

Committee: Planning Applications

Date: 22 June 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 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

DETAILS

Application Numbers: **16/P1889**
Site: 201 Kingston Road, Wimbledon SW19 3NG
Development: Erection of single storey rear & side extensions and alterations to roof extension including juliette balcony
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 16 May 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093718/16P1889_Appeal%20Decision.pdf

Application Number: 16/P2490
Site: Unit 4b, Abbey Industrial Est, Willow Lane, Mitcham CR4 4NA
Development: Change of use from warehouse to car hire firm
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 26 May 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094280/16P2490_Appeal%20Decision.pdf

Application Number: 16/P4182
Site: 50 Fortescue Road, Colliers Wood SW19 2EB
Development: Conversion of single dwellinghouse into 2 x flats
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 24 May 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095879/16P4182_Appeal%20Decision.pdf

Application Number: 16/P3913
Site: 22 Hartfield Crescent, Wimbledon SW19 3SD
Development: Replacement of single garage with new double garage
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 12th May 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095627/16P3913_Appeal%20Decision.pdf

Application Number: 16/P2220
Site: 266 The Broadway, London SW19 1SB
Development: Erection of 2 storey dwelling at rear of 266 The Broadway
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd May 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094033/16P2220_Appeal%20Decision.pdf

Application Number: 16/P4649
Site: 141 Poplar Road South, Merton Park SW19 3JZ
Development: Erection of 2 storey side extension, rear extension and rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 16th May 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000096000/1000096318/16P4649_Appeal%20Decision.pdf

Application Number: 16/P4701
Site: 226A Merton Road, South Wimbledon SW19 1EQ
Development: Conversion of single flat into 2 x self-contained flats with rear and side dormer roof extensions
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th May 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000096000/1000096367/16P4701_Appeal%20Decision.pdf

Application Number: 16/P2484
Site: 84 Mostyn Road, London SW19 3LP
Development: Demolition of garage and erection of single storey dwellinghouse with basement level
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd May 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094274/16P2484_Appeal%20Decision.pdf

Link to COSTS Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094274/16P2484_Appeal%20Costs%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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