

Committee: Planning Applications

Date: 12th December 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/P1857
	Site:	59 Burstow Road, Wimbledon SW20 8ST
	Ward:	Dundonald
	Development:	Erection of two storey rear & single storey side extensions; replacement of garage with parking bay and cycle store
	Recommendation:	Grant Permission (Refused at Committee)
	Appeal Decision:	ALLOWED
	Date of Appeal Decision:	22th November 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080833/13P1857_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.2 Application number: **12/P2728**
Site: 181 Worples Road, London SW20 8RF
Ward: Raynes Park
Development: Lawful Development Certificate for existing use of garage as self-contained dwelling
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 30th October 2013

Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078416/12P2728_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.3 Application number: **13/P0741**
Site: 19 Approach Road, London SW20 8BA
Ward: Dundonald
Development: Replacement of condenser units on roof
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 27th November 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079768/13P0741_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.4 Application number: **12/P3034**
Site: 6A Griffiths Road, London SW19 1SP
Ward: Abbey
Development: Demolition of workshop and erection of 5 bed dwelling.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 20th November 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078707/12P3034_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.

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