

**Committee:** Planning Applications

**Date:** 21 March 2019

## **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\*\*](#)

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### **DETAILS**

Application Numbers: **17/P3701**  
Site: 35 Borough Road, Mitcham CR4 3DX  
Development: Erection of a bungalow in rear garden  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 7<sup>th</sup> February 2019

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

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Application Numbers: **17/P4283**  
Site: 35 London Road, Morden SM4 5HT  
Development: Erection of 3 story residential block comprising 2 x flats, cycle & bin storage and retail storage.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 8<sup>th</sup> February 2019

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

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Application Numbers: **18/P2254**  
Site: Garages R/O 4 Cavendish Road, Colliers Wood SW19 2EU  
Development: Demolition of garages and erection of 1 x 2 storey dwelling with cycle parking.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 8<sup>th</sup> February 2019

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

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Application Numbers: **18/P2424**  
Site: 123 Monkleigh Road, Morden, SM4 4EQ  
Development: Erection of a 2 bed detached dwellinghouse  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 7<sup>th</sup> February 2019

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

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Application Numbers: **18/P3013**  
Site: 223 South Park Road, Wimbledon SW19 8RY  
Development: Erection of a part single, part two storey rear extension and a rear roof extension, raising the ridge height  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 15<sup>th</sup> February 2019

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

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Application Numbers: **17/P1805**  
Site: Land between 47-51 Blanchland Road, Morden SM4 5ND  
Development: Erection of a 1 bed dwellinghouse  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 7<sup>th</sup> February 2019

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

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Application Numbers: **17/P1981**  
Site: 7 Streatham Road, Mitcham CR4 2AD  
Development: Lawful development certificate for rear & side roof extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 4<sup>th</sup> February 2019

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

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Application Numbers: **18/P1170**  
Site: Former Marquis of Lorne Pub, 117 Haydons Road SW19 1HH  
Development: Partial demolition and development of site to create 8 x flats retaining pub's original front and side façade.  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 8<sup>th</sup> February 2019

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

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Application Numbers: **18/P1683**  
Site: 79-83A Love Lane, Mitcham CR4 3AW  
Development: Erection of 2 x front dormer roof extensions to create 2 x flats in roof space  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 5<sup>th</sup> February 2019

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

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Application Numbers: **18/P1739**  
Site: 17 Bodmin Grove, Morden SM4 5LU  
Development: Demolition of garage and erection of a two storey end of terrace dwellinghouse  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 7<sup>th</sup> February 2019

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

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Application Numbers: **18/P1883**  
Site: Flat 3, 32 Thornton Hill, London, SW19 4HS  
Development: Alteration to roof pitch and erection of 2 x rear dormer windows to convert of roof space into habitable rooms  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 8<sup>th</sup> February 2019

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

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Application Numbers: **18/P1975**  
Site: 109 Cherrywood Lane, Morden SM4 4HD  
Development: Conversion of dwellinghouse into 2 X self-contained flats  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 1<sup>st</sup> February 2019

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

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Application Numbers: **18/P2631**  
Site: 64 Drax Avenue, West Wimbledon SW20 0EY  
Development: Variation of condition 2 (approved plans)  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 15<sup>th</sup> February 2019

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

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Application Numbers: **18/P2922**  
Site: 76 South Park Road, Wimbledon SW19 8SZ  
Development: Erection of a single storey rear and side infill extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 15<sup>th</sup> February 2019

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

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Application Numbers: **18/P3063**  
Site: 181 Westway, London, SW20 9LR  
Development: Erection of a single storey rear extension and rear roof extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 22<sup>nd</sup> February 2019

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

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### **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.