

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

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 78 Morden Road, South Wimbledon, London SW19, in the London Borough of Merton shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission change of use from a single dwelling house to use as three separate self contained flats (2x3 bedroom flats at lower ground and ground floor levels) and with shared accommodation at first and second floor levels and construction of lower ground , ground and first floor extensions.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

(a) The unauthorised use negatively affects the amenities of the residents of the properties and provides substandard accommodation, contrary to Policies HS.1 and HP.5 of the adopted Unitary Development Plan (October 2003) and Supplementary Planning Guidance Notes on Residential Extensions, Alterations and Conversions, November 2001

(b) The lower ground, ground and first floor level extensions by reason of size, position, Design and massing, result in an unacceptable form of development which:

(1) are unsympathetic to and detract from the appearance of the main building, being Overly bulky

(2) are visually overbearing detracting from the visual and aural amenities of neighbouring occupiers

(3) intrudes into the rear garden space, giving rise to a sense of enclosure for immediate neighbouring dwellings in Wilmore End resulting in a loss of visual amenity and would therefore be contrary to policies BE.15, BE.22, BE.23 and NE.10 of the Adopted Unitary Development Plan (2003)

LONDON BOROUGH OF MERTON

Copies of the above policies are attached.

13 JAN 2009

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

EITHER

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(a) ~~cease the use~~ cease the use of the premises as self contained flats and shared accommodation and revert to use as a single dwelling house and

(b) demolish the lower ground, ground and first floor extensions and

(c) Remove all internal partitions and

(d) Remove all rubbish and debris resulting from compliance with (a) (b) and (c) above from the land

OR

Comply with one of the following planning permissions:

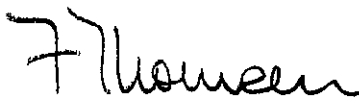
1. 05/P2979 – Single storey rear extension
2. 06/P0343 – Single storey rear extension
3. 06/P0547 – Basement and ground floor rear extensions with front and rear lightwells
4. 06/P1019 – Conversion to 1x2 bed and 1x3 bed flats with ground floor rear extension

Time for Compliance: **9 months** from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 9 February 2009 unless an appeal is made against it beforehand.

Dated: 12 January 2009

Signed.....


Principal Lawyer

Address to which all communication should be sent:-
Interim Head of Civic & Legal Services, London Borough of Merton, Civic Centre, London Road,
Morden, Surrey SM4 5DX
(REF: LEG/SL/ENVP1422)

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 9 February 2009. 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 complete the enclosed appeal forms and send a copy of each of the form and enforcement notice to the Planning Inspectorate and the London Borough of Merton. The other appeal form and enforcement notice are 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 **£1,340.00**

Half the fee is payable to the Planning Inspectorate and half to the Council.

You should therefore include:

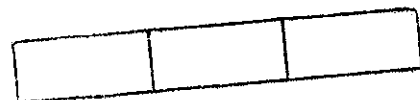
One cheque for **£670.00** payable to The Department for Communities and Local Government

One cheque for **£670.00** payable to the London Borough of Merton

The fee can be sent with your appeal form.

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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. **Mukesh Haridas Andani, 15 Stopford Road, Plaistow, London E13 OLY**
2. **Mukesh Haridas Andani, 78 Morden Road, South Wimbledon, London SW19 3BP**
3. **The Occupier, 78 Morden Road, South Wimbledon, London SW19 3BP**

LONDON BOROUGH OF MERTON

13 JAN 2009





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DEVELOPMENT CONTROL

78 Morden Road
 South Wimbledon, SW19 3BP

Scale 1/1250
 Date 5/11/2008

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



13 JAN 2009