SEPTEMBER COMMITTEE REPORTS. THIS REPORT HAS INCORPORATED THOSE DECISIONS.**

### **DETAILS**

Application Numbers: **15/P1276**  
Site: The Wimbledon Club, Church Road, Wimbledon SW19 5AG  
Development: Demolition of cottage and erection of two-storey block of 3 x flats  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 31<sup>st</sup> August 2016

### **Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088555/15P1276\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088555/15P1276_Appeal%20Decision.pdf)

**Application Number:** 15/P2082  
Site: 258 Coombe Lane, Rayners Park SW20 0RW  
Development: demolition of bungalow and erection of 6 x houses  
Recommendation: Refused (Delegated)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 5<sup>h</sup> September 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089326/15P2082\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089326/15P2082_Appeal%20Decision.pdf)

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**Application Number:** 15/P2530  
Site: Wyke Road, Raynes Park SW20 8RT  
Development: Erection of 6 x 2 bed houses  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 15<sup>th</sup> August 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089747/15P2530\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089747/15P2530_Appeal%20Decision.pdf)

**Link to COSTS**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089747/15P2530\\_Appeal%20Costs%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089747/15P2530_Appeal%20Costs%20Decision.pdf)

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**Application Number:** 15/P2558  
Site: 5 Dunstall Road, London, SW20 0HS  
Development: Retention of rear dormer roof extension  
Recommendation: Refused (Delegated)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 13<sup>th</sup> July 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089774/15P2558\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089774/15P2558_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P2567  
**Site:** 222 Somerset Road, Wimbledon Park SW19 5JE  
**Development:** Demolition of house and erection of new dwellinghouse with basement  
**Recommendation:** Refused (Committee Decision)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 22<sup>nd</sup> July 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089783/15P2567\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089783/15P2567_Appeal%20Decision.pdf)

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**Application Number:** 15/P2614  
**Site:** 74 Arthur Road, Wimbledon SW19 7DS  
**Development:** Erection of additional floor  
**Recommendation:** Refused (Committee Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 19<sup>th</sup> September 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089828/15P2614\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089828/15P2614_Appeal%20Decision.pdf)

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**Application Number:** 15/P2830  
**Site:** 7 Lambourne Avenue SW19 7DW  
**Development:** Demolition of dwellinghouse and erection of 2 x semi-detached houses  
**Recommendation:** Refused (Committee Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 28<sup>th</sup> September 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090031/15P2830\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090031/15P2830_Appeal%20Decision.pdf)

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**Application Number:** 15/P3618  
**Site:** 80 Lambton Road, Raynes Park SW20 OLP  
**Development:** Replacement of front boundary fence  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 30<sup>th</sup> August 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090778/15P3618\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090778/15P3618_Appeal%20Decision.pdf)

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**Application Number:** 15/P3973  
**Site:** 16 Mill Road, Wimbledon SW19 2NE  
**Development:** Erection of garage with workshop space above  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 19<sup>th</sup> July 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091118/15P3973\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091118/15P3973_Appeal%20Decision.pdf)

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**Application Number:** 15/P4049  
**Site:** 205 Manor Road, Mitcham CR4 1JH  
**Development:** Formation of vehicular crossover  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 15<sup>th</sup> July 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091192/15P4049\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091192/15P4049_Appeal%20Decision.pdf)

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**Application Number:** 15/P4156  
**Site:** 356 Garth Road, Morden SM4 4NW  
**Development:** Erection of two-storey side extension with hip to gable and rear roof extension  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 15<sup>th</sup> August 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091296/15P4156\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091296/15P4156_Appeal%20Decision.pdf)

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**Application Number:** 15/P4303  
**Site:** 17 High Street, Wimbledon SW19 5DX  
**Development:** Demolition of existing building and erection of ground floor retail unit with 5 x flats above  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 5<sup>th</sup> September 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091441/15P4303\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091441/15P4303_Appeal%20Decision.pdf)

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**Application Number:** 15/P4359  
**Site:** 3 High Street, Wimbledon SW19 5DX  
**Development:** Erection of new storey within parapet involving removal of roof  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 30<sup>th</sup> August 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091493/15P4359\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091493/15P4359_Appeal%20Decision.pdf)

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**Application Number:** 15/P4427  
**Site:** 16 Camelot Close, Wimbledon SW19 7EA  
**Development:** Conversion of garage into habitable room, erection of new double garage and new front boundary wall  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 29<sup>th</sup> July 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091556/15P4427\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091556/15P4427_Appeal%20Decision.pdf)

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**Application Number:** 15/P4433  
**Site:** 84 Kingston Road, London SW19 1LA  
**Development:** Prior Approval for change of use from retail to residential  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 15<sup>th</sup> August 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091562/15P4433\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091562/15P4433_Appeal%20Decision.pdf)

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**Application Number:** 16/P0085 and 16/P0089  
**Site:** 137 Seaforth Avenue, New Maldon KT3 6JW  
**Development:** Erection of dwellinghouse  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 11<sup>th</sup> August 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091992/16P0085\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091992/16P0085_Appeal%20Decision.pdf)

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**Application Number:** 16/P0236  
**Site:** 50 Marian Road, Streatham SW16 5HR  
**Development:** Erection of 3 storey extension  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 29<sup>th</sup> July 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092140/16P0236\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092140/16P0236_Appeal%20Decision.pdf)

**Application Number:** 16/P0502  
**Site:** 53 Sandringham Avenue SW20 8JY  
**Development:** Erection of single storey rear extension  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 26<sup>th</sup> September 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092392/16P0502\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092392/16P0502_Appeal%20Decision.pdf)

### Link to COSTS

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092392/16P0502\\_Appeal%20Costs%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092392/16P0502_Appeal%20Costs%20Decision.pdf)

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**Application Number:** 16/P0516  
**Site:** 24 Lessness Road, Morden, SM4 6HP  
**Development:** Erection of part single, part two storey rear extension and two storey side extension  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 18<sup>th</sup> July 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092405/16P0516\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092405/16P0516_Appeal%20Decision.pdf)

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**Application Number:** 16/P0964  
**Site:** 51 Herbert Road SW19 3SQ  
**Development:** Erection of rear roof extension with juliette balcony  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 27<sup>th</sup> September 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092840/16P0964\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092840/16P0964_Appeal%20Decision.pdf)

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**Application Number:** 16/P1244  
**Site:** 34 Westcoombe Avenue, West Wimbledon SW20 0RQ  
**Development:** Erection of first floor side extension  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 2<sup>nd</sup> August 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093103/16P1244\\_Appeal%20Dcision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093103/16P1244_Appeal%20Dcision.pdf)

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**Application Number:** 16/P1431  
**Site:** 136 Haydon Park Road, Wimbledon SW19 8JT  
**Development:** Prior approval for a single storey rear extension  
**Recommendation:** Refused (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 20<sup>th</sup> September 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093282/16P1431\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093282/16P1431_Appeal%20Decision.pdf)

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### 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.

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