

Committee: Planning Applications

Date: 16th January 2014

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 Inspectorate decision letters are not attached to this report, but can be viewed by either clicking the individual hyperlinks provided or by visiting the Council web-site at the following address:

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

DETAILS

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|-----|--------------------------|------------------------------------------------------------------------------------------------|
| 1.1 | Application number: | 12/P2056 |
| | Site: | 77 Pepys Road, Raynes Park, London SW20 8NW |
| | Ward: | Raynes Park |
| | Development: | Erection of rear roof extension, installation of flank window and erection of replacement wall |
| | Recommendation: | Refuse Permission (Delegated Decision) |
| | Appeal Decision: | DISMISSED |
| | Date of Appeal Decision: | 19th December 2013 |

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000077000/1000077793/12P2056_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.2 Application number: **12/P2434**
Site: Land R.O. Aston Court 18 Lansdowne Rd SW20 8AW
Ward: Raynes Park
Development: Demolition of garages and erection of single-storey house.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 13th December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078141/12P2434_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.3 Application number: **12/P2610**
Site: 20 Queens Road, Morden SM4 5DF
Ward: Merton park
Development: Conversion of house into 3 x flats, with single storey rear extensions and rear roof extension.
Recommendation: Grant Permission subject to conditions & S106 (refused at committee)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078306/12P2610_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.4 Application number: **12/P2958 and 13/P1214 (Linked)**
Site: 98 Worple Road, Wimbledon SW19 4JB
Ward: Hillside
Development: Demolition of building and erection of 3 x flats.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080223/13P1214_Appeal%20Decision%20Notices.pdf

DETAILS

- 1.5 Application number: **12/P2434**
Site: Land R.O. Aston Court 18 Lansdowne Rd SW20 8AW
Ward: Raynes Park
Development: Demolition of garages and erection of single-storey house.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 3rd December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078141/12P2434_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.6 Application number: **12/P2975**
Site: 4-10 South Park Road, London SW19 8ST
Ward: Trinity
Development: Re-cladding of elevations and addition of fourth storey to create 8 x Flats.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 3rd December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078650/12P2975_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.7 Application number: **12/P3351**
Site: Land rear of 36 Norman Road SW19 1BN
Ward: Abbey
Development: Erection of new 1 bed house
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 9th December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079011/12P3351_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.8 Application number: **13/P0051**
Site: Windmill Park Corner, Former Windmill Trading Estate,
Commonside East, Mitcham CR4 1HT
Ward: Pollards Hill
Development: Erection of Part Four / Part Five storey building to create
23 X flats.
Recommendation: Grant Permission subject to conditions & S106 (Refused at
Committee)
Appeal Decision **DISMISSED**
Date of Appeal Decision: 11th December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079112/13P0051_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.9 Application number: **13/P0333**
Site: **Land r/o 44-49 Firstway SW20 0JD**
Ward: Raynes Park
Development: Demolition of 36 garages and erection of a terrace of 7 four
bedroom houses.
Recommendation: Grant Permission subject to conditions (Refused at
Committee)
Appeal Decision **DISMISSED**
Costs Decision **REFUSED**
Date of Appeal Decision: 3rd January 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079382/13P0333_Appeal%20Decision%20Notice.pdf

Link to Costs Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079382/13P0333_Appeal%20Costs%20decision.pdf

DETAILS

- 1.10 Application number: **13/P0574**
Site: 124-126 Haydons Road, London SW19 1AE
Ward: Trinity
Development: Change of use of ground floor commercial unit to 3 x flats
with erection of first floor rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision **DISMISSED**
Date of Appeal Decision: 3rd December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079610/13P0574_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.11 Application number: **13/P0586**
Site: Beverley Park Golf Range, Beverley Way, New Malden KT3 4PH
Ward: Raynes Park
Development: Advertisement consent for the display of printed signs on boundary netting and 12 x banners on support towers.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079622/13P0586_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.12 Application number: **13/P2200**
Site: 51 Amity Grove, London SW20 0LQ
Ward: Raynes Park
Development: Erection of single storey rear extension.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 13th December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081150/13P2200_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.13 Application number: **13/P2720**
Site: 97 Pepys Road, Raynes Park SW20 8NW
Ward: Raynes Park
Development: Erection of rear roof extension and brick wall to front boundary
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: SPLIT DECISION – **PARTIALLY ALLOWED / PARTIALLY REFUSED**
Date of Appeal Decision: 31st December 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081632/13P2720_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.