

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 **49 London Road London SW17 9JR** 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 installation of three condenser/ventilation units to the rear elevation of the outrigger extension on the Land ("Unauthorised Units")

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) No background noise survey in relation to the Unauthorised Units has been undertaken and submitted to the council for approval. In these circumstances it is reasonable to assume that in the absence of appropriate report, noise and disturbance generated by them may have a significant impact on amenity for surrounding residents, the occupants of the building and especially for those living at No. 49c in terms of noise and disturbance contrary to policies DM D2 – Design considerations in all developments, DM D3 – Alterations and extensions to existing buildings, DM EP2 – Reducing and mitigating noise & DM EP4 – Pollutants of the MSPP.

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

a) Remove the Unauthorised Units and their associated fixtures and fittings from the rear elevation of the outrigger extension on the Land.

b) Remove from the Land all materials and debris resulting from compliance with a) above.

Time for Compliance: within one month from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 19 May 2015
unless an appeal is made against it beforehand.

Dated: 8 April 2015

Signed 
Assistant Director of Corporate Governance
South London Legal Partnership

Address to which all communication should be sent:-
Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier
Avenue, Morden, Surrey SM4 5DX (Ref: CS/LEG/RO/511/507)

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 £390.00 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.




Title
 49 London Road, Tooting

DEVELOPMENT CONTROL

Date 24/3/2015

Scale 1/1250

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



PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. Udhyam Babubhai Amin, 166 Weir Road, London SW12 0NP
2. Nayana Babubhai Patel, 166 Weir Road, London SW12 0NP
3. Bhavinesh Patel, 166 Weir Road, London SW12 0NP
4. Harshika Rahul Desai, 166 Weir Road, London SW12 0NP
5. Udhyam Babubhai Amin, 49 London Road, London SW17 9JR
6. Nayana Babubhai Patel, 49 London Road, London SW17 9JR
7. Bhavinesh Patel, 49 London Road, London SW17 9JR
8. Harshika Rahul Desai, 49 London Road, London SW17 9JR
9. Mable Niroshini Jeyakanthan, 15 Alfriston Avenue, Croydon CR0 3DD
10. Mable Niroshini Jeyakanthan, Global Foods, 49 London Road, Tooting. SW17 9JR
11. The Occupier, 49 London Road, London SW17 9JR
12. The Owner/Occupier, 49A London Road, London SW17 9JR
13. The Owner/Occupier, 49B London Road, London SW17 9JR
14. The Owner/Occupier, 49C London Road, London SW17 9JR
15. National Westminster Bank Plc, Credit Documentation, PO Box 339, Manchester M60 2AH

If you believe that there is someone else who should be served with a copy of the enforcement notice/s please let that person and the Council know as soon as possible.