

**Committee:** Planning Applications

**Date:** 25<sup>th</sup> April 2019

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

### **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 viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

**[LINK TO COMMITTEE PAGE](#)**

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### **DETAILS**

Application Numbers: **17/P3037**  
Site: 227 Western Road, Colliers Wood SW19 2QD  
Development: Erection of a seven storey building with commercial use at ground floor & residential use over 6 floors, creating 18 flats  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 22<sup>nd</sup> March 2019

**[Link to Appeal Decision Notice](#)**

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Application Numbers: **17/P4145**  
Site: 3 Thornton Hill, Wimbledon SW19 4HU  
Development: Erection of 2 x five storey semi-detached houses with associated parking and landscaping.  
Recommendation: (non-determined)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> March 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P0167**  
Site: Hill Place House, 55a High Street, Wimbledon SW19 5BA  
Development: Erection of 4<sup>th</sup> floor extension to main building create additional B1 office space.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 15<sup>th</sup> March 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P2076**  
Site: Flat 1, 237 Kingston Road, Wimbledon SW19 3NW  
Development: Erection of a single storey rear extension  
Recommendation: Refused (Committee Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 27<sup>th</sup> March 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P2779**  
Site: 233 Canterbury Road, Morden SM4 6QB  
Development: Erection of a two storey side extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 19<sup>th</sup> March 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P3908**  
Site: 23A Abbots Road, Mitcham CR4 1JS  
Development: Erection of a rear roof extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> March 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P3135**  
Site: 247 The Broadway, Wimbledon SW19 1SD  
Development: Erection of a 5 storey building with basement for office (B1) use  
Recommendation: dismissed (Committee Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 3<sup>rd</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P2197**  
Site: 329 Cannon Hill Lane SW20 9HQ  
Development: Prior approval for a 5 metre single story rear extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 2<sup>nd</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P2648**  
Site: 31-39 Miles Road, Mitcham CR4 3DA  
Development: Erection of a third and fourth storey to existing building, following removal of plant room. To create 6 x self-contained flats  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P3468**  
Site: 53 Heaton Road, Mitcham CR4 2BW  
Development: Erection of first floor rear extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 8<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P3490**  
Site: 72 Dora Road, Wimbledon Park SW19 7HH  
Development: Erection of a hip to gable with floor rear extension, raising ridge height by 800mm  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P3811**  
Site: 8 Burgess Mews, South Wimbledon SW19 1UF  
Development: Installation of 3 X conservation roof lights  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 10<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P3842**  
Site: 38 Deburgh Road, Colliers Wood SW19 1DU  
Development: Erection of a rear roof extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 11<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P4002**  
Site: 9 Griffiths Road, Wimbledon SW19 1SP  
Development: Erection of a single storey side and rear extension  
Recommendation: dismissed (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 11<sup>th</sup> April 2019

## [Link to Appeal Decision Notice](#)

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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.