

Committee: Planning Applications

Date: 15th 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](#)

Application Number	22/P0812
Appeal number:	APP/T5720/W/23/3322144
Site:	81-83 Wimbledon Hill Road, Wimbledon SW19 7QS
Development:	DEMOLITION OF BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL BLOCK COMPRISING 17 x SELF-CONTAINED FLATS (1 x 3 BED, 15 X 2 BED & 2 X 1 BED) PLUS 1 x DETACHED 3 BED DWELLINGHOUSE ARRANGED OVER 2 FLOORS (GROUND FLOOR AND BASEMENT)..
LPA Decision:	Refused (Committee Decision)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	25 th January 2024

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[click LINK TO COSTS DECISION](#)

Application Number **23/P0218**
Appeal number: APP/T5720/D/23/3323248
Site: 37 Camberley Avenue, West Wimbledon SW20 0BG
Development: ERECTION OF PART SINGLE STOREY AND PART TWO STOREY
REAR EXTENSIONS, ENLARGEMENT OF EXISTING REAR
DORMER EXTENSION AND INSERTION OF NEW SIDE DOOR.
LPA Decision: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 18th December 2023

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Application Number **23/P0451**
Appeal number: APP/T5720/D/23/3321920
Site: 58 Pepys Road, Raynes Park SW20 8PF
Development: ERECTION OF A FRONT ROOF EXTENSION.
LPA Decision: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 13th December 2023

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Application Number **23/P1910**
Appeal number: APP/T5720/D/23/3330256
Site: 36 Biggin Avenue, Mitcham CR4 3HN
Development: ERECTION OF A PART SINGLE PART TWO STOREY SIDE AND
FRONT EXTENSION TO CREATE A NEW TWO STOREY GABLE.
LPA Decision: Refused (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 13th December 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.