

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)**

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT

ISSUED BY: THE LONDON BOROUGH OF MERTON ('the Council')

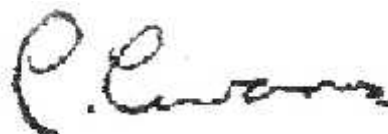
1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice contains important additional information.
2. **THE LAND AFFECTED**
Land and property at **43 Approach Road, Raynes Park, SW20 8BA** showed edged in a thick black line on the attached plan ("the Land")
3. **THE BREACH OF PLANNING CONTROL ALLEGED**
Without planning permission, the installation of a roof terrace on the Land
4. **REASONS FOR ISSUING THIS NOTICE**
 - 4.1 The above breach of planning control has occurred within the last four years.
 - 4.2 The roof terrace, by reason of design, size and siting would result in a loss of light for adjacent residential occupiers and a loss of privacy and overlooking arising the use of the terrace, to give rise to noise and disturbance to adjacent residential occupiers. The proposals are therefore considered contrary to policed DM D2 and DM D3 of the Merton Sites and Policies Plan (July 2014), and policy CS14 of the Merton LDF Core Planning Strategy (2011),SPGs; New Residential Development Design and Residential extensions, alterations and conversions (Nov 2001)
5. **WHAT YOU ARE REQUIRED TO DO**
 - 5.1 Completely and permanently cease the use of the roof terrace as an amenity space
 - 5.2 Remove all fixtures and fittings that make up the roof terrace including the wooden decking and balustrade

6. **TIME FOR COMPLIANCE**

One calendar month after this notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **15th July 2015** unless an appeal is made against it beforehand.



Dated: **4th June 2015**

Signed.....
Assistant Director of Corporate Governance
South London Legal Partnership
on behalf of the Council of the London Borough
of Merton

Address to which all communication should be sent:-
Paul Evans, Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey, SM4 5DX (Ref: CS/LEG/HB/511-526)

ANNEX

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 **£344** that must be paid by way of a cheque made out 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 OCCUPIER of 43 Approach Road, Raynes Park, SW20 8BA
2. HITENDRA PATEL of 16 Francis Street, Coventry, CV6 5BQ
3. THE GOVERNOR AND COMPANY OF THE BANK OF IRELAND of Bristol & West
Mortgages, P.O. Box 3191, One Temple Quay, Bristol BS1 9HY
4. POLLYANA PATEL of 16 Francis Street, Coventry, CV6 5BQ