

**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 19 Bathgate Road, Wimbledon Village, London SW19 5PW, in the London Borough of Merton shown edged red on the attached plan.

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

Without planning permission the change of use of the roof of the pool enclosure at the rear of the property to a roof terrace, including the erection of railings around the roof.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last ten years.
- (b) The use of the pool enclosure as a roof terrace is also in breach of Condition 2 of planning permission reference 02/P0994 issued by the Council.
- (c) The use of the pool enclosure as a roof terrace is contrary to policy BE15 of the Merton Council Adopted UDP 2003 (draft). A copy of the above policy is attached.

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

- (a) To cease the use of the roof of the rear pool enclosure as a roof terrace.
- (b) Remove the railings that surround the roof of the rear pool enclosure and all other equipment, fixtures and fittings associated with the unauthorised use.

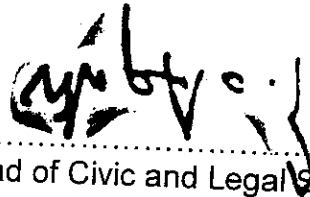
Time for Compliance: **within 28 days** from the date this notice takes effect.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 5 January 2004 unless an appeal is made against it beforehand.

Dated: 24 November 2003

Signed

  
Head of Civic and Legal Services (A)

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: CR/LEGAL/RO/2003P541)

### 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 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 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 **£220.00**.

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

You should therefore include:

One cheque for **£110.00** payable to The Office of the Deputy Prime Minister

One cheque for **£110.00** payable to the London Borough of Merton

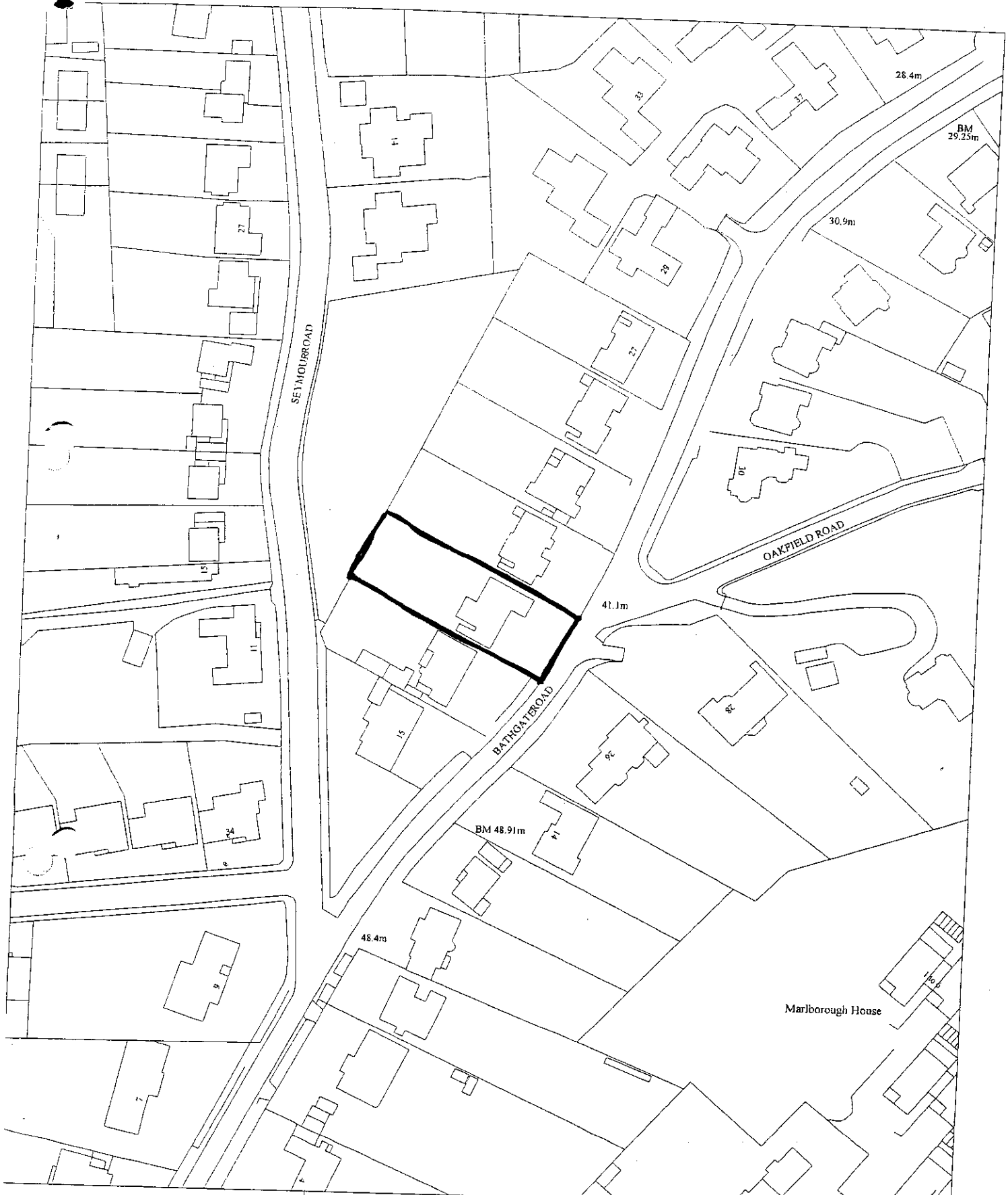
The fee can be sent with your appeal form.

### 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 Nicholas James Bett
2. Mrs Penelope Helen Bett
3. The Occupier
4. National Westminster Home Loans Limited



LONDON BOROUGH OF MERTON  
 Environmental Services Department

19 Bathgate Road

Scale = 1:1250

Date Printed: 22/05/03

