

## PLANNING APPLICATIONS COMMITTEE

13 December 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: **17/P2005**  
Site: 54 Lewis Road, Mitcham CR4 3DE  
Development: Erection of a 2 bed dwellinghouse  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 23<sup>rd</sup> November 2018

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

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Application Numbers: **17/P4200**  
Site: 70 Bathgate Road, Wimbledon Village SW19 5PH  
Development: Variation of condition 2 (approved plans) attached to 17/P2019 for excavation of basement level, erection of 2 storey rear extension with roof extension and partial demolition of house (retaining front elevation).  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 12<sup>th</sup> November 2018

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

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Application Numbers: **18/P1649**  
Site: 14 Highbury Road, London, SW19 7PR  
Development: Single storey rear extension, alterations to first floor balcony terrace, erection of a second floor rear dormer and excavation of a rear basement  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 25th November 2018

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

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Application Numbers: **18/P1711**  
Site: 38 Tudor Drive, Morden, Surrey, SM4 4PE  
Development: Retention of existing outbuilding for use as gym  
Recommendation: Refused (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 15<sup>th</sup> November 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 redetermined.

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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