

**Committee:** Planning Applications

**Date:** 21<sup>st</sup> April 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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### **DETAILS**

Application Numbers: **15/P0499**  
Site: 14 Burley Close, Streatham SW16 4QQ  
Development: Change of use from 6 person HMO to 7 person HMO  
Recommendation: Refuse Permission (Committee Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 18<sup>th</sup> March 2016

#### **Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087812/15P0499\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087812/15P0499_Appeal%20Decision%20Notice.pdf)

#### **Link to COSTS**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087812/15P0499\\_Appeal%20Costs%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087812/15P0499_Appeal%20Costs%20Decision.pdf)

**Application Number:** 15/P0767  
**Site:** Alpha Place, Garth Road, Morden SM4 4LT  
**Development:** Variation of condition to allow continued use of site for storage & distribution (use class B8)  
**Recommendation:** Refuse Permission (Committee Decision)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 23<sup>rd</sup> March 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088071/15P0767\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088071/15P0767_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P4080  
**Site:** 12 Glebe Path, Mitcham CR4 3AD  
**Development:** Prior Approval for the erection of a single storey rear extension  
**Recommendation:** Refuse Permission (Delegated Decision)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 4<sup>th</sup> March 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091220/15P4080\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091220/15P4080_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P0578  
**Site:** 52A Fortescue Road, Colliers Wood SW19 2EB  
**Development:** Erection of roof extension with roof terrace  
**Recommendation:** Refuse Permission (Delegated Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 29<sup>th</sup> March 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087888/15P0578\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087888/15P0578_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P1218  
**Site:** 20 Sheridan Road SW19 3HP  
**Development:** Erection of a new replacement dwellinghouse  
**Recommendation:** Refuse Permission (Committee decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 16<sup>th</sup> March 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088499/15P1218\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088499/15P1218_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P1271  
Site: 90 Toynbee Road, Wimbledon Chase SW20 8SL  
Development: Erection of a two storey side extension, a hip to gable and rear roof extension, a part single, part two storey rear extension and solar panels to roof.  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 23<sup>rd</sup> March 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088499/15P1218\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088499/15P1218_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P2978  
Site: 78 Vineyard Hill Road, Wimbledon Park SW19 7JJ  
Development: Retention of existing front porch  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 30<sup>th</sup> March 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090169/15P2978\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090169/15P2978_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P3515  
Site: 80 Lambton Road, Raynes Park SW20 0LP  
Development: Erection of rear roof extension  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 4<sup>th</sup> March 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090683/15P3515\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090683/15P3515_Appeal%20Decision%20Notice.pdf)

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**Application Number:** 15/P3696  
Site: 82 Durnsford Road, Wimbledon Park SW19 8HQ  
Development: Erection of single storey rear extension  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 11<sup>th</sup> April 2016

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090855/15P3696\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090855/15P3696_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.