

Committee: Planning Applications

Date: 24th August 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](#)

Application Number	22/P2132
Appeal number:	APP/T5720/W/23/3314364
Site:	Land at the Shannon Business Centre Beverley Way Fronting Rookwood Avenue New Malden
Development:	AMENDMENTS TO THE FIRST FLOOR FRONT ELEVATION WINDOWS, BATHROOM WINDOWS, FRONT GROUND FLOOR WALL PAINTED WHITE, BRICK PLINTH PAINTED GREY, GUTTER CONTINUES PAST CHIMNEY AND SMALL PLANTED AREAS ARE NOW HARD LANDSCAPED RELATING TO THE ERECTION OF 3 x DETACHED HOUSES WITH VEHICULAR ACCESS FROM ROOKWOOD AVENUE AND FOOTPATH ACCESS BETWEEN ROOKWOOD AVENUE AND BLAGDON ROAD, PLUS MINOR ALTERATIONS TO BOUNDARY OF 36 ROOKWOOD.
Recommendation:	Refuse (Delegated)
Appeal Decision:	Turned Away

Date of Appeal Decision: 2023

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Application Number 22/P3199
Appeal number: APP/T5720/W/22/3312756
Site: 23 Dorien Road, Raynes Park SW20 8EL
Development: DETERMINING WHETHER PRIOR APPROVAL WAS REQUIRED FOR THE ERECTION OF A SINGLE STOREY REAR EXTENSION WITH THE FOLLOWING DIMENSIONS: EXTENDS BEYOND THE REAR WALL OF THE ORIGINAL DWELLINGHOUSE BY 5 METRES. THE MAXIMUM HEIGHT OF THE ENLARGED PART OF THE DWELLINGHOUSE WILL BE 3 METRES. THE HEIGHT OF THE EAVES OF THE ENLARGED PART OF THE DWELLINGHOUSE WILL BE 3 METRES.
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th July 2023

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Application Number 22/P3312
Appeal number: APP/T5720/D/23/3317628
Site: 92 Hamilton Road, South Wimbledon SW19 1JF
Development: ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION WITH 4 x ROOFLIGHTS AND CONCEALED BOX GUTTER, REMOVAL OF EXISTING EXTERNAL STAIRCASE AND EXTENSION OF THE REAR TERRACE ON THE FIRST FLOOR LEVEL.
Recommendation: Refuse (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 31st July 2023

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Application Number 22/P3763

Appeal number: APP/T5720/D/23/3319774
Site: 32 Crusoe Road, Mitcham CR4 3LG
Development: ERECTION OF BIKE SHED IN THE FRONT GARDEN.
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st August 2023

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Application Number 23/P0331
Appeal number: APP/T5720/D/23/3320513
Site: 36 Biggin Avenue, Mitcham CR4 3HN
Development: ERECTION OF A PART SINGLE, PART TWO STOREY SIDE AND FRONT EXTENSION INCLUDING RAISING OF THE RIDGE HEIGHT.THIS IS ONE OF THREE LINKED APPEALS LODGED CONCURRENTLY FOR WORKS AT 36 BIGGIN AVENUE (ALSO SEE 23/P0332 AND 23/P0333)
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th July 2023

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Application Number 23/P0332
Appeal number: APP/T5720/D/23/3320514
Site: 36 Biggin Avenue, Mitcham CR4 3HN
Development: ERECTION OF A PART SINGLE PART TWO STOREY SIDE AND FRONT EXTENSION INCLUDING RAISING OF THE RIDGE HEIGHT AND ERECTION OF A REAR ROOF EXTENSION ACROSS THE WIDTH OF THE ORIGINAL ROOF. THIS IS ONE OF THREE LINKED APPEALS LODGED CONCURRENTLY FOR WORKS AT 36 BIGGIN AVENUE (ALSO SEE 23/P0331 AND 23/P0333)
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th July 2023

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Application Number 23/P0333
Appeal number: APP/T5720/D/23/3320515
Site: 36 Biggin Avenue, Mitcham CR4 3HN
Development: ERECTION OF A PART SINGLE PART TWO STOREY SIDE AND FRONT EXTENSION INCLUDING RAISING OF THE RIDGE HEIGHT AND ERECTION OF A REAR ROOF EXTENSION ACROSS THE WIDTH OF THE ORIGINAL AND SIDE EXTENSION ROOF. THIS IS ONE OF THREE LINKED APPEALS LODGED CONCURRENTLY FOR WORKS AT 36 BIGGIN AVENUE (ALSO SEE 23/P0331 AND 23/P0332)
Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th July 2023

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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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