

Committee: Planning Applications

Date: 14th September 2023

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](#)

Application Number	21/P2584
Appeal number:	APP/T5720/W/22/3311771
Site:	96 TAVISTOCK CRESCENT MITCHAM SURREY CR4 1QG
Development:	THE PROPOSED DEMOLITION OF GARAGE IN THE REAR GARDEN AND CONSTRUCTION OF A NEW 1 BEDROOM (STUDIO) SELF CONTAINED FLAT
Recommendation:	Refuse (Delegated)
Appeal Decision:	DISMISSED
Date of Appeal Decision:	29 th August 2023

[click LINK TO DECISION NOTICE](#)

Application Number 21/P3428
Appeal number: APP/T5720/W/22/3307054
Site: ELECTRICAL SUB-STATION
ADJACENT TO 14 PEPYS ROAD
RAYNES PARK

Development: THE DEMOLITION OF EXISTING ELECTRICAL SUB-STATION AND ERECTION ON SITE OF 3 x SELF CONTAINED FLATS WITH EXTERNAL AMENITY SPACE AND ACCESS TO GROUNDS OF LANGHAM COURT

Recommendation: Grant permission subject to S106 Obligation
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 17th August 2023

[click LINK TO DECISION NOTICE](#)

Application Number 22/P0129
Appeal number: APP/T5720/W/22/3299447
Site: HOLMES ROAD
WIMBLEDON
LONDON SW19 1DZ

Development: THE PROPOSED 5G TELECOMS INSTALLATION: H3G PHASE 8 16M HIGH STREET POLE C/W WRAP-AROUND CABINET AND 3 FURTHER ADDITIONAL EQUIPMENT CABINETS

Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 17th August 2023

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Application Number 22/P2156
Appeal number: APP/T5720/W/22/3312465
Site: 153 STREATHAM ROAD
MITCHAM
CR4 2AG

Development: THE ERECTION OF FIRST FLOOR REAR EXTENSIONS AND AMENITY AREAS TO EXISTING FLATS. REPLACEMENT OF EXISTING 3X ROOF DORMERS WITH 1X ENLARGED REAR DORMER

Recommendation: Refuse (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 18th August 2023

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Application Number 23/P0390
Appeal number: APP/T5720/D/23/3324350
Site: 217 TAMWORTH LANE
MITCHAM
CR4 1DH

Development: THE FORMATION OF VEHICULAR CROSSOVER

Recommendation: Refuse (Delegated)

Appeal Decision: **ALLOWED**

Date of Appeal Decision: 16th August 2023

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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.