

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 adjacent to **35 Marian Road, Streatham, London SW16 5HT** 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 the carrying out of development on the Land, involving the following:

- (a) Erection of a large three storey dwelling.

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)
 - (i) The erection of a three storey dwelling increases overlooking and lack of privacy for neighbouring properties and the added height of the flank wall and the use of unsatisfactory external surface materials fails to protect amenities of adjoining neighbouring occupiers from an overbearing and visually intrusive development;
 - (ii) The increased height, size and bulk of the development fails to reflect locally distinctive patterns of development and fails to respect the siting, rhythm, scale, proportions, height, materials And massing of surrounding buildings
 - (iii) By reason of its form, scale, proportions, materials and design the roof dormer element is an unsympathetic addition to the main building, being unduly dominant and detracting from the appearance of the host building, harmful to the visual amenities of the area

contrary to the following policies of the Merton Unitary Development Plan (October 2003):

- Policy BE15. (New Buildings)
- Policy BE. 16: Urban Design; and
- Policy BE.22: Design of New Development.
- Policy BE24: Roof Extensions, Alterations and Dormer Windows
- SPG Residential Extensions, Alterations and Conversions

Copies of the above policies are attached.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Demolish the unauthorised dwelling; and
- (b) remove all debris and materials resulting from the demolition from the Land.

Time for Compliance within **SIX (6) MONTHS** from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 October 2009 unless an appeal is made against it beforehand.

Dated: 7 September 2009



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, Merton Civic Centre,
London Road, Morden, Surrey SM4 5DX (Ref: CS/LEG/SL/ENVP1534)

YOUR RIGHT OF APPEAL

You can appeal against this by submitting an appeal online www.planningportal.gov.uk/pcs or by requesting an appeal form from the Planning Inspectorate. 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 Information Sheet sets out your rights and the procedure to be followed. . You should also read sections 171-177 of the Act which are also enclosed.

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 **£710**.

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

You should therefore include:

One cheque for **£355** payable to The Department of Communities and Local Government

One cheque for **£355** payable to the London Borough of Merton

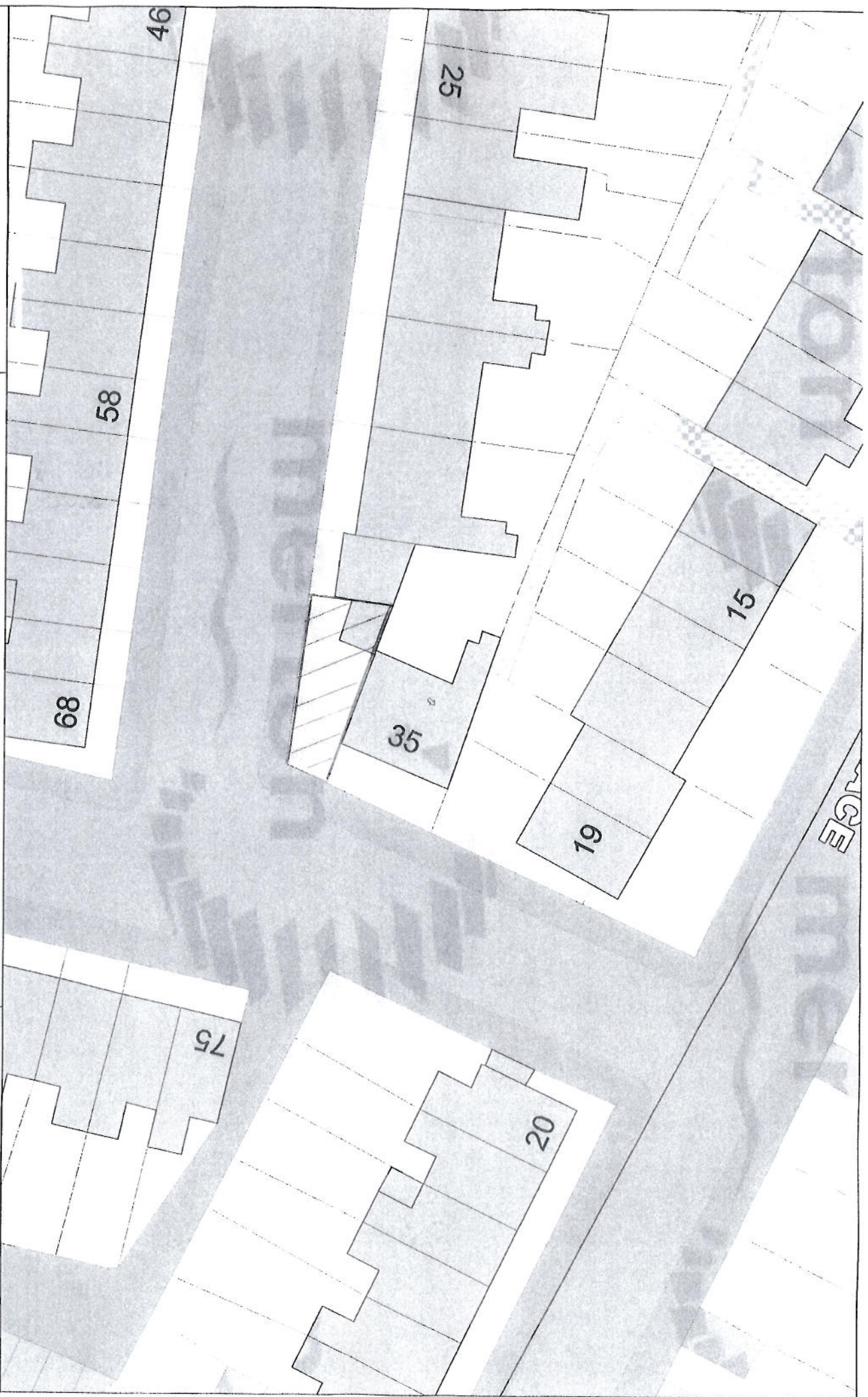
The fee can be sent with your appeal form.

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. The Owner, Land adjacent to 35 Marian Road, Streatham, London SW16 5HT
2. The Occupier, Land adjacent to 35 Marian Road, Streatham, London SW16 5HT
3. Mr Adeel Saleem Begg, 40 Woodfield Avenue, Streatham, London SW16 1LG



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35 Marian Rd

Scale 1/248

Date 28/7/2009

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

