

Committee: Planning Applications

Date: 8th December 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 Humphries

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 Numbers:	15/P0036
Site:	Butcher's Shop, 157 Arthur Road, Wimbledon SW19 8AD
Development:	Listed building consent for variation of condition 4 relating to replication of period tiles
Recommendation:	Allow Permission (refused at committee)
Appeal Decision:	ALLOWED
Date of Appeal Decision:	18 th November 2016

Link to Appeal Decision

<http://planning.20Decision.pdf>

Application Number: 15/P3424
Site: Land at 135 Clarence Road SW19 8QB
Development: Lawful development certificate for a rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 23rd November 2016

Link to Appeal Decision

<http://planning.merton.gov.uk/.pdf>

Application Number: 15/P4001
Site: Land to the rear of 34 Coombe Lane, Raynes Park SW20 0LA
Development: Retention of existing alterations to secure bin, cycle store and car parking
Recommendation: Non-Determination
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 15th November 2016

Link to Appeal Decision

<http://planning.mertecision.pdf>

Link to COSTS

<http://planning.20Decision.pdf>

Application Number: 15/P4493
Site: 35 Borough Road, Mitcham CR4 3DX
Development: Erection of two storey dwellinghouse
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 23rd November 2016

Link to Appeal Decision

<http://planning..pdf>

Application Number: 16/P1645
Site: 23 Pearce Close, Mitcham CR4 2GP
Development: Erection of a rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd November 2016

Link to Appeal Decision

<http://planning.merton.gov.uk/.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.