

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 43A Hotham Road, South Wimbledon, London, SW19 1BS 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 erection on the Land of a dormer roof extension to the rear and side roof slopes, together with the formation of a roof terrace on the roof of the existing two storey rear addition to the property.

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 roof extension by reasons of its position, design, mass and scale resulted in an incongruous and unsympathetic form of development damaging the uniformity of the terrace and failing to respect the character and visual integrity of the dwelling and street scene, contrary to policies BE.23 'Alterations and Extensions to Buildings' and BE.24 'Roof Extensions and Dormer Windows' of Merton's Adopted Unitary Development Plan (2003).
- (c) The creation of a roof terrace to the rear of the property on the second floor level causes an unacceptable level of overlooking and loss of privacy of the occupiers of the adjacent properties, contrary to policy BE.15 'New Buildings and Extension; Daylight, Sunlight, Privacy, Visual Intrusion and Noise' of Merton's Adopted Unitary Development Plan (2003).

Copies of the above policies are attached.

5. **WHAT YOU ARE REQUIRED TO DO**

- (a) EITHER:

- (i) Make the roof extension accord with the planning permission ref: 08/P2726 (attached) and approved plan HR/51/02j (attached)

OR:

- (ii) Completely and permanently demolish the extensions in the side slopes of the roof **and**
- (iii) Cease the use of the flat roof area at the rear of the property as a roof terrace and remove all the fittings and fixtures facilitating that use, including the railings

- (b) Upon completion of the above steps remove all resulting debris from the site to an authorised place of disposal.

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

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **27 September 2010** unless an appeal is made against it beforehand.



Dated: 25th August 2010 Signed.....

Head of Civic & Legal Services
London Borough of Merton

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/AW/ERPP226)

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 **£300**
Half the fee is payable to the Planning Inspectorate and half to the Council.
You should therefore include:

One cheque for **£150** payable to The Department for Communities and Local Government
One cheque for **£150** 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. **Laura Monaghan, 43A Hotham Road, South Wimbledon, London, SW19 1BS**
2. **The Occupier(s), 43A Hotham Road, South Wimbledon, London, SW19 1BS**
3. **The Secretary, The Governor and Company of the Bank of Ireland, P.O. Box 27, One Temple Quay, Bristol, BS99 7AX**

Land at 43A Hotham Road, London, SW19 1BS



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