

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT**

ISSUED BY THE LONDON BOROUGH OF MERTON (“the Council”)

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 160 Bennetts Close Mitcham CR4 1NS** in the London Borough of Merton shown edged red on the attached plan (“the Land”).

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

Without planning permission, the erection on the Land of a rear side fence exceeding 3 metres in height (“the Unauthorised Fence”).

4. **REASONS FOR ISSUING THIS NOTICE**

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

(b) The Unauthorised Fence, due to its height and the materials used in its construction is an unduly large and incongruous structure within the setting of the surrounding garden environment and is a visually intrusive form of development appearing to occupants of neighbouring properties when using their back gardens as an overbearing and dominant feature. It has resulted in a loss of light and undue overshadowing on the rooms of adjacent houses. It is a discordant element appearing as an incongruous and alien feature which does not enhance or conserve the appearance of the rear garden area. It is a visually intrusive form of development which has resulted in a loss of amenities in terms of outlook, visual intrusion and a sense of enclosure for the occupiers of neighbouring properties contrary to Policies DM D2 – Design considerations in all developments of Merton's Sites and Polices Plan 2014, CS14 - Design of the Merton's Core Planning Strategy 2011 and 7.4 - Local Character, 7.6 – Architecture of the London Plan 2015 and Section 7 & 12 of the National Planning Policy Framework [NPPF].

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

- (a) Demolish the Unauthorised Fence.
- (b) Removal from the Land all materials and debris resulting from compliance with (a) above.

Time for Compliance: within 3 months from the date this notice takes effect.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 1 June 2016  
unless an appeal is made against it beforehand.

Dated: 20 April 2016 Signed:   
Assistant Director of Corporate Governance  
South London Legal Partnership

Address to which all communication should be sent:-  
Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 5DX (Ref: CS/LEG/RO/511/619)

**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 the notice takes effect. The enclosed Explanatory Note and Information Sheet set out the procedure to be followed if you wish to appeal.

**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 **£344.00** that must be paid by way of a cheque made out to the London Borough of Merton. The fee can be sent with your appeal form.

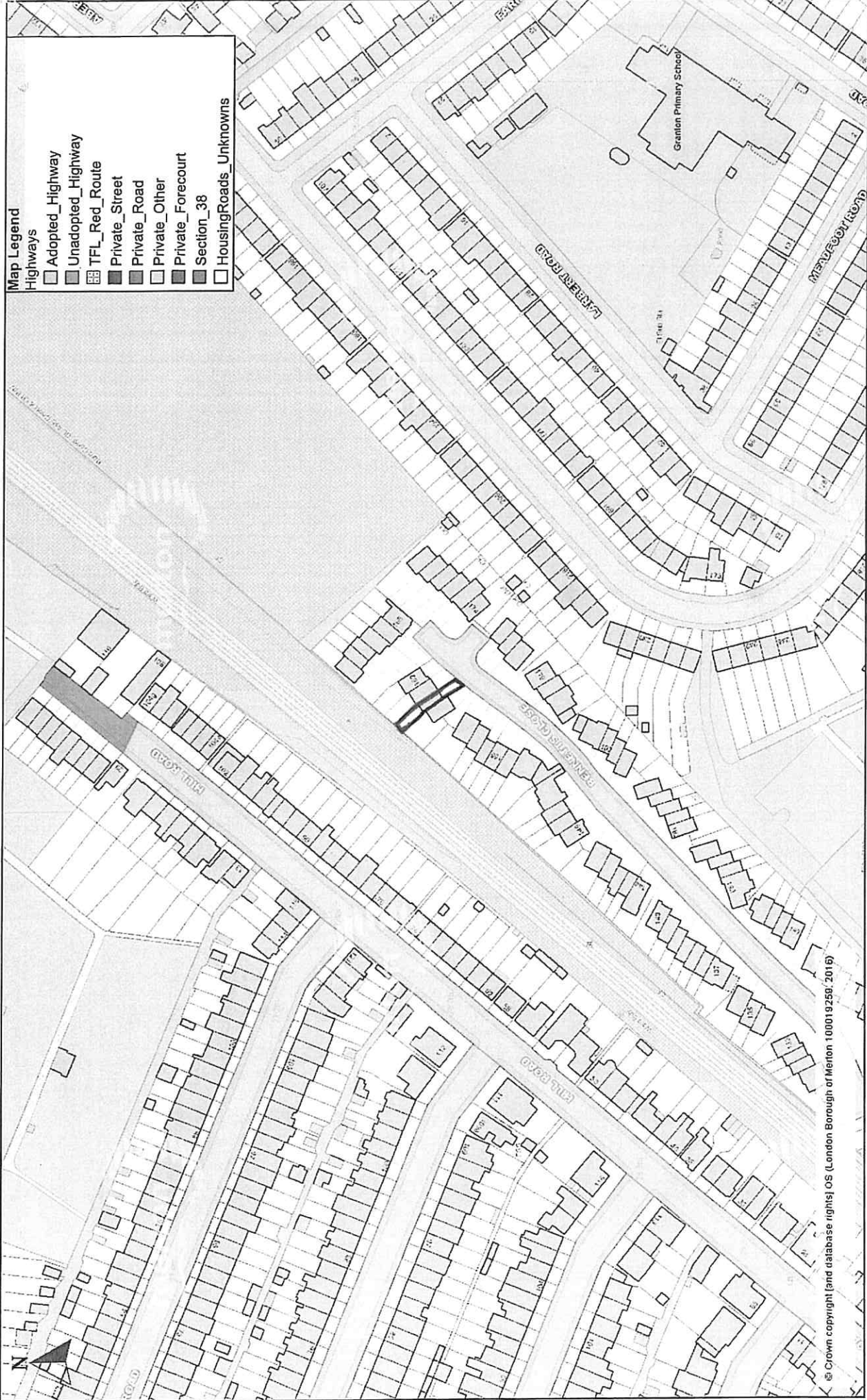
**WHAT HAPPENS IF YOU DO NOT APPEAL**

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.

**PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE**

- 1. The Occupier, 160 Bennetts Close, Mitcham CR4 1NS**
- 2. The Manager/Director, Family Mosaic Housing, 20 Queen Elizabeth Street, London SE1 2RJ**
- 3. The Housing Finance Corporation Limited, 4<sup>th</sup> Floor, 107 Cannon Street, London EC4N 5AF**

**If you believe that there is someone else who should be served with a copy of this Enforcement Notice please let that person and the Council know as soon as possible.**



**Map Legend**

- Highways**
- Adopted\_Highway
  - Unadopted\_Highway
  - ▨ TFL\_Red\_Route
  - Private\_Street
  - Private\_Road
  - Private\_Other
  - Private\_Forecourt
  - Section\_38
  - HousingRoads\_Unknowns

**160 Bennetts Close CR4 1NS**

Scale 1 : 1250



MERTON COUNCIL

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