

Committee: Planning Applications

Date: 16th March 2017

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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/P3777**
Site: 11 Leamington Avenue, Morden SM4 4DQ
Development: conversion of single dwelling house to form 2 x flats
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 20th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090934/15P3777_Appeal%20Decision.pdf

Application Number: 15/P3871
Site: Unit 1A, 43 Durnsford Road SW19 8GT
Development: Erection of new 3 storey residential block of 3 x flats, alterations to ground floor retail and demolition of rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091019/15P3871_Appeal%20Decision.pdf

Application Number: 16/P0080
Site: Brook House, Cricket Green, Mitcham CR4 4LB
Development: Erection of roof extension to create 6 x flats
Recommendation: Refuse (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 17th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091988/16P0080_Appeal%20Decision.pdf

Application Number: 16/P0661
Site: 2 Fernlea Road, Mitcham CR4 2HE
Development: Demolition of rear/side extension and replacement with commercial unit
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092547/16P0661_Appeal%20Decision.pdf

Application Number: 16/P1621
Site: Birchwood, 7 Ellerton Road, West Wimbledon SW20 0ER
Development: Demolition of single house and erection of 2 x houses
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 17th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093464/16P1621_Appeal%20Decision.pdf

Application Number: 16/P1963
Site: 12 Wool Road, West Wimbledon SW20 0HW
Development: Erection of a single storey side extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 6th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093788/16P1963_Appeal%20Decision.pdf

Application Number: 16/P2001
Site: 56A Leopold Road, Wimbledon SW19 7JD
Development: Replacement boundary treatment
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 20th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093822/16P2001_Appeal%20Decision.pdf

Application Number: 16/P2317
Site: 122 Byron Avenue, New Malden KT3 6EZ
Development: Lawful Development Certificate for single storey rear extension.
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 2nd February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094118/16P2317_Appeal%20Decision.pdf

Application Number: 16/P2515
Site: 73 Graham Road, Wimbledon SW19 3SW
Development: Erection of a two storey rear extension, a rear roof extension and new first storey front bay windows
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094303/16P2515_Appeal%20Decision.pdf

Application Number: 16/P2605
Site: 24 Stroud Road, Wimbledon Park SW19 8DG
Development: Lawful Development Certificate for the erection of a single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 13th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094386/16P2605_Appeal%20Decision.pdf

Application Number: 16/P2684
Site: 11 Mawson Close, Wimbledon Chase SW20 9PA
Development: Demolition of existing garage. Erection of single storey side extension.
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094452/16P2684_Appeal%20Decision.pdf

Application Number: 16/P3099
Site: 9 Oldfield Road, Wimbledon SW19 4SD
Development: Erection of a two storey rear extension and front porch
Recommendation: Refused (Delegated)
Appeal Decision: **SPLIT DECISION**
Rear extension **REFUSED**
Front porch **ALLOWED**
Date of Appeal Decision: 9th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094849/16P3099_Appeal%20Decision.pdf

Application Number: 16/P3124
Site: 40 Spring Grove, Mitcham CR4 2NP
Development: Erection of ground and first floor extensions
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094872/16P3124_Appeal%20Decision.pdf

Application Number: 16/P3289
Site: 10 Fleming Mead, Mitcham CR4 3LU
Development: Erection of a single storey rear extension
Recommendation: Refused
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095036/16P3289_Appeal%20Decision.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.

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