

Rayne P185  
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**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE – BREACH OF 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 at** 46 Amity Grove, Raynes Park, London, SW20 0LQ in the London Borough of Merton shown edged red on the attached plan ("the Land").

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

Planning permission reference 06/P0253 was granted by the Council on 4<sup>th</sup> April 2006 for the erection of a single storey rear extension to existing house on the Land subject to conditions. A copy of planning permission reference 06/P0253 is attached.

It appears to the Council that the following condition has not been complied with:

Condition 4: The roof of the extension or flat roofed areas hereby permitted shall not be used as a balcony, roof garden, sitting area or for any other purpose of a similar nature without the prior written consent of the Local Planning Authority.

The owners of the property have erected a set of wooden railings around the edge of the flat roof creating a terrace area which can be accessed from the first floor via a set of French doors which replaced the previous windows. Screening bamboos have been placed on the roof area and there is no access to the ground floor from this area.

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.

- (c) The breach of condition no4 attached to the planning permission ref no 06/P0253 by using the flat roof of the extension, fails to ensure the privacy and amenities of the occupiers of adjoining residential properties contrary to Policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise), of the Adopted Merton Unitary Development Plan (October 2003) and it fails to respect the space between buildings where it contributes to the character of the area contrary to Policy BE.23 (alterations and Extensions to Buildings) of the Adopted Merton Unitary Development Plan (October 2003)

A copy of the above policies are attached.

## 5. WHAT YOU ARE REQUIRED TO DO

- (a) Cease the use of the flat roof area as a balcony, roof garden, sitting out area or for any other purpose of a similar nature.
- (b) The railings around the boundary of the flat roof should be removed and the resultant debris disposed of lawfully.

Time for Compliance: within 1 month from the date this notice takes effect.

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 22<sup>nd</sup> February 2008 unless an appeal is made against it beforehand.

Dated: 11<sup>th</sup> January 2008

Signed.....



Head of Civic and Legal Services

Address to which all communication should be sent:-

Head of Civic and Legal Services, London Borough of Merton, Civic Centre, London Road, Morden, Surrey SM5 5DX (Ref: CS/LEG/FJ/ENVP 1311)

## **WARNING: THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period.

You will be at risk of immediate prosecution in the Magistrates' Court for which the maximum penalty is £1,000.

If you are in any doubt about what this notice requires you to do, you should contact the Council's enforcement officer, Leigh Harrington on 0208-545-3836.

If you wish to challenge the validity of this notice, you may only do so by an application to the High Court for judicial review. A lawyer can advise you of what this procedure involves.

**PERSONS SERVED WITH A COPY OF THIS BREACH OF CONDITION NOTICE**

1. Richard F Mathieson, 46 Amity Grove, West Wimbledon London SW20 OLJ.
2. Sarah Jane Mathieson, 46 Amity Grove, West Wimbledon London SW20 OLJ.
3. The Occupier, 46 Amity Grove, West Wimbledon London SW20 OLJ