

Committee: Planning Applications

Date: 16th October 2014

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Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

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 Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

DETAILS

Application Number: 13/P2248
Site: 86 Glastonbury Road, Morden, Surrey, SM4 6PH
Ward: St Helier
Development: Erection of end of terrace house
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 23rd September 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081190/13P2248_Appeal%20Decision%20Notice.pdf

Application Number: 14/P0176
Site: 8 Hazelbury Close, London SW19 3JL
Ward: Merton Park
Development: Demolition of bungalow and erection of new dwellinghouse.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 27th August 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083144/14P0176_Appeal%20Decision%20Notice.pdf

Application Number: 14/P0533
Site: 37 Willows Avenue, Morden SM4 5SG
Ward: St Helier
Development: Erection of single storey side & rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th September 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083481/14P0533_AppealDecision%20Notice.pdf

Application Number: 14/P0640
Site: 126 Coombe Lane, LONDON, SW20 0BA
Ward: Raynes Park
Development: Erection of single storey rear extension.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 12th September 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083576/14P0640_AppealDecision%20Notice.pdf

Application Number: 14/P1042
Site: Mawson Close, London SW20 9PA
Ward: Cannon Hill
Development: Conversion of house into 2 x flats
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th September 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083947/14P1042_AppealDecision%20Notice.pdf

Application Number: 14/P1477
Site: 23 Russell Road, Wimbledon SW19 1QN
Ward: Dundonald
Development: Erection of single storey side return and a part first floor rear extension.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st October 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084349/14P1477_Appeal%20Decision%20Notice.pdf

Application Number: 14/P1544
Site: 44 Stanley Avenue, New Malden KT3 6EN
Ward: West Barnes
Development: Erection of single storey rear extension and first floor side extension.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 19th September 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084401/14P1544_AppealDecision%20Notice.pdf

Application Number: 14/P2169
Site: 34 Elmhurst Avenue, Mitcham CR4 2HN
Ward: Graveney
Development: Erection of detached single storey granny annex.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th September 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084927/14P2169_AppealDecision%20Notice.pdf

1 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).

2 CONSULTATION UNDERTAKEN OR PROPOSED

- 2.1. None required for the purposes of this report.

3 TIMETABLE

- 3.1. N/A

4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 4.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

5 LEGAL AND STATUTORY IMPLICATIONS

- 5.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 6.1. None for the purposes of this report.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1. None for the purposes of this report.

8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 8.1. See 6.1 above.

9 BACKGROUND PAPERS

- 9.1. 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.