

**Committee:** Planning Applications

**Date:** 10<sup>th</sup> December 2020

## **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 Number:** 19/P3276

**Appeal number:** APP/T5720/W/19/3242324

**Site:** 58 New Close, Colliers Wood SW19 2SY

**Development:** conversion of existing house into 5 x self-contained flats (2 x 1 bed, 2 x 2 bed, 1 x 3 bed).

**Appeal Decision:** DISMISSED

**Date of Appeal Decision:** 13<sup>th</sup> November 2020

[\*\*LINK TO DECISION\*\*](#)

**Application Number: 19/P4266**

**Appeal number:** APP/T5720/W/20/3250706

**Site:** Abbey Wall Works, Station Road, Colliers Wood SW19 2LP

**Development:** demolition of existing buildings and redevelopment of site to provide a part three, part five and part six storey block of 66 flats and a commercial unit (204 sqm) at ground floor level (comprising flexible A1 (excluding supermarket), A2, A3, B1, & D1 uses) and an associated landscaping, bin/cycle storage, parking, highway works and alterations to listed wall

**Appeal Decision:** **ALLOWED**

**Date of Appeal Decision:** 2<sup>nd</sup> November 2020

[LINK TO DECISION](#)

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**Application Number: 20/P0211**

**Appeal number:** APP/T5720/W/20/3254983

**Site:** 10F Kings Road, Wimbledon SW19 8QN

**Development:** Formation of vehicular crossover and conversion of front garden into hardstanding

**Appeal Decision:** **ALLOWED**

**Date of Appeal Decision:** 11<sup>th</sup> November 2020

[LINK TO DECISION](#)

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**Application Number: 20/P1550**

**Appeal number:** APP/T5720/D/20/3257457

**Site:** 416 Durnsford Road, Wimbledon Park SW19 8DZ

**Development:** Erection of a single storey rear extension

**Appeal Decision:** **ALLOWED**

**Date of Appeal Decision:** 9<sup>th</sup> November 2020

[LINK TO DECISION](#)

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**Application Number: 20/P0299**

**Appeal number:** APP/T5720/D/20/3255869

**Site:** 19A Russell Road, Wimbledon SW19 1QN

**Development:** Erection of a two storey extension

**Appeal Decision:** DISMISSED

**Costs Decision:** REFUSED

**Date of Appeal Decision:** 9<sup>th</sup> November 2020

## [LINK TO DECISION](#)

## [COSTS DECISION](#)

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**Application Number: 19/E0279 (Enforcement appeal)**

**Appeal number:** APP/T5720/C/19/3237112

**Site:** 76 Shaldon Drive, Morden SM4 4BH

**Breach:** Use of outbuilding as self-contained residential unit

**Appeal Decision:** DISMISSED (enforcement notice upheld)

**Date of Appeal Decision:** 04<sup>th</sup> November 2020

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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.