

Committee: Planning Applications

Date: 11th December 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: 12/P3374
Site: 263-265 Central Road, Morden, Surrey SM4 5SR
Ward: St Helier
Development: Demolition of existing building and erection of a two storey block of 8 x 1 bed houses for ex servicemen and women
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 1st December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079303/13P0252_Appeal%20Decision%20Notice.pdf

Application Number: 13/P0252
Site: 263-265 Central Road, Morden, Surrey SM4 5SR
Ward: St Helier
Development: Conservation Area Consent for the Demolition of existing building and erection of a two storey block of 8 x 1 bed houses for ex servicemen and women
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 1st December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079303/13P0252_Appeal%20Decision%20Notice.pdf

Application Number: 14/P0030
Site: 1 Robinhood Close, Mitcham, Surrey, CR4 1JN
Ward: Pollards Hill
Development: Erection of single storey 1 bed detached dwellinghouse
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 5th November 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083004/14P0030_Appeal%20Decision%20Notice.pdf

Application Number: 14/P0056
Site: 15 Ravensbury Avenue, Morden SM4 6ET
Ward: Ravensbury
Development: Erection of 2 bed semi-detached chalet bungalow
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 2nd December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083030/14P0056_Appeal%20Decision%20Notice.pdf

Application Number: 14/P0787
Site: 14 Burley Close, Streatham SW16 4QQ
Ward: Longthornton
Development: Change of use from single dwelling to an 8 bedroom house in multiple occupation
Recommendation: Refuse Permission (Committee decision)
Appeal Decision: **DISMISSED**
Costs Decision: **REFUSED**
Date of Appeal Decision: 17th November 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083707/14P0787_Appeal%20Decision%20Notice.pdf

Link to Costs Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083707/14P0787_Appeal%20Costs%20Decision.pdf

Application Number: 14/P1463
Site: 204 Tamworth Lane, Mitcham CR4 1DE
Ward: Pollards Hill
Development: Retention of single storey rear extension and raised patio and proposed erection of boundary fencing
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 27th November 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084335/14P1463_Appeal%20Decision%20Notice.pdf

Application Number: 14/P1782
Site: Post Office, 317 Haydon's Road SW19 8TX
Ward: Trinity
Development: Prior Approval for change of use from retail/post office (Class A1c) to residential (Class C3)
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 19th November 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084600/14P1782_Appeal%20Decision%20Notice.pdf

Link to Costs Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084600/14P1782_Appeal%20Costs%20Decision.pdf

Application Number: 14/P2664
Site: 2 Crowland Walk, Morden SM4 6QU
Ward: Pollards Hill
Development: Erection of a two storey side extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 25th November 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085378/14P2664_Appeal%20Decision%20Notice.pdf

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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