

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 Top Flat, 66A Cannon Hill Lane, Raynes Park, London SW20 9ET 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 00/P1932 was granted by the Council on 20th November 2000 for the erection of a two storey side extension accommodating 2 x 2 bedroom flats and the provision of 2 off street parking bays together with a single storey rear extension to existing house on the Land subject to conditions. A copy of planning permission reference 00/P1932 is attached.

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

Condition 8: 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.

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.
- (b) The use of the balcony to dry washing, store rubbish and use a BBQ etc constitutes a breach of this condition, and is contrary to the following policy of the Merton UDP Adopted October 2003:

BE.15 New Buildings and extensions, daylight, sunlight, privacy, visual instruction and noise.

A copy of the above policy is attached.

- (c) The breach of condition no8 attached to the planning permission ref no 00/P1932 by using the balcony/flat roof area at the rear of Flat 1 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).

5. WHAT YOU ARE REQUIRED TO DO

- (a) Cease the use of the balcony/ flat roof area at the rear of the Top Floor Flat for a balcony, roof garden, sitting out area or for any other purpose of a similar nature.
- (b) The Juliet balcony to be welded shut in order to prevent recurrence of the breach of condition.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 20th February unless an appeal is made against it beforehand.

Dated: 9th 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 1310)

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.