

**Committee:** Planning Applications

**Date:** 18 October 2018

## **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](#)**

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### **DETAILS**

Application Numbers: **16/P2835**  
Site: 82 Cannon Hill Lane, Raynes Park SW20 9ET  
Development: Conversion of single dwelling into 2 X flats with a rear roof extension and single storey rear and side extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 18<sup>th</sup> September 2018

**[Link to Appeal Decision Notice](#)**

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Application Numbers: **17/P2585**  
Site: In front of St Mary's Living & Giving Shop, 38C High Street, Wimbledon SW19 5BY  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 19<sup>th</sup> September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2586**  
Site: Outside Maplin 19 The Broadway, Wimbledon SW19 1PS  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 19th September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2589**  
Site: Outside The Entertainer, 29 The Broadway, Wimbledon SW19 1PS  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 19th September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2591**  
Site: Outside Elegant Stitch, 30 The Broadway, Wimbledon SW19 1RE  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 19th September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2590**  
Site: Outside Touro Steak House, 44 The Broadway SW19 1RQ  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: DISMISSED  
Date of Appeal Decision: 19th September 2018

### [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2584**  
Site: Outside Snappy Snaps, 5 The Broadway, Wimbledon SW19 1PS  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: DISMISSED  
Date of Appeal Decision: 19th September 2018

### [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2583**  
Site: Outside Centre Court Shopping Mall, The Broadway SW19 8YA  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 19th September 2018

### [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2588**  
Site: Outside Kaldi Coffee Shop, 1 Wimbledon Bridge SW19 7NF  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 19th September 2018

### [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P2587**  
Site: Outside Wimbledon Library, Wimbledon Hill Road SW19 7NB  
Development: Prior approval for the installation of a freestanding payphone kiosk  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: DISMISSED  
Date of Appeal Decision: 19th September 2018

### [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P4382**  
Site: 19 Prince's Road, Wimbledon SW19 8RQ  
Development: Erection of a roof extension to provide 2 x flats  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: DISMISSED  
Date of Appeal Decision: 24th September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P0340**  
Site: 13 Palestine Grove SW19 2QN  
Development: Erection of a two-storey side extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 27th September 2018

## [Link to Appeal Decision Notice](#)

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Application Numbers: **18/P1386**  
Site: 153 Hillcross Avenue, Morden SM4 4AZ  
Development: Erection of a first floor rear extension  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: DISMISSED  
Date of Appeal Decision: 27th September 2018

## [Link to Appeal Decision Notice](#)

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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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