

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

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 **9 Kinsella Gardens, Wimbledon, London SW19 4UB**, in the London Borough of Merton shown edged red on the attached plan.

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

Planning permission reference **05/P2400** was granted by the Council on **9 December 2005** for erection of a first floor side extension over existing single storey extension, rebuilding and enlarging of existing rear conservatory extension and excavation of underground area to rear of house subject to conditions including condition 3 which stated;

Before commencement of the works hereby approved, full details of the design of a privacy screen to the sides of the rear balcony shall be submitted to and be approved in writing by the Local Planning Authority. The privacy screen shall be installed in accordance with the approved details prior to the commencement of use of the new accommodation and be permanently maintained thereafter.

On **24 March 2006** the Council granted permission reference **06/P0160** for the removal of condition 3 of planning permission **05/P2400** re balcony screens. Balcony now becomes a decorative feature only with no access thereto.

In about February 2007 a door was constructed to allow access to the balcony in breach of planning permission **06/P0160**

4. **REASONS FOR ISSUING THIS NOTICE**

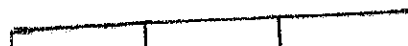
It appears to the Council that the above breach of planning control has occurred within the last ten years.

The breach of planning permission reference number **06/P0160** by allowing access to the balcony without the provision of privacy screens, 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). The enforcement notice is required to ensure that the use of and access to, the balcony ceases.

A copy of policy BE15 is attached.

LONDON BOROUGH OF MERTON

24 SEP 2008



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

1. Cease the use of and access to the balcony at the rear of the property

TIME FOR COMPLIANCE ONE (1) MONTH from the date this notice takes effect

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **24 October 2008** unless an appeal is made against it beforehand.

Dated: 23 September 2008

Signed..... *F. Howden*

Interim Head of Civic and Legal Services

Address to which all communication should be sent:-
Interim Head of Civic and Legal Services, London Borough of Merton, Civic Centre, London Road, Morden, Surrey SM5 5DX
(REF: LE/SL/ENVP1327)

LONDON BOROUGH OF MERTON

24 SEP 2008

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YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before 24 October 2008. The enclosed booklet "Enforcement Notice Appeals – A Guide to Procedure" 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.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect 24 October 2008 and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice which has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

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

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1 Brian Eric Charles Lynch, 9 Kinsella Gardens, Wimbledon, London SW19

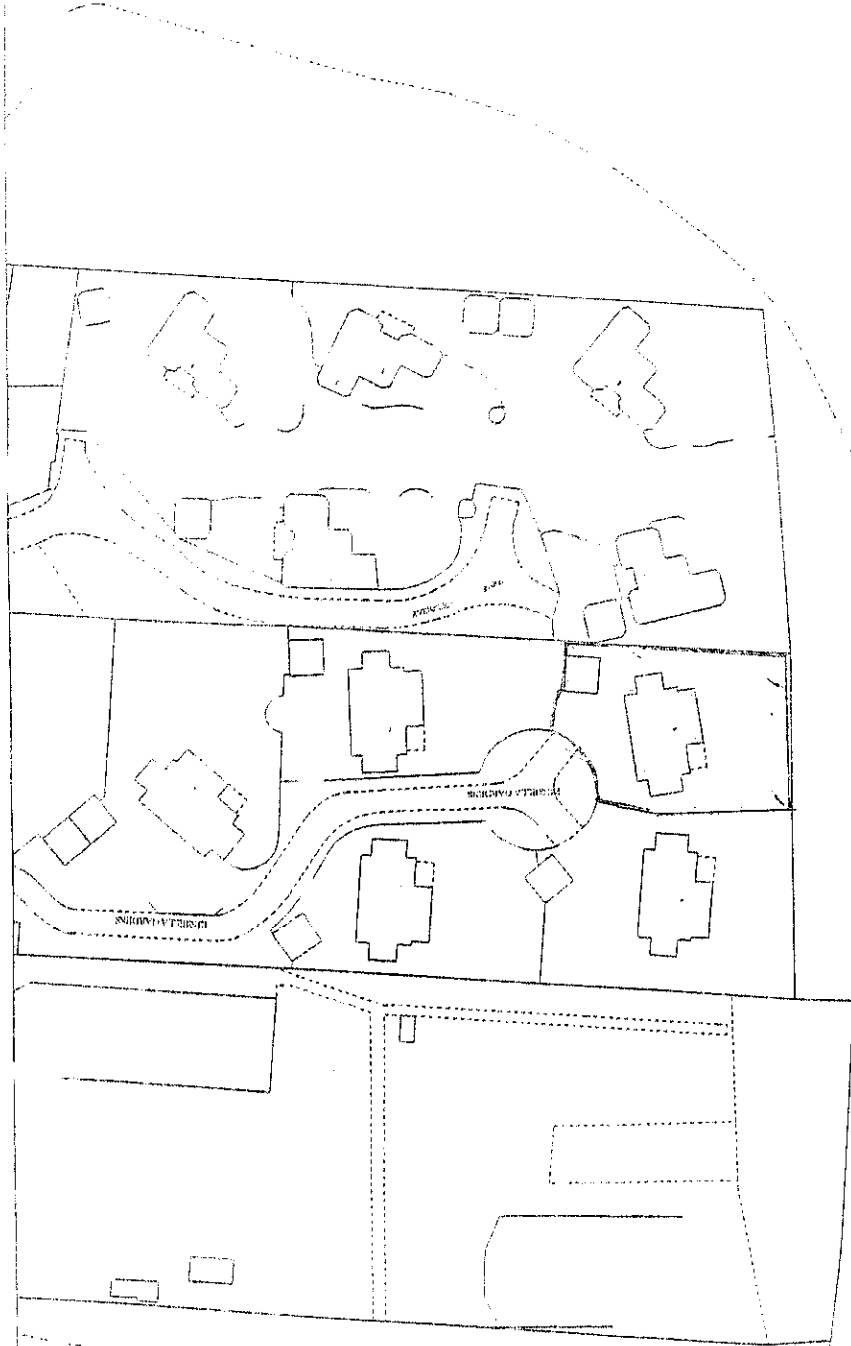
2.Sarah Joy Lynch, 9 Kinsella Gardens, Wimbledon, London SW19 4UB

**3.Bank of Scotland PLC, ST James's Place Bank Division, PO Box 17317, Edingburgh
EH12 1AZ**

LONDON BOROUGH OF MERTON

24 SEP 2008

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LONDON BOROUGH OF MERTON

24 SEP 2008



9 Kinsella Gardens
Wimbledon
SW19

LONDON BOROUGH OF MERTON
Environmental Services Department

City Centre, London Road, Morden, Surrey, SM4 5DX
Telephone: 020 8543 2727 Web: www.merton.gov.uk

merton
moving ahead

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Scale = 1: 1250

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