

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 5 Alexander Road, Mitcham, Surrey CR4 3LT 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:

Construction of a building in the rear garden.

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 unauthorised development by reason of its size, design, massing and siting is visually prominent and unduly intrusive, resulting in loss of light and outlook to the detriment of the amenities of the occupiers of the adjoining dwellings,

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

- Policy BE. 15 New Buildings and Extensions : Daylight, Sunlight, Privacy, Visual Intrusion and Noise
- Policy BE.23: Alterations and Extensions to Buildings.
- SPG on Residential Extensions, Alterations and Conversions adopted in November 2001

Copies of the above policies are attached.

5. WHAT YOU ARE REQUIRED TO DO

EITHER:


1. Demolish the unauthorised building at the rear of the property
2. Remove all materials resulting from the demolition from the Land

Time for Compliance within **THREE (3) MONTHS** from the date this notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **2 June 2008** unless an appeal is made against it beforehand.

Dated: 30 April 2008


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/ERRP 70)

YOUR RIGHT OF APPEAL

You can appeal against this notice by using the Enforcement Notice Appeal forms enclosed with this notice or by submitting an appeal online (www.planningportal.gov.uk/pcs). 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 booklet "Making Your Enforcement Appeal" sets out your rights and the procedure to be followed. Read it carefully. You should also read sections 171-177 of the Act which are also enclosed. If you decide to appeal, you should send two copies of the enclosed appeal forms and one copy of the enforcement notice, to the Planning Inspectorate. The other appeal form and the other copy of the enforcement notice are for you to keep for your own records.

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 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. Mr Akikur Rahman Choudhury
5 Alexander Road
Mitcham
Surrey CR4 3LT

2. The Secretary
Mortgages 1 Limited
3rd Floor
28/30 Cornhill
London EC3v 3NF

3. The Secretary
Swift Advance PLC
Arcadia House
Warley Hill Business Park
The Drive Great Warley
Brentwood
Essex CM13 3BE

4. The Occupier
5 Alexander Road
Mitcham
Surrey CR4 3LT



5 Alexandra Rd
 Mitcham
 Surrey

Date Printed: 06/01/06

Scale = 1: 1250

LONDON BOROUGH OF MERTON
Environmental Services Department

Civic Centre, London Road, Morden, Surrey, SM4 5DX
 Telephone: 020 8543 2222 Web: www.merton.gov.uk