

Committee: Planning Applications

Date: 18 July 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/P3135**
Site: Park Gate House, 356 West Barnes Lane KT3 6NB
Development: Extension to create 6 x additional self-contained flats
Recommendation: Recommended Refusal (Refused at Committee)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 30th June 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094883/16P3135_Appeal%20Decision.pdf

Application Number: 16/P3254 and 16/P3252 (linked appeals)
Site: 218 Morden Road, South Wimbledon SW19 3BY
Development: Demolition of garages and erection of 4 x two storey houses
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th June 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095002/16P3254_Appeal%20Decision.pdf

Application Number: 16/P3376
Site: 163 Seely Road, Tooting SW17 9QX
Development: Erection of rear roof extension, raising ridge height
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 13th June 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095118/16P3376_Appeal%20decision.pdf

Application Number: 16/P3643
Site: 63 St Helier Avenue, Morden SM4 6HY
Development: Replacement of single garage with new double garage
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th July 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095372/16P3643_Appeal%20Decision.pdf

Application Number: 16/P3754
Site: 78 Dundonald Road, Wimbledon SW19 3PN
Development: Erection of a rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd June 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095478/16P3754_Appeal%20Decision.pdf

Application Number: 16/P4420
Site: 50 Wimbledon Hill Road SW19 7PA
Development: Installation of new shopfront
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 3rd July 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000096000/1000096102/16P4420_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.