

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 1A Leopold Terrace, Dora Road, London, SW19 7EY in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

Without planning permission erection of a block of flats consisting of four self contained residential units on the Land.

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 development by virtue of its bulk, scale, height, plot coverage and siting significantly forward of the front building line of adjoining Leopold Terrace, has resulted in an excessively large and overbearing form of development to the detriment of the visual amenities of the street scene. As such the development is contrary to policies BE.16 and BE.22 of the London Borough of Merton Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance Notes – New Residential Development.
- (c) The development, by virtue of its bulk, scale, height and siting significantly forward of the front building line of the adjoining Leopold Terrace has resulted in an excessively large and overbearing development to the detriment of the visual amenities and privacy of the adjoining and surrounding properties, particularly 1 Leopold Terrace. As such the development is contrary to policies HS.1 and BE.15 of the London Borough of Merton Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance Notes – New Residential Development.
- (d) The development provides a substandard form of accommodation, by failing to provide adequate outside amenity space for the 2/3 bedroom flats or to provide an upgrade to nearby off site amenity spaces. The development is therefore contrary to policy HS.1 of the London Borough of

Merton Unitary Development Plan (October 2003) and the Council's Supplementary Planning Guidance Notes – New Residential Development.

- (e) The development is likely to result in an increase in on-street parking, adversely affecting the safety and convenience of local residents and the quality of the environment, contrary to policy PK.3 of the London Borough of Merton Unitary Development Plan (October 2003)
- (f) The development fails to provide additional educational provision despite creating a need for improved educational facilities, contrary to policies C.13 of the London Borough of Merton Unitary Development Plan (October 2003) and the Council's Supplementary Planning Document – Planning Obligations (July 2006).
- (g) The development fails to provide the required affordable housing element or affordable housing contribution, contrary to policy CS.8 of the Merton Core Planning Strategy

Copies of the above policies are attached.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Permanently demolish the block of flats constructed on the Land.
- (b) Remove all debris and waste resulting from compliance with paragraph 5(a) above from the Land.

Time for Compliance: within **THREE MONTHS** from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **16 September 2011** unless an appeal is made against it beforehand.



Dated: 12 August 2011

Signed.....

Head of Legal Services
London Borough of Merton

Address to which all communication should be sent:-
Head of Legal Services, London Borough of Merton, Merton Civic Centre, London Road,
Morden, Surrey SM4 5DX (Ref: CS/LEG/AW/448/53)

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 **£2,680**

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

You should therefore include:

One cheque for **£1,340** payable to The Department for Communities and Local Government

One cheque for **£1,340** payable to the London Borough of Merton

The fee can be sent with your appeal form.

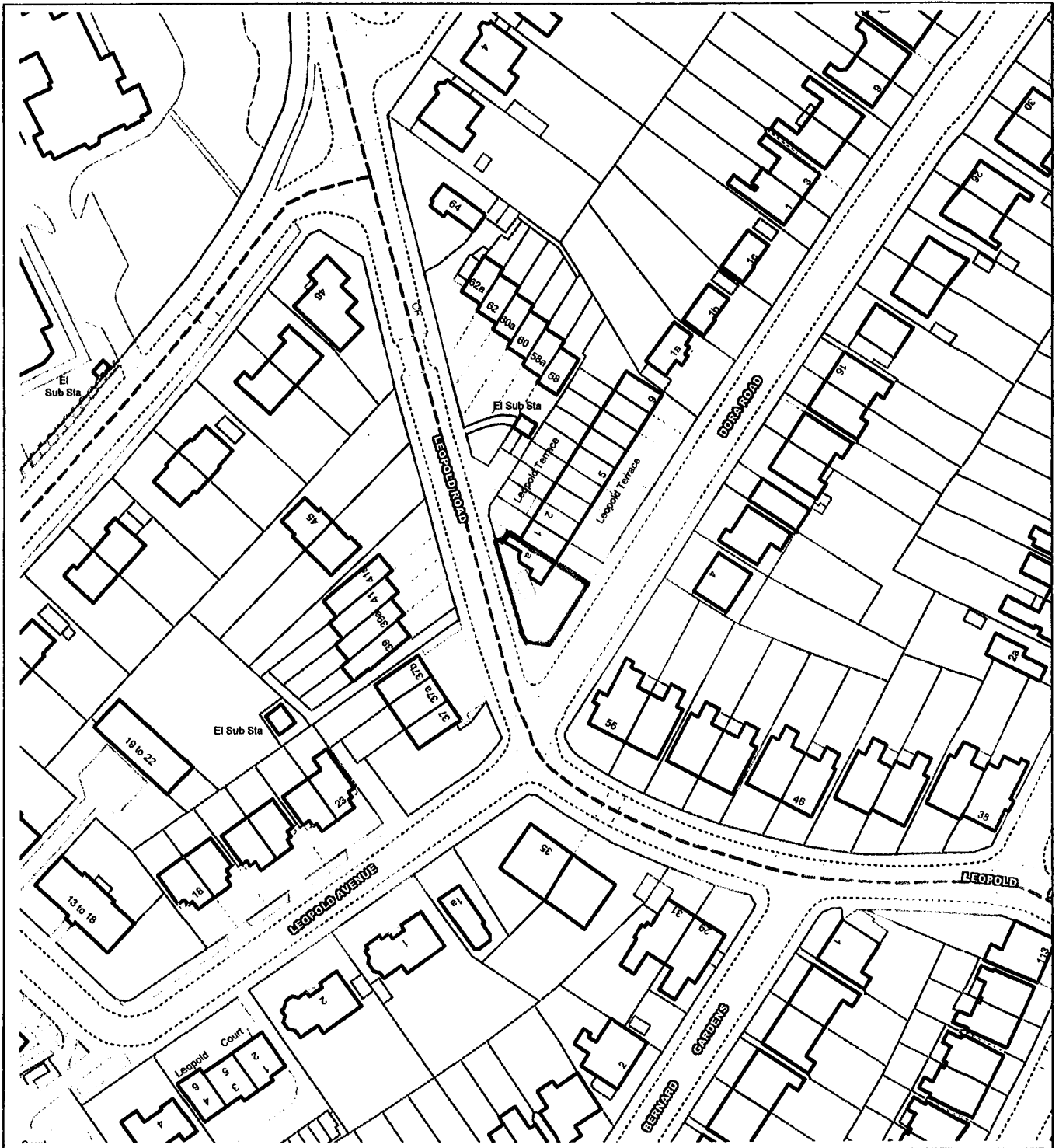
WHAT HAPPENS IF YOU DO NOT APPEAL

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 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. **Victor Gavriliouk, 10 Peel Street, London, W8 7PD**
2. **Oksana Gavriliouk, 10 Peel Street, London, W8 7PD**
3. **Victor Gavriliouk, 1A Leopold Terrace, Dora Road, London, SW19 7EY**
4. **Oksana Gavriliouk, 1A Leopold Terrace, Dora Road, London, SW19 7EY**
5. **The Occupiers, 1A Leopold Terrace, Dora Road, London, SW19 7EY**
6. **The Secretary, Barclays Bank Plc, Birmingham Loan Servicing Centre, P.O. Box 229, Birmingham B1 3PF**

Land at 1A Leopold Terrace, Dora Road, London, SW19 7ET



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