

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE**

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 88 and 88A Gladstone Road, Wimbledon SW19 1QW** in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

The material change of use of the building at the rear of 88 Gladstone Road (also known as 88A Gladstone Road) without planning permission, into a separate residential dwelling.

**4. REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above change of use has occurred within the last four years.
- (b) The use of the building at the rear of 88 Gladstone Road (also known as 88A Gladstone Road) as a separate dwelling provides unsatisfactory living accommodation as it causes a mutual loss of privacy, overlooking and disturbance between the building concerned and the houses fronting Gladstone Road and is contrary to policies PE.2 (Pollution and Amenity), PE.3 (Light Pollution), HS.1 (Housing Layout and Amenity) and BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) of the Merton Unitary Development Plan (October 2003) and Merton's design guidance on residential extensions, alterations and conversions.

Copies of the above policies are attached.

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

- (a) Cease the use of the building at the rear of the property as a separate dwelling.

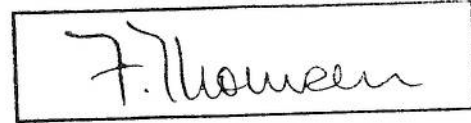
Time for Compliance: within **3 months** from the date this notice takes effect.

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **24 August 2009** unless an appeal is made against it beforehand.

Dated: 20 July 2009

Signed.....



Principal Lawyer

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: LEG/AW/ENVP1508)

### 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](http://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 **£670**.

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

You should therefore send:

One cheque for **£335** payable to 'DCLG' to the Planning Inspectorate

One cheque for **£335** payable to 'London Borough of Merton' to the Council

The fee can be sent with your appeal form.

### WHAT HAPPENS IF YOU DO NOT APPEAL

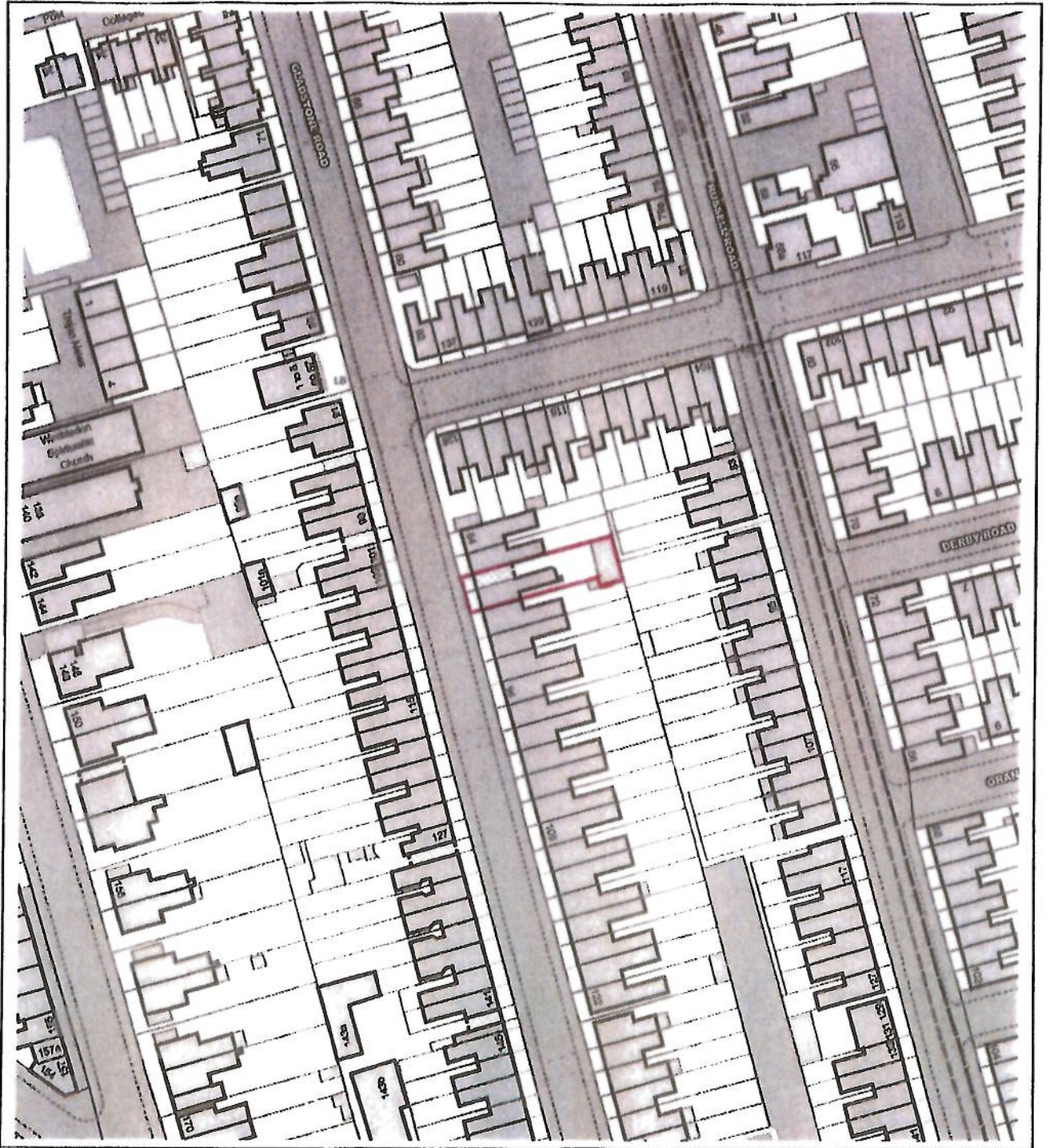
If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

### PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

- 
1. The Secretary, Navalmar (UK) Limited
  2. Mr Marco Caleo, 88A Gladstone Road
  3. Mrs Norma Caleo, 88A Gladstone Road
  4. Mr Andrew Swales, 88 Gladstone Road
  5. Mr R. A. Kulugamma, 88 Gladstone Road
  6. Mrs C. C. Kulugamma, 88 Gladstone Road
  7. The Secretary, Lloyds TSB Bank plc



# NORTHGATE SE GIS Print Template



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88/88a Gladstone Road, London, Wimbledon, SW19

