

Committee: Planning Applications

Date: 22 February 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:

[**LINK TO COMMITTEE PAGE**](#)

DETAILS

Application Numbers: **16/P0965**
Site: Wood Lodge, 8 Lake Road, Wimbledon SW19 7EL
Development: Demolition of 1-14 Wood Lodge and erection of 26 flats.
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 10th January 2018

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

Application Numbers: **16/P3422**
Site: Wimbledon Close, The Downs, Wimbledon SW20 8HW
Development: Demolition of garages and erection of 4 storey residential block comprising 4x2-bed and 4x3-bed flats.
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 10th January 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0486**
Site: Land at the Broadway, Wimbledon SW19 8RL
Development: Prior Approval for the installation of a 12.5m high telecom pole supporting 6 antennae with associated equipment cabinets
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 6th February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1716**
Site: Garages at Heyford Avenue, Raynes Park SW20 9JT
Development: Demolition of 5 x garages and erection of 3 storey residential block comprising 3 x flats.
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th January

[Link to Appeal Decision Notice](#)

Subject: Planning Enforcement Appeal Decisions

Application Numbers: **16/E0405**
Site: 12a Commonside West, Mitcham CR4 4HA
Development: Unauthorised erection of a single storey rear detached outbuilding
Enforcement Notice: 6 March 2017.
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 11th January 2018

Application Numbers: **N/A**
Site: 218 Morden Road, South Wimbledon SW19 3BY
Development: Unauthorised raising of the roof
Enforcement Notice: 1 February 2017
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st February 2018

Application Numbers: **N/A**
Site: 18 Morton Road, Morden SM4 6EF
Development: Unauthorised change of use of outbuilding to residential.
Enforcement Notice: 3 October 2016
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st February 2018

Appeal Costs Decision: **Refused**

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.