

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

Enforcement Reference: 22/E0159

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 356 Garth Road, Morden, SM4 4NL in the London Borough of Merton shown edged red on the attached plan and is registered under Land Registry Title Number SY111197 ('the Land').

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

Without planning permission the unauthorised erection of a side extension that is encroaching on to highway land ("the Extension").

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (b) The Extension is not in keeping with the character of the surrounding area, its scale and bulk in a prominent location is considered incongruous and out-of-character to the host property and the streetscene and contrary to London Borough of Merton's Supplementary Planning Policies DM D2 and DM D3 and its Core Strategy policy CS14 - Design.
- (c) The Extension encroaches on to the public highway adjoining Wydell Close and thus impedes the pavement user flow and compromises the health and safety of both pavement and road users and is therefore contrary to Merton's Sites and Policies T1 Support for sustainable transport, T5 Access to the Road Network Link to the London Borough of Merton's Core Planning Strategy Policy CS 18 - Active transport.

5. WHAT YOU ARE REQUIRED TO DO

Either:

- (a) Permanently remove the Extension; and
- (b) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance with Step 5(a) above;

Or:


- (c) Alter the Extension by reducing its size and aligning it with the side elevation wall that forms part of the Land facing Wydell close to accord with the approved plans and drawings granted under planning permissions granted by the Council bearing reference numbers 19/P0418 or 19/P2207

Time for Compliance: within three calendar months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 5th May 2023 unless an appeal is made against it beforehand.

Dated: 3rd April 2023


Signed.....
Managing Director of South London Legal
Partnership on behalf of the Council of the
London Borough of Merton

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: HB/511-1409)

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 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. THE OWNER / OCCUPIER of 356 Garth Road, Morden, SM4 4NL
2. MARK JOHN JONES of 356 Garth Road, Morden, SM4 4NL and 5 Beech Walk, Epsom, KT17 1PU
3. LLOYDS BANK PLC of 25 Gresham Street, London, EC2V 7HN