

**Committee:** Planning Applications

**Date:** 9<sup>th</sup> December 2021

## **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 Number**            **19/P1676**

**Appeal number:**                APP/T5720/W/20/3253478

**Site:**                                579-589 Kingston Road, Raynes Park SW20 8SD

**Development:**                SCHEME A - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE TO PROVIDE OFFICE SPACE AND RESIDENTIAL UNITS IN BUILDINGS OF TWO TO SIX STOREYS, COMPRISING 118 SELF-CONTAINED FLATS, CAR AND CYCLE PARKING, VEHICLE ACCESS, LANDSCAPING, PLANT AND ASSOCIATED WORKS

**LPA Recommendation:**        Grant subject to 106 (Refused at Committee)

**Appeal Decision:**                **ALLOWED**

**Date of Appeal Decision:**    12<sup>th</sup> November 2021

**Application Number**            **19/P1675**  
**Appeal number:**                APP/T5720/W/20/3253482  
**Site:**                                579-589 Kingston Road, Raynes Park SW20 8SD  
**Development:**                    SCHEME B - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE TO PROVIDE OFFICE SPACE AND RESIDENTIAL UNITS IN BUILDINGS OF TWO TO SEVEN STOREYS, COMPRISING 124 SELF-CONTAINED FLATS, CAR AND CYCLE PARKING, VEHICLE ACCESS, LANDSCAPING, PLANT AND ASSOCIATED WORKS  
**LPA Recommendation:**        Grant subject to 106 (Refused at Committee)  
**Appeal Decision:**                **ALLOWED**  
**Date of Appeal Decision:**    12<sup>th</sup> November 2021

## [LINK TO DECISIONS](#)

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**Application Number:**        **20/P2140**  
**Appeal number:**                APP/T5720/W/ 21/3273819  
**Site:**                                Alpine Works, Hallowell Close, Mitcham CR4 2QD  
**Development:**                    ERECTION OF A SINGLE STOREY FRONT EXTENSION, CHANGE OF USE FROM B8 STORAGE TO C3 RESIDENTIAL FOR THE CREATION OF 2 x 1 BED SELF-CONTAINED FLATS  
**LPA Decision:**                    Refused (Delegated)  
**Appeal Decision:**                DISMISSED  
**Date of Appeal Decision:**    25<sup>th</sup> November 2021

## [LINK TO DECISION](#)

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**Application Number:**        **20/P2541**  
**Appeal number:**                APP/T5720/W/20/3264871  
**Site:**                                19 Robinson Road, Tooting SW17 9DQ  
**Development:**                    EXTERNAL STAIR ACCESS TO FIRST FLOOR FLAT  
**LPA Decision:**                    Refused (Delegated)  
**Appeal Decision:**                DISMISSED  
**Date of Appeal Decision:**    25<sup>th</sup> November 2021

## [LINK TO DECISION](#)

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**Application Number:** 20/P3713  
**Appeal number:** APP/T5720/H/21/3271447  
**Site:** 89 Worple Road, Wimbledon SW19 4JG  
**Development:** TELECOM PRIOR APPROVAL FOR THE ERECTION OF A 15 METRE HIGH MONOPOLE WITH 1 x BUILT-IN CABINET AT BASE, 3 x FREE-STANDING CABINETS AND ANCILLARY WORKS ON PAVEMENT IN CAMBRIDGE ROAD  
**LPA Decision:** Refused (Delegated)  
**Appeal Decision:** DISMISSED  
**Date of Appeal Decision:** 4<sup>th</sup> November 2021

[LINK TO DECISION](#)

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**Application Number:** 20/P3794  
**Appeal number:** APP/T5720/W/21/3270978  
**Site:** 243 London Road, Mitcham CR4 3NH  
**Development:** CREATION OF 1 x 1 BED SELF CONTAINED FLAT, INVOLVING ERECTION OF GROUND & FIRST FLOOR REAR EXTENSIONS  
**LPA Decision:** Refused (Delegated)  
**Appeal Decision:** DISMISSED  
**Date of Appeal Decision:** 6<sup>th</sup> November 2021

[LINK TO DECISION](#)

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**Application Number:** 21/P1366  
**Appeal number:** APP/T5720/D/21/3281161  
**Site:** 78 Kenilworth Avenue, Wimbledon SW19 7LR  
**Development:** DEMOLITION OF EXISTING SINGLE STOREY REAR EXTENSION AND ERECTION OF A TWO STOREY REAR EXTENSION AND FRONT AND REAR ROOF EXTENSIONS. INSTALLATION OF ROOFLIGHTS TO FRONT AND REAR ROOF SLOPES.  
**LPA Decision:** Refused (Delegated)  
**Appeal Decision:** DISMISSED  
**Date of Appeal Decision:** 6<sup>th</sup> November 2021

[LINK TO DECISION](#)

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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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