

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

19 FEB 2009

London Borough of Merton
Planning Development Control

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 14 Hawthorne Avenue Mitcham Surrey CR4 3DN in the London Borough of Merton shown edged red on the attached plan ('the Land').

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

Without planning permission the unauthorised conversion of a single-family dwelling house into 2 self-contained flats providing 2x1 bedroom flats at ground and first floor levels ("the Property").

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) The conversion of the Property into 2 self-contained flats does not provide suitable accommodation or living space due to its total floor area being approximately 86.92m² and the stacking arrangement contrary to Section 5.0 of Supplementary Guidance Notes on Residential Extensions, Alterations and Conversions November 2001
- (c) The conversion of the Property into 2 self contained flats is not in keeping with the character of the street and negatively affects the amenities of the residents of the Property and the local surrounding amenities contrary to the following policies of the London Borough of Merton Unitary Development Plan adopted October 2003:
 - i) HS1: Housing Layout and Amenity
 - ii) HS2: Sustainable Housing
 - iii) HP5: Flat Conversions: Size of Original Unit
 - iv) BE15: New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise
 - v) BE16: Urban Design
 - vi) BE17: Urban Design – Application of Standards
 - vii) BE22: Design of New Development
 - viii) BE23: Alterations and Extensions to Buildings

- ix) Supplementary Guidance Notes on Residential Extension, Alterations and Conversions, November 2001- Section 5

Copies of the above policies are attached.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Revert the Property back to its original form as a single family dwelling house prior to any unauthorised development having taken place in respect of the conversion including but not limited to the removal of the kitchen on the first floor.
- (b) Remove all rubbish and debris resulting from step 5(a) above from the Land and lawfully dispose of such rubbish and debris

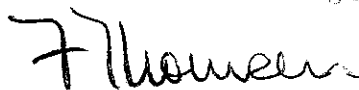
Time for Compliance: within 4 months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **8th MAY 2009** unless an appeal is made against it beforehand.

Dated: 11th February 2009

Signed.....
For Interim Head of Civic and Legal Services



London Borough of Merton
19 FEB 2009
Planning Development Control

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: CS/LEG/SO/ENVP1435)

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). 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 **£670.00**.

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

You should therefore send:

One cheque for **£335.00** payable to 'DCLG' to the Planning Inspectorate

One cheque for **£335.00** 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.

London Borough of Merton

19 FEB 2009

Planning Development Control

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. Sultan Hafiz, 14 Hawthorne Avenue, Mitcham, Surrey, CR4 3DN
2. Sultan Hafiz, 10 Bramcote Avenue, Mitcham, Surrey, CR4 4LU
3. Farrukh Mahmood Bhatti, 14 Hawthorne Avenue, Mitcham, Surrey, CR4 3DN
4. Uzma Zareen, 14 Hawthorne Avenue, Mitcham, Surrey, CR4 3DN
5. The Mortgage Works, Portman House, Richmond Hill, Bournemouth, BH2 6EP

London Borough of Merton

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Planning Development Control



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DEVELOPMENT CONTROL

14 Hawthorne Avenue

Mitcham, Surrey, CR4 3DN

Scale 1/1250

Date 23/12/2008

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

