

Committee: Planning Applications

Date: 15th January 2015

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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: **14/P2687**
Site: 52 Hill Road, Mitcham CR4 2HQ
Development: Erection of single storey side & rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 11th December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085399/14P2687_Appeal%20Decision%20Notice.pdf

Application Number: 14/P2591
Site: 31C Arterberry Road SW20 8AG
Development: Erection of single storey side & rear glass pergola and excavation of side basement level
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Costs Decision: **ALLOWED**
Date of Appeal Decision: 22nd December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085308/14P2591_Appeal%20Decision%20Notice.pdf

Link to Costs Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085308/14P2591_Appeal%20Costs%20Decision.pdf

Application Number: 14/P2341
Site: Medical Centre 5 London Road, Tooting SW17 9JR
Development: Retention of storage shed and boundary treatments around shed at first floor level
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/1000085000/1000085071/14P2341_Appeal%20Decision%20Notice.pdf

Application Number: 14/P1972
Site: 1A Gordondale Road, Wimbledon Park SW19 8EN
Development: Partial demolition of existing office and erection of Replacement office building
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 9th December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084765/14P1972_Appeal%20Decision%20Notice.pdf

Application Number: 14/P1970
Site: 1A Gordondale Road, Wimbledon Park SW19 8EN
Development: Partial demolition of existing office and erection of New 2 bed dwelling
Recommendation: Refuse Permission (Committee decision)
Appeal Decision: **DISMISSED**
Costs Decision: **REFUSED**
Date of Appeal Decision: 9th December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084763/14P1970_Appeal%20Decision%20Notice.pdf

Link to Costs Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084763/14P1970_Appeal%20Costs%20Decision.pdf

Application Number: 14/P1903
Site: 41 Franklin Crescent, Mitcham CR4 1ND
Development: Erection of hip to gable and rear roof extension, a first floor side extension and single storey rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **SPLIT DECISION**
Hip to gable & rear roof extension with first floor side extension refused. Single storey rear extension allowed.
Date of Appeal Decision: 3rd December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084707/14P1903_Appeal%20Decision%20Notice.pdf

Application Number: 14/P1689
Site: 34 Church Lane, Merton Park SW19 3HQ
Development: Alterations to existing ground floor rear extension and erection of new first floor rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 3rd December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084525/14P1689_Appeal%20Decision%20Notice.pdf

Application Number: 14/P1254
Site: 1 Deburgh Road, Colliers Wood SW19 1DX
Development: Erection of additional storey to provide office space
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 10th December 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084150/14P1254_Appeal%20Decision%20Letter.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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