

**Committee:** Planning Applications

**Date:** 9<sup>th</sup> February 2023

## **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**            **22/P0481**

**Appeal number:**                APP/T5720/W/22/3303038

**Site:**                                133 Durham Road, London SW20 0DF

**Development:**                ERECTION OF A TWO STOREY REAR INFILL EXTENSION TO BUILDING CORNER, WITH EXTENSIONS OF THE ROOF, INCLUDING A REAR DORMER. PLUS THE INSTALLATION OF WINDOWS AND A BIFOLD DOOR.

**Recommendation:**            Refuse (Delegated)

**Appeal Decision:**                **DISMISSED**

**Date of Appeal Decision:**    26<sup>th</sup> January 2022

**[click LINK TO DECISION NOTICE](#)**

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**Application Number**            **21/P2846**  
**Appeal number:**                APP/T5720/W/22/3293959  
**Site:**                                39 Arundel Avenue, Morden SM4 4DR  
**Development:**                    ERECTION OF A HIP TO GABLE ROOF EXTENSION, CONVERSION OF GARAGE INTO HABITABLE ROOM, RAISING RIDGE HEIGHT BY 450MM AND REBUILDING THE FRONT AND REAR WALLS.  
**Recommendation:**                Non-Determination  
**Appeal Decision:**                **ALLOWED**  
**Withdrawal Date:**                30<sup>th</sup> January 2023

[click LINK TO 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.

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