

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE – BREACH OF PLANNING CONDITION**

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)(b) 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 being the first floor flat at 110 Nelson Road London SW19 1HX** in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

Breach of condition 3 forming part of a planning permission (Council ref. No. 04/P1366) granted on 26<sup>th</sup> August 2004 for the works to the property 110 Nelson Road aforesaid and its conversion from a house into two flats. Condition 3 prohibits the occupation of the Land unless a privacy screen has been formed on the first floor roof terrace to a design and with materials which shall first have been approved by the Council

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above planning condition has been breached within the last ten years.
- (b) The use of the roof terrace without a privacy screen causes overlooking of neighbouring properties to the detriment of the amenities thereof contrary to policy CS 14 (Design) of Core Planning Strategy 2011, DM2 D2 (Design considerations in all developments) and DM D3 (Alterations and extensions to existing buildings) of the Sites and Policies Plan (9/7/14), and paragraph 109 of the National Planning Policy Framework.

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

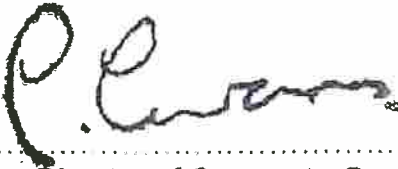
Cease the use of the roof terrace at the Land until compliance has been made with the aforesaid condition

Time for Compliance: within 7 days from the date this notice takes effect

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **27<sup>th</sup> August 2014** unless an appeal is made against it beforehand.

Dated: 23<sup>rd</sup> July 2014

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: 511-438)

### 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. ~~Mr Michael [redacted] [redacted] London SW19 1TX~~
2. ~~Mr [redacted] [redacted] Nelson Road London SW19 1TX~~
3. ~~Mr [redacted] [redacted] Nelson Road London SW19 1TX~~



