

Committee: Planning Applications

Date: 16th June 2022

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	21/P0903
Site:	47 Rutland Drive, Morden SM4 5QD
Development:	RETENTION OF EXISTING, UNAUTHORISED REAR AND SIDE EXTENSIONS
LPA Decision:	REFUSED (Delegated Decision)
Appeal Decision:	ALLOWED
Date of Appeal Decision:	19 th May 2022

[**LINK TO DECISION**](#)

Application Number 20/P2018
Site: 12A Deer Park Road, Wimbledon SW19 3TL
Development: CONTINUED USE OF PROPERTY AS A HOUSE OF MULTIPLE OCCUPATION (16 ROOM HMO)
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 11th May 2022

[LINK TO DECISION](#)

Application Number 21/P2793
Site: 118 Pepys Road, Raynes Park SW20 8NY
Development: ERECTION OF A FIRST FLOOR SIDE AND REAR EXTENSION AND A WRAPAROUND ROOF EXTENSION
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th May 2022

[LINK TO DECISION](#)

Application Number 21/P3021
Site: 37 Octavia Close, Mitcham CR4 4BY
Development: RETENTION OF EXISTING 1.1 METRE HIGH GALVANISED STEEL RAILINGS AROUND THE ROOF PERIMETER OF REAR EXTENSION TO CREATE A ROOF TERRACE AND THE REPLACEMENT OF FIRST FLOOR WINDOWS WITH BIFOLD DOORS TO ACCESS TERRACE
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 28th April 2022

[LINK TO DECISION](#)

Application Number **21/P3130**
Site: South Park Court, 18 South Park Road, Wimbledon
Development: PRIOR APPROVAL APPLICATION FOR PROPOSED ERECTION OF TWO ADDITIONAL STOREYS ON TOP OF EXISTING BUILDING TO CREATE 3 ADDITIONAL RESIDENTIAL UNITS.
LPA Decision: Non-Determination
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th May 2022

[**LINK TO DECISION**](#)

Application Number **21/P2278**
Site: 73 Cavendish Road, Colliers Wood SW19 2EY
Development: ERECTION OF SIDE/REAR EXTENSION TO CREATE A NEW ATTACHED DWELLING.
LPA Decision: REFUSED (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 8th June 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.