

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – BREACH OF CONDITION

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)(b) 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 14 Tudor Drive, Morden, Surrey SM4 4PE in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

Planning permission reference 06/P1177 was granted by the Council on 12 July 2006 for the demolition of the existing garage and rebuilding as a studio/gym on the Land subject to conditions.

It appears to the Council that the following condition has not been complied with in that the building is being used as a self contained residential unit:

Condition 1

The building hereby permitted shall not be occupied at any time other than for purposes incidental, (ie use as a study/gym), to the enjoyment of the residential use of the ground floor flat of the main dwellinghouse known as 14 Tudor Drive and shall not be used as a separate unit of accommodation.

Reason: The new building is not considered suitable to provide a self contained unit of residential accommodation.

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.

This is contrary to the following policies of the Merton Unitary Development Plan (October 2003).

Policy BE.15 (New Building and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise)

The unauthorised use of the outbuilding ("the building") as a separate residential unit by reason of its design and position would cause unacceptable harm to the amenity of the occupiers of the neighbouring properties by overlooking, loss of privacy and visual intrusion and failure to ensure that the living conditions of existing and future residents are not diminished by increased noise or disturbance

Policies BE.16 (Urban Design and BE22 (Design of New Development)

The unauthorised construction of a separate dwelling in the back garden is an unacceptable form of back land development that fails to respond to and reinforce locally distinctive patterns of development and landscape. It also fails to respect the siting and density of surrounding buildings.

Policy HS.1 (Housing layout and amenity)

The unauthorised residential development fails to safeguard the amenities of the occupiers of the building and the occupiers of nearby properties in terms of protection of privacy and lack of adequate private or communal amenity

5. WHAT YOU ARE REQUIRED TO DO

- (a) Cease the use of the building as a separate residential unit;
- (b) Reconfigure the interior of the building to accord with the approved drawings shown on Planning Permission 06/P1177
- (c) Remove the Kitchen and sleeping facilities from the building
- (d) Lawfully remove from the Land any waste materials and debris resulting from the above

Time for Compliance: within 5 months from the date this notice takes effect.

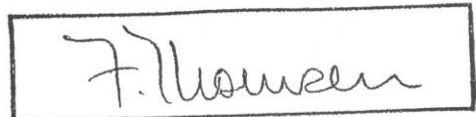
6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on
appeal is made against it beforehand.

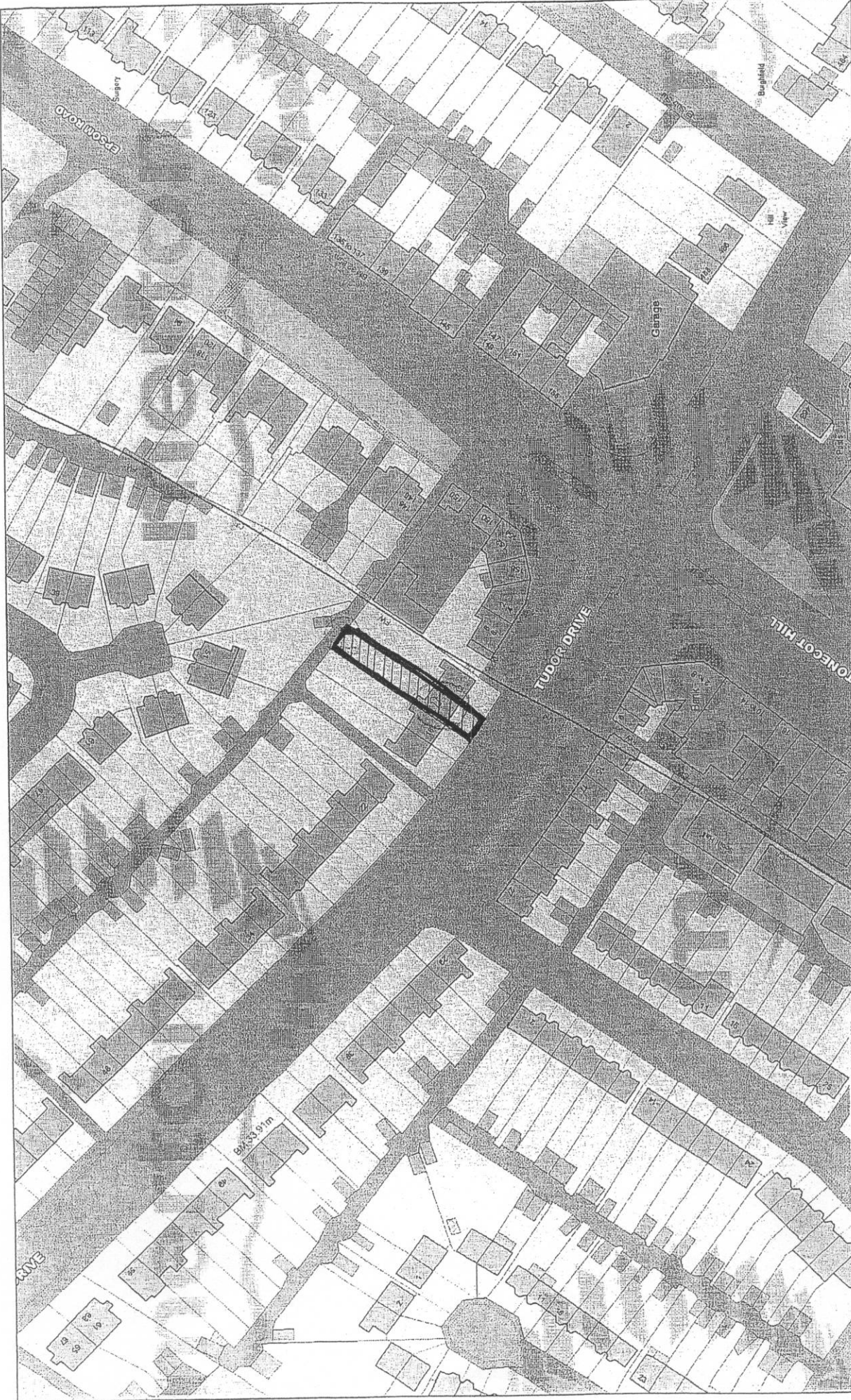
8th January 2009 unless an

Dated: **4th December 2008**

Signed.....
For Interim Head of Civic and Legal Services



Address to which all communication should be sent:-
Head of Civic and Legal Services, London Borough of Merton, Civic Centre, London Road, Morden, Surrey SM5 5DX (Ref: ENVP1379)



London Borough of Merton
100 London Road
Morden
Surrey
SM4 5DX

Scale 1/1250
Date 26/6/2008

14 Tudor Drive

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London Borough of Merton 100019235. 2008

DEVELOPMENT CONTROL