

Key P. 195

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.

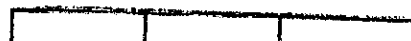
4. **REASONS FOR ISSUING THIS NOTICE**

(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)

11 NOV 2008



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

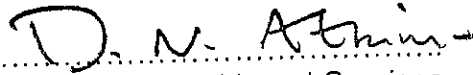
Time for Compliance: within 5 months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

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

11th December 2008 unless

Dated: **6th November 2008**

Signed..... 
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)

11 NOV 2008

YOUR RIGHT OF APPEAL

You can appeal against this notice by using the Enforcement Notice Appeal forms enclosed with this notice or by submitting an appeal online (www.planningportal.gov.uk/pcs). Please note however that any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the date this notice takes effect. The enclosed booklet "Making Your Enforcement Appeal" sets out your rights and the procedure to be followed. Read it carefully. You should also read sections 171-177 of the Act which are also enclosed. If you decide to appeal, you should send two copies of the enclosed appeal forms and one copy of the enforcement notice, to the Planning Inspectorate. The other appeal form and the other copy of the enforcement notice are for you to keep for your own records.

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 **£670**. Half the fee is payable to the Planning Inspectorate and half to the Council.

You should therefore send:

One cheque for **£335** payable to 'DCLG' to the Planning Inspectorate

One cheque for **£335** payable to 'London Borough of Merton' to the Council

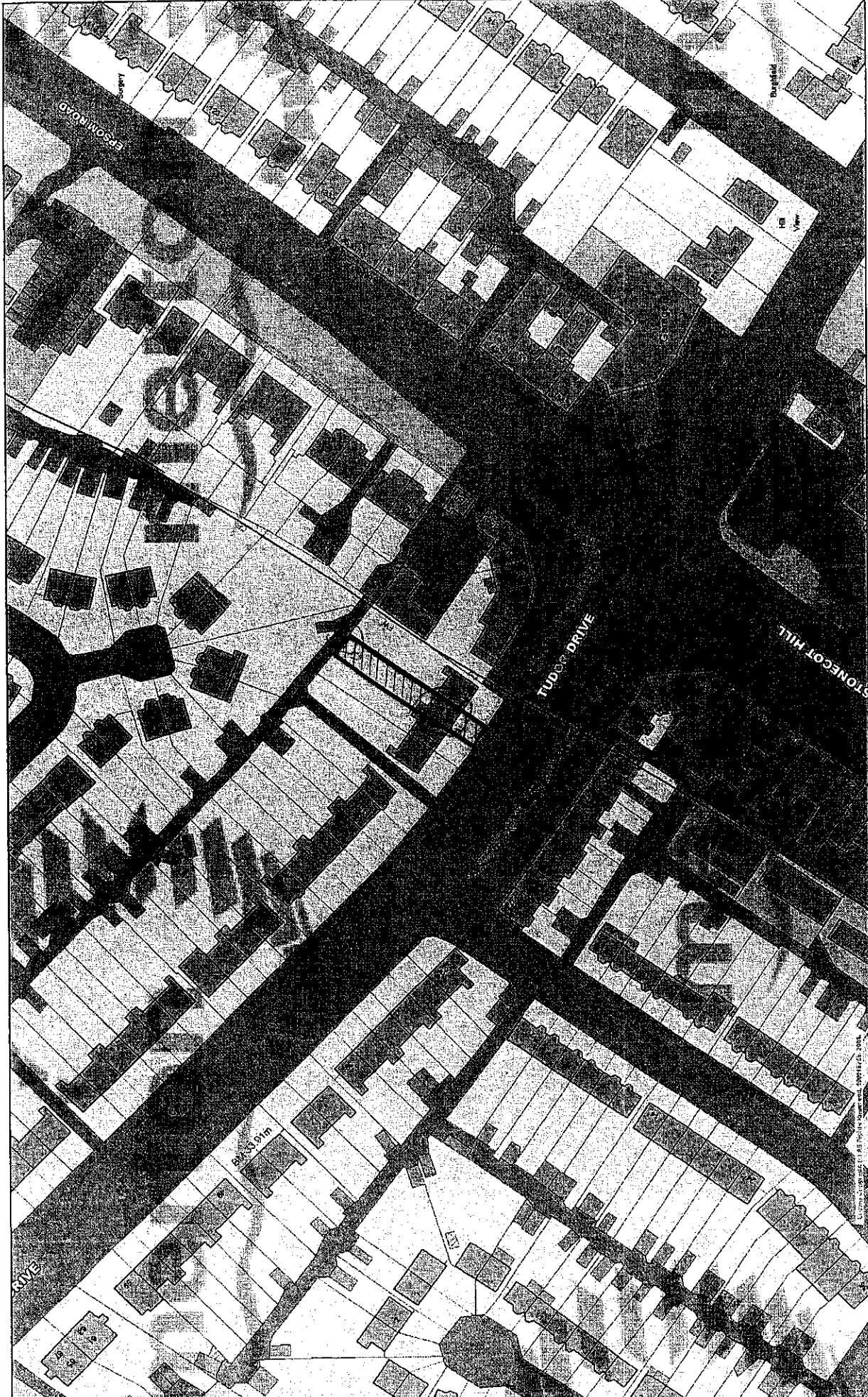
The fee can be sent with your appeal form.

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 which 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, Outbuilding at rear garden, 14 Tudor Drive, Morden, Surrey, SM4 4PE
2. The Occupier, Outbuilding at rear garden, 14 Tudor Drive, Morden, Surrey, SM4 4PE
3. Any person with an interest, Outbuilding at rear garden, 14 Tudor Drive, Morden, Surrey, SM4 4PE
4. Mrs Maria, 14 Tudor Drive, Morden, Surrey, SM4 4PE
5. Rana D G khan, 14 Tudor Drive, Morden, Surrey, SM4 4PE
6. Rashid Ahmed, 14 Tudor Drive, Morden, Surrey, SM4 4PE
7. Suleman Bajwah, 14 Tudor Drive, Morden, Surrey, SM4 4PE
8. Heritable Bank PLC, 8 Hill Street, Berkeley Square, London, W1J 5NG



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

Scale 1/1250

Date 26/6/2008

11 NOV 2008

14 Tudor Drive



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DEVELOPMENT CONTROL