

**Committee:** Planning Applications

**Date:** 21 September 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](http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165)

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### **DETAILS**

Application Numbers: **16/P2371**  
Site: 27A Leopold Road, Wimbledon Park SW19 7BB  
Development: Erection of first floor extension with roof terrace  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 1<sup>st</sup> September 2017

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

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Application Numbers: **16/P4449**  
Site: 39 Ethelbert Road, London, SW20 8QE  
Development: Erection of first floor side extension above garage  
Recommendation: Refused (Delegated)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 30<sup>th</sup> August 2017

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

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Application Numbers: **16/P3384**  
Site: 39 Bardney Road, Morden SM4 5JL  
Development: Erection of dwellinghouse  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 22<sup>nd</sup> August 2017

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

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Application Numbers: **16/P0910**  
Site: 18 Arras Avenue, Morden, Surrey SM4 6DF  
Development: Demolition of hall and erection of 4 x houses and 2 x flats  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 09<sup>th</sup> August 2017

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

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### **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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