

Committee: Planning Applications

Date: 18 January 2018

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

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 viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

<https://democracy.merton.gov.uk/ieListMeetings.aspx?Committeeld=155>

DETAILS

Application Numbers: **17/P0544**
Site: 27 Westcoombe Avenue, West Wimbledon SW20 0RQ
Development: Erection of first floor extension above garage and rear roof extension raising the ridge height
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 13th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0747**
Site: 57 Approach Road, Raynes Park SW20 8BA
Development: Erection of a 2 bed dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0955**
Site: 6 Beltane Drive, Wimbledon Park SW19 5JR
Development: Demolition of existing house and erection of new 5 bed dwellinghouse with basement level
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1228**
Site: 70 Lavender Avenue, Mitcham CR4 3HH
Development: Erection of single storey outbuilding comprising garage and gym
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 8th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2502**
Site: 43 Shaldon Drive, Morden SM4 4BE
Development: Prior Approval for the erection of single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 20th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2640**
Site: 11 Manor Gardens, Wimbledon Chase SW20 9AB
Development: Erection of rear roof extension with juliette balcony
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 20th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P3217**
Site: 42 Sandringham Avenue SW20 8JY
Development: Prior Approval for the erection of single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 11th December 2017

[Link to Appeal Decision Notice](#)

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.