

Committee: Planning Applications

Date: 28th April 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](#)

DETAILS

Application Number **18/P0947**
Site: 201 Manor Way, Mitcham CR4 1EN
Development: PRIOR APPROVAL FOR A SINGLE STOREY REAR EXTENSION
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 31ST March 2022

[LINK TO DECISION](#)

Application Number **19/P4183**
Site: Dundonald Recreation Ground, Dundonald Road, Wimbledon
Development: ERECTION OF A TEMPORARY BUILDING TO PROVIDE
 COMMUNITY SPACE, TENNIS CLUB + CAFE AND ERECTION OF
 SEPARATE TEMPORARY TOILET FACILITIES
LPA Decision: REFUSED @ PAC (Committee Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 11th March 2022

[LINK TO DECISION](#)

Application Number **21/P0943**
Site: 7 Christchurch Close, Colliers Wood SW19 2NZ
Development: DEMOLITION OF EXISTING GARAGE AND ERECTION OF 1 x 2
 BEDROOM TWO STOREY DETACHED DWELLINGHOUSE
LPA Decision: REFUSED @ PAC (Committee Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 16th March 2022

[LINK TO DECISION](#)

Application Number **21/P1988**
Site: 38 Lyveden Road, Tooting SW17 9DU
Development: CONVERSION OF EXISTING DWELLINGHOUSE INTO 5 x SELF-
 CONTAINED FLATS, INCLUDING ERECTION OF GROUND AND
 FIRST FLOOR EXTENSIONS, A REAR ROOF EXTENSION,
 EXCAVATION AND BASEMENT EXTENSION, ASSOCIATED
 LANDSCAPING (INCLUDING DEMOLITION OF EXISTING
 GARDEN STRUCTURES), PLUS CYCLE AND REFUSE
 STORAGE.
LPA Decision: REFUSED @ PAC (Committee Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 11th March 2022

[LINK TO DECISION](#)

Application Number **21/P2135**
Site: 41 Eastfields Road, Mitcham CR4 2LS
Development: DEMOLITION OF EXISTING BUILDING AND ERECTION OF A PART 2 STOREY / PART THREE STOREY DETACHED RESIDENTIAL BLOCK CREATING 8 x SELF-CONTAINED FLATS. WITH CYCLE & REFUSE STORAGE AND LANDSCAPING.
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th March 2022

[LINK TO DECISION](#)

Application Number **21/P2344**
Site: 61 Woodland Way, Morden SM4 4DS
Development: ERECTION OF A TWO STOREY SIDE EXTENSION AND ROOF TERRACE.
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 23rd March 2022

[LINK TO DECISION](#)

Application Number **21/P2525 and 21/P2526**
Site: 299 Cannon Hill Lane, Raynes Park SW20 9HQ
Development: ERECTION OF A SINGLE STOREY REAR EXTENSION; FIRST FLOOR SIDE EXTENSION; HIP TO GABLE WITH REAR DORMER ROOF EXTENSION; INSTALLATION OF 2X ROOFLIGHTS ON THE FRONT ROOFSLOPE AND 1X FOLD-OUT ROOF BALCONY ROOFLIGHT; 1X NEW WINDOW ON SIDE (NORTH) ELEVATION.
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 31ST March 2022

[LINK TO DECISION](#)

Application Number **21/P3034**
Site: 98 Graham Road, Wimbledon SW19 3SS
Development: ERECTION OF A PRIVACY SCREEN AROUND EDGES OF FIRST FLOOR FLAT ROOF TO CREATE A SCREENED ROOF TERRACE.
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 25th March 2022

[LINK TO DECISION](#)

Application Number **21/P3356**
Site: 67 Oxford Avenue, Wimbledon Chase SW20 8LS
Development: ERECTION OF A SECOND FLOOR REAR EXTENSION ABOVE EXISTING OUTRIGGER
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 25th March 2022

[LINK TO DECISION](#)

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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