

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

ISSUED BY THE LONDON BOROUGH OF MERTON

1. **THIS IS A FORMAL NOTICE** issued by the Council because it appears that there has been a breach of planning control under Section 171A(1)(a) of the above Act, at the land described below. The Council considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land at 8 Dahlia Gardens Mitcham CR4 1 LA in the London Borough of Merton shown edged red on the attached plan ('the Land').

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

The unauthorised construction of an upper-floor extension to an existing detached outbuilding without the benefit of planning permission.

4. **REASONS FOR ISSUING THIS NOTICE**

1. (a) The two-storey detached building has been constructed within the last 4 years.
- (b) The two storey outbuilding, by reason of its design and form fails to blend and integrate well with its surroundings, is considered to be unduly dominant and visually intrusive, having a negative impact on the character and appearance of Dahlia Gardens and Hadley Road. The proposal would be contrary to policy CS 14 of the Merton LDF Core Planning Strategy (2011), policies OM D2 and OM D3 of the Merton Sites and Policies Plan (2014) and policy D4 of the London Plan 2021.
- (c) The two storey outbuilding by reason of its scale, bulk, form and massing, is considered to be an unneighbourly form of development creating unacceptable loss of light, privacy and outlook toward the adjoining properties along Dahlia Gardens and Hadley Road. The proposal would be contrary to policy CS 14 of the Merton LDF Core Planning Strategy (2011) and policies OM D2 and OM D3 of the Merton Sites and Policies Plan (2014).

5. WHAT YOU ARE REQUIRED TO DO

(a) Completely demolish the unauthorised 2-storey detached outbuilding

Or

(b) Demolish the unauthorised upper-storey of the detached outbuilding and comply with The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended), Schedule 2, Part 1, Class E.

And

(c) Remove from the Land all materials, fixtures, fittings and debris resulting from compliance with (a) or (b) above.

Time for Compliance: within two (2) months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 16 September 2022 unless an appeal is made against it beforehand.

Signed.....

Dated: 16 August 2022

Managing Director of South London Legal Partnership

Address to which all communication should be sent-

Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier

Address to which all communication should be sent-

Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 5DX (Ref: CS/LEG/RO/511/1324)

YOUR RIGHT OF APPEAL

You can appeal against this notice in writing to the Secretary of State, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the notice takes effect. The enclosed Explanatory Note and Information Sheet set out the procedure to be followed if you wish to appeal.

FEE PAYABLE FOR THE DEEMED APPLICATION

If your ground of appeal is or includes ground (a) that planning permission should be granted, you must include with your appeal a fee, which is double that payable for a

normal planning application. The total fee payable is **£412.00** that must be paid by way of a cheque made out to the London Borough of Merton.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. Joseph Michael Curmi, 8 Dahlia Gardens, Mitcham CR4 1LA
2. Deana Marie Curmi, 8 Dahlia Gardens, Mitcham CR4 1LA
3. The Occupier, 8 Dahlia Gardens, Mitcham CR4 1LA

HM. LAND REGISTRY, GENERAL MAP

SURREY

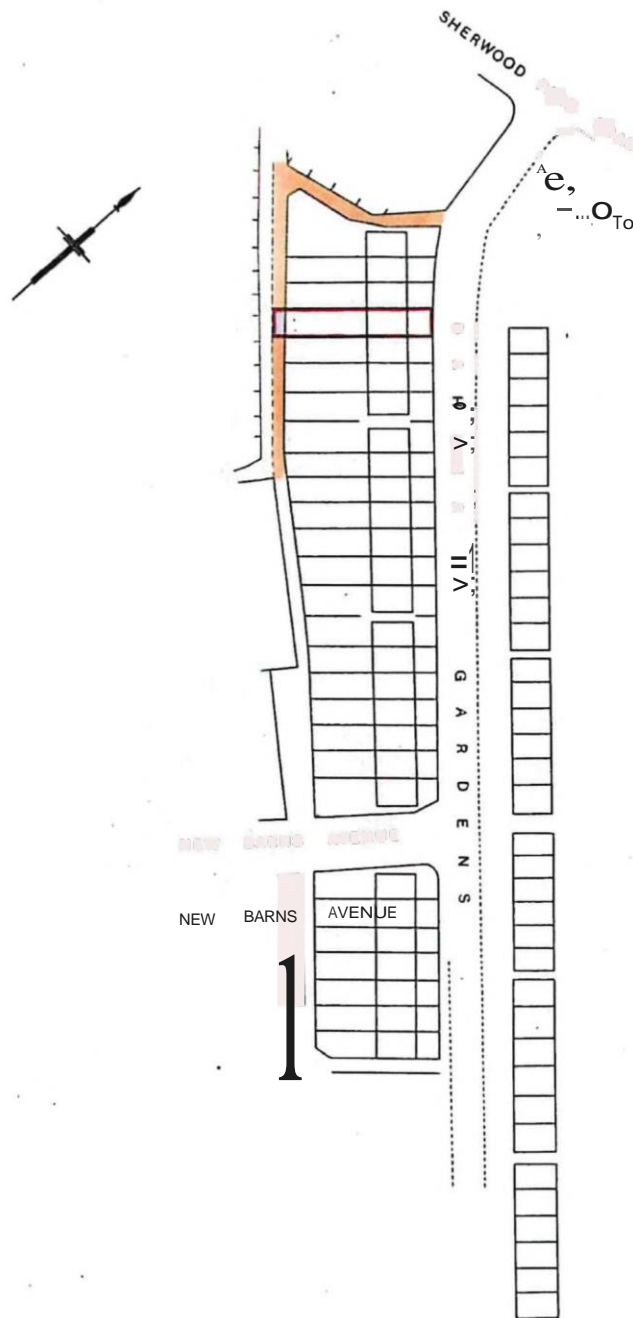
SHEET

XIV.

secno

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Scale 125 % + 104.2 Feet to One inch



Filed Plan of Title No. **\$Y10656**

M.B.A

This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 01 August 2023 at 14:30:00. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to disputation in court. Measurements taken from this plan may not match measurements taken from the same points on the ground.

This title is held with HM Land Registry, Clerkenwell Office.

This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 05 August 2022 at 11:25:47. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Croydon Office.