

Committee: Planning Applications

Date: 22nd September 2022

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](#)

DETAILS

Application Number **21/P1111**
Appeal number: APP/T5720/W/22/3292876
Site: 30 Mostyn Road SW19 3LJ
Development: ERECTION OF A REAR OUTBUILDING.
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th August 2022

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Application Number **21/P3200**
Appeal number: APP/T5720/W/21/3289255
Site: 31 Edmund Road, Mitcham CR4 3AR
Development: PRIOR APPROVAL FOR THE ERECTION OF A 6 METRE SINGLE STOREY REAR EXTENSION
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th August 2021

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Application Number **21/P3418**
Appeal number: APP/T5720/W/22/3293475
Site: 3 Erridge Road, Merton Park SW19 3JA
Development: ERECTION OF A 2 STOREY SIDE EXTENSION, AND REAR ROOF EXTENSION, WIDENING OF THE GROUND FLOOR FRONT PROJECTION AND ALTERATIONS OF WINDOWS / OPENINGS.
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th August 2021

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Application Number **21/P3744**
Appeal number: APP/T5720/W/22/3293223
Site: 90 Tamworth Lane, Mitcham CR4 1DA
Development: ERECTION OF A SINGLE STOREY REAR EXTENSION AND THE INSTALLATION OF PHOTOVOLTAIC SOLAR PANELS
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th August 2021

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Application Number 21/P3766
Appeal number: APP/T5720/W/22/3292315
Site: 63 Monkleigh Road, Morden SM4 4EN
Development: VARIATION OF CONDITION 2 (Approved plans) ATTACHED TO LBM PLANNING PERMISSION 20/P0824 FOR DEMOLITION OF EXISTING SIDE EXTENSION, ERECTION OF REAR EXTENSION AND ERECTION OF TWO SINGLE STOREY DWELLINGS AT THE REAR. VARIATION SOUGHT IS TO INCREASE THE FOOTPRINT OF THE HOUSES.
Recommendation: Refuse (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 30th August 2021

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Application Number 21/P3946
Appeal number: APP/T5720/W/22/3299397
Site: 90 Tamworth Lane, Mitcham CR4 1DA
Development: ERECTION OF A FRONT EXTENSION AT GROUND AND FIRST FLOOR LEVELS WITH ASSOCIATED ALTERATIONS TO THE ROOF.
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th August 2021

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Application Number 21/P4396
Appeal number: APP/T5720/W/22/3294932
Site: 11 The Broadway, Wimbledon SW19 1PS
Development: VARIATION OF CONDITION 3 ATTACHED TO LBM PLANNING PERMISSION 20/P1324 FOR THE CHANGE OF USE FROM BETTING SHOP (SUI GENERIS) TO ADULT GAMING SHOP (SUI GENERIS)
Recommendation: Refuse (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 19th August 2021

[click LINK TO DECISION NOTICE](#)

Application Number **22/P0114**
Appeal number: 22/3300364
Site: 28 Aberconway Road, Morden SM4 5LF
Development: ERECTION OF PART TWO STOREY, PART SINGLE STOREY SIDE AND REAR EXTENSIONS
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th August 2021

There is presently no link to the decision notice online, because the Inspectorate issued it with the incorrect reference number. We are therefore waiting for the correct re-issued version before we upload it to the Planning Explorer website.

Application Number **22/P0204**
Appeal number: 22/3299684
Site: 14 Victory Avenue, Morden SM4 6DL
Development: ERECTION OF A SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION, CONVERSION OF ROOFSPACE AND REAR ROOF EXTENSION.
Recommendation: Refuse (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 19th August 2021

[click LINK TO DECISION NOTICE](#)

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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