

Committee: Planning Applications

Date: 21st August 2014

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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 Humphreys

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: 13/P0260
Site: 18 & 18a Oakwood Road, West Wimbledon
Ward: Raynes Park
Development: Demolition of 2 x houses and erection of block of 5 flats
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 25th July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079311/13P0260_Appeal%20Decision.pdf

Application Number: 13/P0372
Site: 211 Worple Road, Raynes Park SW20 8QY
Ward: Raynes Park
Development: Installation of new aluminium shopfront
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079420/13P0372_Appeal%20Decision.pdf

Application Number: 13/P1118
Site: Rear Of 18 Lansdowne Road SW20 8AW
Ward: Raynes Park
Development: Demolition of garages RO Aston Court and erection of single storey 1 bed dwellinghouse
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 8th August 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080132/13P1118_Appeal%20Decision%20Notice.pdf

Application Number: 13/P1898
Site: 34 - 40 Morden Road SW19 3JB
Ward: Abbey
Development: outline permission for demolition of existing two storey buildings and erection of an eight storey building providing an 'aparthotel' consisting of 31 serviced apartments and 9 residential flats
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th August 2014

Link to Appeal Decision

<http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080871/13P1898%20-%20Appeal%20Decision.pdf>

Application Number: 13/P2211
Site: 231 Coombe Lane SW20 0RG
Ward: Raynes Park
Development: Demolition of garage and side extension and erection of 5 bed dwellinghouse over three floors plus two storey rear extension & roof extension to original house
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081159/13P2211_Appeal%20Decision.pdf

Application Number: 13/P2323
Site: Ground Floor Flat, 28 Maple Close, Mitcham CR4 1AQ
Ward: Longthornton
Development: Variation of condition 2 (approved plans) attached to 11/P1441 altering layout of ground floor flat
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 28th July 2014

Link to Appeal Decision

<http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081262/13P2323%20-%20Appeal%20Decision.pdf>

Application Number: 13/P2843
Site: 10 Victory Road Mews & 140 Merton High Street SW19 1HA
Ward: Abbey
Development: Erection of part two storey rear extension, front and rear mansard roof extensions and change of use of ground floor retail storage room into 3 x flats
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 30th July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081745/13P2843_Appeal%20Decision.pdf

Application Number: 13/P3882
Site: 137 Queen's Road, Wimbledon SW19 8NS
Ward: Trinity
Development: Demolition of conservatory and erection of single storey rear and side extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th July 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000082000/1000082707/13P3882_Appeal%20Decision.pdf

Application Number: 13/P4074
Site: 106 Park Avenue, Mitcham CR4 2EP
Ward: Graveney
Development: Conversion of house into 2 x self-contained flats
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 25th June 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000082000/1000082885/13P4074_Appeal%20Decision%20Notice.pdf

1 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).

2 CONSULTATION UNDERTAKEN OR PROPOSED

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

3 TIMETABLE

- 3.1. N/A

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

5 LEGAL AND STATUTORY IMPLICATIONS

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

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 6.1. None for the purposes of this report.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1. None for the purposes of this report.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 8.1. See 6.1 above.

9 BACKGROUND PAPERS

- 9.1. 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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