

Committee: Planning Applications

Date: 27th March 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/P3282 |
| | Site: | 13 Cedars Road, Morden, Surrey SM4 5AB |
| | Ward: | Merton Park |
| | Development: | Erection of a hip to gable and rear roof extension |
| | Recommendation: | Refuse Permission (Delegated Decision) |
| | Appeal Decision: | DISMISSED |
| | Date of Appeal Decision: | 17 th February 2014 |

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078943/12P3282_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.2 Application number: **11/P3437**
Site: 153 – 161 The Broadway SW19 1NE
Ward: Abbey
Development: Change of use from Office to Hotel involving the demolition of 1st, 2nd & 3rd floors and erection of eight new floors to form a 149 bedroom hotel above existing ground floor bar.
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **ALLOWED**
Costs Decision: **REFUSED**
Date of Appeal Decision: 27th February 2014 2013

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000075000/1000075707/11P3437_Appeal%20Decision%20Notice.pdf

Link to Costs Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000075000/1000075707/11P3437_Appeal%20Costs%20Decision.pdf

DETAILS

- 1.3 Application number: **13/P1444**
Site: 70 Church Lane, London, SW19 3PB
Ward: Merton Park
Development: Demolition and rebuilding of side extension, replacement windows to first floor, new dormer windows to 70 and 71 Church Lane, new gates and related alterations.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 28th February 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080443/13P1444_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.4 Application number: **12/P1848**
Site: 16 St Marys Road, Wimbledon SW19 7BW
Ward: Village
Development: Demolition of existing house and erection of two storey 5 bed dwellinghouse.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 21st February 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000077000/1000077595/12P1848_Appeal%20Decision%20Notice.pdf

DETAILS

1.5 Application number: **13/P0571**
Site: 32 Robinson Road, London SW17 9DW
Ward: Colliers Wood
Development: Conversion of 4 bed house into 1 x 3 bed and 1 x studio flats with single storey rear infill extension.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 10th February 2014

[Link to Appeal Decision](#)

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079609/13P0571_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.