

**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**  
  
5 London Road, Tooting, SW17 9JR showed edged red on the attached plan ("the Premises").
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
Without the grant of planning permission, the erection of a wooden panelled fence ("the Unauthorised Fence") and a metal shed structure ("the Unauthorised Shed") on top of the single storey rear part of the Premises
4. **REASONS FOR ISSUING THIS NOTICE**
  1. The above breach of planning control has occurred within the last four years.
  2. The Unauthorised Fence and Unauthorised Shed are incongruous additions and alien features that do not respect the character and appearance of the host building or the street scene and as such conflicts with Policies DM D2 – Design considerations in all developments, DM D3 – Alterations and extensions to existing buildings of the Council's adopted Sites and Policies Plan 2014, CS14 - Design of the Merton's Core Planning Strategy adopted July 2011, 7.4 - Local Character & 7.6 – Architecture of the London Plan 2011 and Section 7 & 12 of the National Planning Policy Framework
5. **WHAT YOU ARE REQUIRED TO DO**
  - A. Remove the Unauthorised Fence and Unauthorised Shed from the Premises;  
and
  - B. Remove from the Premises all associated structures, fixtures, fittings and debris from the Premises resulting from compliance with step 'A' above.
6. **TIME FOR COMPLIANCE**  
  
One calendar month after this notice takes effect.
7. **WHEN THIS NOTICE TAKES EFFECT**  
  
This notice takes effect on **20<sup>th</sup> May 2015** unless an appeal is made against it beforehand.

Dated: **9<sup>th</sup> April 2015**

Signed.



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/511-511)

## **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 **£390** 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. Owner/Occupier, 5 London Road, Tooting, SW17 9JR
2. Nigel John Bennington Davies, 2 West End, Spetisbury, Blanford Forum, DT11 9DG
3. Denise Carol Bennigton Hanner, 14 Gospelgate, Louth. LN11 9JX
4. Ewa Karczewska, Tooting Medical Centre, 5 London Road, Tooting, SW17 9JR
5. Marek Tychoniuk, Tooting Medical Centre, 5 London Road, Tooting, SW17 9JR

**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.**



This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of HMSO. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil proceedings. London Borough of Merton 100019259, 2012.

DEVELOPMENT CONTROL

Scale 1/1272

Date 27/3/2015

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



