

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the PLANNING AND COMPENSATION ACT 1991)
(hereinafter referred to as "the Act")

ENFORCEMENT NOTICE

(hereinafter referred to as "the Notice")

ISSUED BY: THE COUNCIL OF THE LONDON BOROUGH OF MERTON (hereinafter referred to as "the Council")

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control under Section 171A(1) (a) of the Act at the land (hereinafter referred to as "the land") described in Paragraph 2 below. The Council considers that it is expedient to issue this Notice having regard to the provisions of the Development Plan and to other material planning considerations.

2. THE LAND TO WHICH THE NOTICE RELATES

The land known as 10 Homefield Gardens, Mitcham CR4 3BY and shown edged black on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the erection of a rear roof dormer window and the erection of balcony railings around the roof of a flat roof ground floor extension creating roof terrace.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breach of planning control has occurred in the last 4 years. The rear dorm window is considered to be of a poor design, overly large and unsightly causing harm to the character and appearance of the land and to the character and appearance of the surrounding area, contrary to the provisions of policies H23 and EB23 of the Adopted Unitary Development Plan (April 1996) and policies BE23, BE29 and BE30 of the Second Deposit Draft Unitary Development Plan (October 2000).

The roof terrace is considered to be visually intrusive and to lead to the overlooking of a loss of privacy to nearby residents and to be contrary to the provisions of policies H20 and EB18 of the Adopted Unitary Development Plan (April 1996) and policy BE22 of the Second Deposit Draft Unitary Development Plan (October 2000).

5. WHAT YOU ARE REQUIRED TO DO

- (a) Remove the rear dormer window and all materials resulting from the removal from the land.
- (b) Remove the balcony railings and materials resulting from the removal from the land.

Time for compliance: 4 months after the Notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 1st April 2003 unless an appeal is made against it beforehand.

Dated the 18th February 2003

Signed.....
Julie Belvir, Head of Legal Services

London Borough of Merton
Legal Services Ref: SB/2002P963
Merton Civic Centre
London Road
Morden
Surrey
SM4 5DX

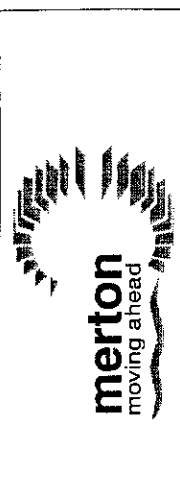
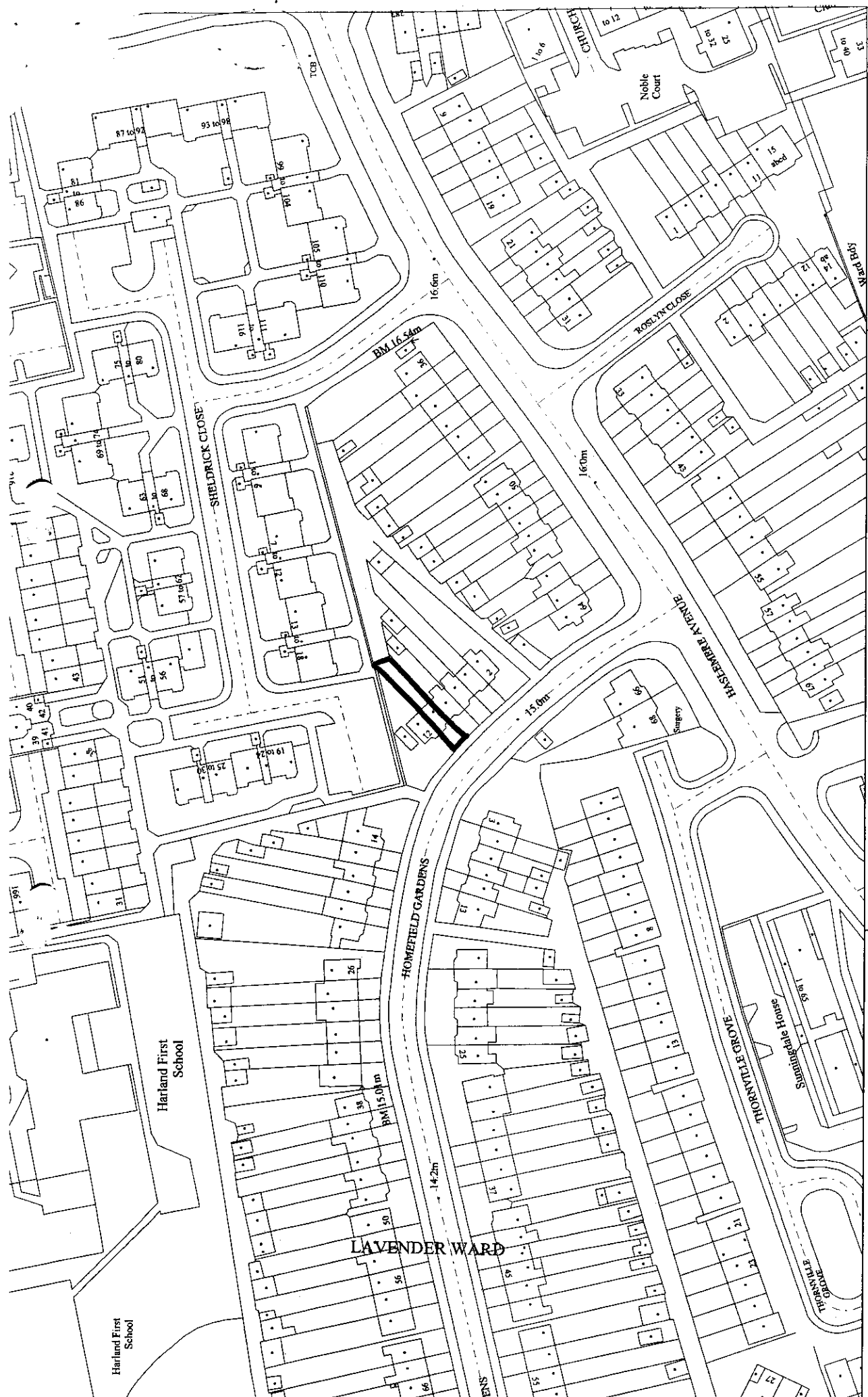
YOUR RIGHT OF APPEAL

- a) You can appeal against this Notice but any appeal must be received or posted in time to be received by the Secretary of State, that is, the Planning Inspectorate, before the date specified in paragraph 6 above.

The enclosed booklet, "Making your Enforcement Appeal" sets out your rights. You may use the enclosed appeal forms, one is for you to send to the Planning Inspectorate if you decide to appeal. The other is for you to keep as a duplicate for your own records and the last one is to send to the Council. You should also send the Planning Inspectorate the spare copy of this Notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Notice it will take effect on the date specified in paragraph 6 above and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within this period specified in this Notice. Failure to comply with this Notice when it has taken effect can result in prosecution and/or remedial action by the Council.



10 HOMEFIELD GARDENS

LONDON BOROUGH OF MERTON
Environmental Services Department

Date Printed: 17/10/00

Scale = 1: 1250