

Committee: Planning Applications

Date: 22 March 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/P1139
Site:	162, Hartfield Road, Merton SW19 3TQ
Development:	Demolition of 162 & 164 Hartfield Road and erection of 9 flats with basement level.
Recommendation:	Refused (Committee decision)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	19 th February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **16/P2724**
Site: 161 Kingston Road, SW19 1LJ
Development: change of use of the ground floor unit from A3 (café) to residential.
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **16/P2742**
Site: 12 Upper Green East, Mitcham, CR4 2PA
Development: Erection of a first floor rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **16/P4470**
Site: 150 - 152 Haydons Road, South Wimbledon SW19 1AE
Development: Formation of 2 bed flat on top floor with rear roof terrace and alterations to basement
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 21st February 2018
Date of Costs Decision: 12th March 2018

[Link to Appeal Decision Notice](#)

[Link to Appeal Costs Decision](#)

Application Numbers: **17/P0022**
Site: 58, Broadway Court, Wimbledon SW19 1RG
Development: Erection of a three story dwelling rear of 58 The Broadway
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 16th February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0046**
Site: 2 Mansel Road, Wimbledon SW19 4AA
Development: Change of use of first floor from residential to nursery (Class D1) retaining second floor residential use as a manager's annexe
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0914**
Site: The Glass House, 177-187 Arthur Road, Wimbledon SW19 8AE
Development: Change of use of first floor from residential to nursery (Class D1) retaining second floor residential use as a manager's annexe
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1175**
Site: 5 New Close, Colliers Wood SW19 2SX
Development: Erection of 2 storey dwellinghouse with rooms in roof space and associated parking
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd February 2018

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1176**
Site: 6 Greenoak Way, Wimbledon SW19 5EN
Development: Erection of single storey side extension to form garage
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th March 2018

[Link to Appeal Decision Notice](#)

Subject: Planning Enforcement Appeal Decisions

Application Numbers: **15/E0426**
Site: 18 Warminster Way, Mitcham CR4 1AD
Development: Unauthorised erection of a single-storey rear extension.
Enforcement Notice: 1 February 2017
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th March 2018

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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