

**Committee:** Planning Applications

**Date:** 10<sup>th</sup> October 2013

Agenda item: 18

**Wards:** All

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Public Protection and Development

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)

---

### **DETAILS**

1.1 Application number: **12/P2313**  
Site: R.O. 235 Haydons Road SW19 8TY  
Ward: Trinity  
Development: Erection of single storey 1 bed house at rear of 235 Haydons Road.  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 27<sup>th</sup> August 2013

### **Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078024/12P2313\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078024/12P2313_Appeal%20Decision%20Notice.pdf)

---

## DETAILS

- 1.2 Application number: **12/P2898**  
Site: 16 Sheridan Road, Merton Park SW19 3HP  
Ward: Merton Park  
Development: Erection of a single storey side and rear extension  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 12<sup>th</sup> August 2013

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078577/12P2898\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078577/12P2898_Appeal%20Decision%20Notice.pdf)

---

## DETAILS

- 1.3 Application number: **13/P0339**  
Site: 141 Cottenham Park Road SW20 0DW  
Ward: Raynes Park  
Development: Demolition of existing house and erection of 4 bed house with accommodation in roof space.  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 16<sup>th</sup> August 2013

### Link to Appeal Decision

[http://msapp57.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079389/13P0339\\_Appeal%20Decision%20Notice.pdf](http://msapp57.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079389/13P0339_Appeal%20Decision%20Notice.pdf)

---

## DETAILS

- 1.4 Application number: **13/P0495**  
Site: 78 Dundonald Road, Wimbledon SW19 3PN  
Ward: Trinity  
Development: Erection of second floor rear extension  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 13<sup>th</sup> September 2013

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079539/13P0495\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079539/13P0495_Appeal%20Decision%20Notice.pdf)

---

## DETAILS

- 1.5 Application number: **13/P0818**  
Site: 15 Regent Place, London SW19 8RP  
Ward: Wimbledon Park  
Development: Erection of rear roof extension and two storey rear extension  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 13<sup>th</sup> September 2013

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

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079841/13P0818\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079841/13P0818_Appeal%20Decision%20Notice.pdf)

---

## DETAILS

- 1.6 Application number: **13/P1229**  
Site: 13 Edward Avenue, Morden SM4 6EP  
Ward: Ravensbury  
Development: Erection of rear & side roof extensions and two storey rear granny annex extension  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 12<sup>th</sup> September 2013

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

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080238/13P1229\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080238/13P1229_Appeal%20Decision%20Notice.pdf)

---

## DETAILS

- 1.7 Application number: **12/P2424**  
Site: 182 Coombe Lane, Raynes Park SW20 0QT  
Ward: Raynes Park  
Development: Erection of rear conservatory  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 1st October 2013

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

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078131/12P2424\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078131/12P2424_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.