

Committee: Planning Applications

Date: 7th November 2013

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

DETAILS

1.1	Application number:	13/P0934
	Site:	39 Kenley Road, London, SW19 3JJ
	Ward:	Merton Park
	Development:	Demolition of existing conservatory and erection of a single storey rear extension
	Recommendation:	Refuse Permission (Delegated Decision)
	Appeal Decision:	ALLOWED
	Date of Appeal Decision:	11 th October 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079953/13P0934_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.2 Application number: **12/P2662**
Site: 16 Sheridan Road, Merton Park SW19 3HP
Ward: Dundonald
Development: Erection of 2 x 2 bed detached houses involving demolition of existing 13 lock-up garages.
Recommendation: Approve Permission (Refused at Committee)
Appeal Decision: **DISMISSED**
Costs Decision: **REFUSED**
Date of Appeal Decision: 2nd October 2013

Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078354/12P2662_Appeal%20Decision%20Notice.pdf

Costs Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078354/12P2662_Appeal%20Costs%20Decision.pdf

DETAILS

- 1.3 Application number: **13/P1841**
Site: 143 Dorset Road, Merton Park SW19 3EQ
Ward: Raynes Park
Development: First storey side extension with side roof extension and enlargement of existing rear roof extension.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th October 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080818/13P1841_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.4 Application number: **12/P3048**
Site: 36 Alexandra Road, Wimbledon SW19 7JZ
Ward: Hillside
Development: Change of use of ground & first floors from residential (Class C3) to medical consulting office (Class D1) with ancillary accommodation on second floor.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th October 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078721/12P3048_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.5 Application number: **13/P1242**
Site: 2 Cartmel Gardens, Morden SM4 6QN
Ward: St Helier
Development: Erection of two storey side, replacement of existing kitchen window and door with French doors and the installation of new first floor window to front elevation.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th October 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080250/13P1242_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.6 Application number: **13/P1321**
Site: 174 Clarence Road, Wimbledon SW19 8QD
Ward: Trinity
Development: Erection of first storey rear extension and partial demolition of existing ground floor rear extension.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 15th October 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080326/13P1321_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.