

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

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 44 Dundonald Road, 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 the erection of a rear roof extension on the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

- (a) It appears to the Council that the above breach of planning control has occurred within the last four years.
- (b) Planning permission for the erection of the rear roof extension (retrospective application) was refused on 5 March 2004.
- (c) The rear roof extension by virtue of its size, form and design is considered to constitute a dominant and incongruous form of development which is detrimental to the character and appearance of the building and surrounding area.
- (d) The erection on the Land of the rear roof extension is contrary to policies BE23 and BE24 of the Merton Council Adopted Unitary Development Plan 2003. Copies of the above policies are attached.

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

- (a) Remove the rear roof extension.
- (b) Remove from the Land all materials and debris resulting from compliance with (a) above.

Time for Compliance: within 6 months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 27 May 2004 unless an appeal is made against it beforehand.

Dated: 15 April 2004 Signed: J. O. Agnew
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/2003P878)

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. Martin Jeffrey Smith
2. Elise Margaret Reece
3. West Bromwich Building Society

