

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

London Borough of Merton

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

20 APR 2009

ISSUED BY THE LONDON BOROUGH OF MERTON

Planning Development Control

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 57 Pelham Road, Wimbledon, London SW19 1NW in the London Borough of Merton shown edged red on the attached plan.

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

Construction of a ground and first floor rear extensions not in accordance with planning permission 07/P2488. The first floor extension has been built larger than approved. The rear extension should have been built in a stepped configuration but has instead been built flush or squared off on the Montague Road elevation. There are also variations in the configuration of windows in the rear and Montague Road elevations. These variations include the omission of windows on both the ground and first floor levels on the Montague Road elevation and the change in size and design of the rear windows/openings on the ground and basement levels. The application of render on part of the ground floor on the Montague Road elevation, which was shown as being in brickwork on the approved drawings, is inappropriate and out of keeping with both the appearance and symmetry of the building.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

The ground and first floor extensions are unacceptable due to their poor design, inappropriate external materials, siting, bulk and mass resulting in an adverse impact on the appearance of the building and are therefore contrary to policies BE.22, BE.23 and BE 24, of the Adopted Merton Unitary Development Plan (2003). The unauthorised first floor rear extension and the use of rendering along the Montague Road elevation are not sympathetic to the scale, proportion, character and materials of the original building and fail to respect its setting and detracts from the local historical interest of the building contrary to policy BE11 of the Merton adopted Unitary Development Plan (2003)

Copies of the above policies are attached.

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

EITHER

(A) Build the rear extension in accordance with the approved planning permission and approved plans bearing reference number 07/P2488

OR

(B) Demolish the unauthorised rear extension at ground and first floor

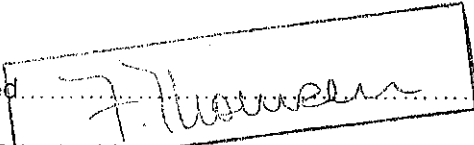
AND lawfully remove from the land all surplus materials and debris resulting from the above works

Time for Compliance: **6 Months** from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18 May 2009 unless an appeal is made against it beforehand.

Dated: 17 April 2009

Signed 
Principal Lawyer

Address to which all communication should be sent:-
Interim Head of Civic & Legal Services, London Borough of Merton, Civic Centre, London Road,
Morden, Surrey SM4 5DX
(REF: LEG/SL/ENVP1463)

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 18 May 2009. The enclosed leaflet "Making Your 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 **£300**

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

You should therefore include:

One cheque for **£150** payable to The Department for Communities and Local Government

One cheque for **£150** 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.

London Borough of Merton

20 APR 2009

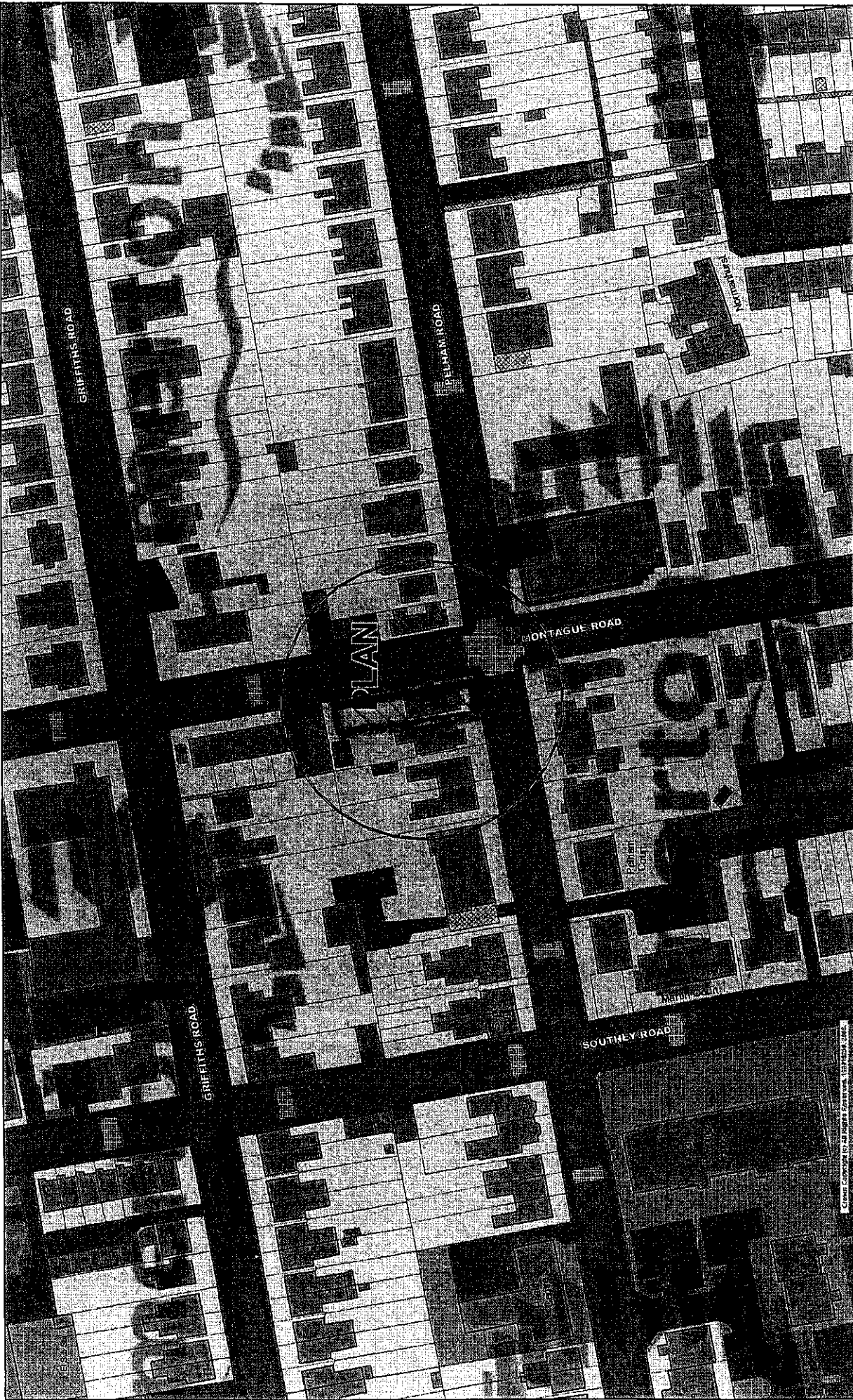
PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. Jasal Kirit Patel, 64 Higher Drive, Banstead, Surrey SM7 1PQ
2. Jasal Kirit Patel, 57 Pelham Road, Wimbledon, London SW19 1NW
3. The Secretary, National Westminster Bank PLC, Third Floor, City Link House, 4 Addiscombe Road, Croydon CRO 5TT
4. The Occupier, 57 Pelham Road, Wimbledon, London SW19 1NW
5. Peter Turner, Flat 2 Randolph Crescent, Edingburgh EH3 7TH

London Borough of **Merton**

20 APR 2009

Planning Development Control



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

Scale 1/1 250
 Date 19/2/2008
 Zen Ridge

57 Pelham Road
 Wimbledon

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of HMSO. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil proceedings. London Borough of Merton 100019259, 2008

DEVELOPMENT CONTROL