

**Committee:** Planning Applications

**Date:** 19<sup>th</sup> January 2017

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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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### **DETAILS**

Application Numbers: **12/P2367**  
Site: Gorringe Park, 29 London Road SW17 9JR  
Development: Change of use from storage areas and residential to restaurant, with associated works.  
Recommendation: Refuse Permission (Delegated)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 29<sup>th</sup> December 2016

### **Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078074/12P2367\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078074/12P2367_Appeal%20Decision%20Notice.pdf)

**Application Number:** 15/P0459  
**Site:** 66/67 Alwyne Road, Wimbledon SW19 7AE  
**Development:** Variation of approved plans to alter machinery and plant details  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 5<sup>th</sup> January 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087772/15P0459\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087772/15P0459_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P2776  
**Site:** Waitrose, Alexandra Road, Wimbledon SW19 7JY  
**Development:** Variation of condition 3 to allow the sale of food and convenience goods  
**Recommendation:** Grant Variation of Condition (Refused at Committee)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 1<sup>st</sup> December 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089976/15P2776\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000089000/1000089976/15P2776_Appeal%20Decision.pdf)

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**Application Number:** 15/P3079  
**Site:** 1 Sibthorp Road, Mitcham CR4 3NN  
**Development:** Erection of a third & fourth floor extension to create 5 x flats  
**Recommendation:** Refuse (Committee Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 29<sup>th</sup> November 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090267/15P3079\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090267/15P3079_Appeal%20Decision.pdf)

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**Application Number:** 15/P4556  
**Site:** 121 Boundary Road, London SW19 2DE  
**Development:** Conversion of dwellinghouse into 2 x flats with single storey ear extension and rear roof extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 16<sup>th</sup> December 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091677/15P4556\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091677/15P4556_Appeal%20Decision.pdf)

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**Application Number:** 16/P0106  
**Site:** 164 London Road, Mitcham CR4 3LD  
**Development:** Demolition of outhouse and erection of detached bungalow with basement level in rear garden  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 14<sup>th</sup> December 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092014/16P0106\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092014/16P0106_Appeal%20Decision.pdf)

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**Application Number:** 16/P0328  
**Site:** 40 Quicks Road, Wimbledon SW19 1EY  
**Development:** Retention of roof extension and erection of ground and first floor extension  
**Recommendation:** Grant Permission (Refused at Committee)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 20<sup>th</sup> December 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092229/16P0328\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092229/16P0328_Appeal%20Decision.pdf)

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**Application Number:** 16/P0568  
**Site:** 1 Cromwell Road, Wimbledon SW19 8LE  
**Development:** Erection of an L-shaped rear roof extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 22<sup>nd</sup> December 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092456/16P0568\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092456/16P0568_Appeal%20Decision.pdf)

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**Application Number:** 16/P1492 & 16/P1491  
**Site:** 127 High Street, Colliers Wood SW19 2HR  
**Development:** Alteration to existing lighting system and installation of new fascia signs and illuminated projecting sign  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 22<sup>nd</sup> December 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093340/16P1492\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093340/16P1492_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 16/P1641  
**Site:** 16 Rose Avenue, Mitcham CR4 3JS  
**Development:** Lawful Development Certificate for a first floor rear extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 4<sup>th</sup> January 2017

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093485/16P1641\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093485/16P1641_Appeal%20Decision.pdf)

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**Application Number:** 16/P1754  
**Site:** 12 Albert Grove, Raynes Park SW20 8PY  
**Development:** Hip to gable and rear roof extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 21<sup>st</sup> December 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093592/16P1754\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093592/16P1754_Appeal%20Decision.pdf)

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**Application Number:** 16/P2372  
**Site:** 18 Morton Road, Morden SM4 6EF  
**Development:** Prior Approval for a single storey rear extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 20<sup>th</sup> December 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094169/16P2372\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094169/16P2372_Appeal%20Decision.pdf)

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**Application Number:** 16/P2400  
**Site:** 20 Spencer Hill, Wimbledon SW19 4NY  
**Development:** Replacement of two storey left-hand bay window  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 21<sup>st</sup> December 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094195/16P2400\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094195/16P2400_Appeal%20Decision.pdf)

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**Application Number:** 16/P3185  
**Site:** 80 Lambton Road, Raynes Park SW20 0LP  
**Development:** Erection of a rear roof extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 21<sup>st</sup> December 2016

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094936/16P3185\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094936/16P3185_Appeal%20Decision.pdf)

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**Application Number:** 16/P2286  
**Site:** 6 Herbert Road, Wimbledon SW19 3SH  
**Development:** Erection of a single storey rear extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 9<sup>th</sup> January 2017

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094088/16P2286\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094088/16P2286_Appeal%20Decision.pdf)

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**Application Number:** 16/P2654  
**Site:** 21 Bardney Road, Morden SM4 5JL  
**Development:** Erection of a first floor side extension  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 9<sup>th</sup> January 2017

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094427/16P2654\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094427/16P2654_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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