

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

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)(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 65B Melbury Gardens, London SW20 0DL 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 of wooden railings and handrail on the roof of the ground floor rear extension on the Land.

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 erection of the wooden railings and hand rail is contrary to policies HS.1: Housing Layout and Amenity and BE.15: New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise of the London Borough of Merton Unitary Development Plan (2003). Copies of these policies are attached.
- (c) The unauthorised wooden railings and handrail facilitate the use of the roof of the ground floor rear extension as a roof terrace creating an undesirable level of overlooking of adjoining properties. The loss of privacy and amenity to neighbouring properties is unacceptable.

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

- (a) Remove the unauthorised railings and handrail from the roof of the ground floor rear extension.
- (b) Remove from the Land all material and debris resulting from compliance with (a) above.

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 2 September 2004
unless an appeal is made against it beforehand.

Dated: 22 July 2004

Signed.....
Head of Civic and Legal Services (A)

Address to which all communication should be sent:-
Head of Civic and Legal Services, London Borough of Merton, Merton Civic Centre,
London Road, Morden, Surrey SM4 5DX (Ref: CR/LEGAL/RO/2004P156)

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 date this notice takes effect. The enclosed booklet "Making Your Enforcement 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 **£220.00**.

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

You should therefore include:

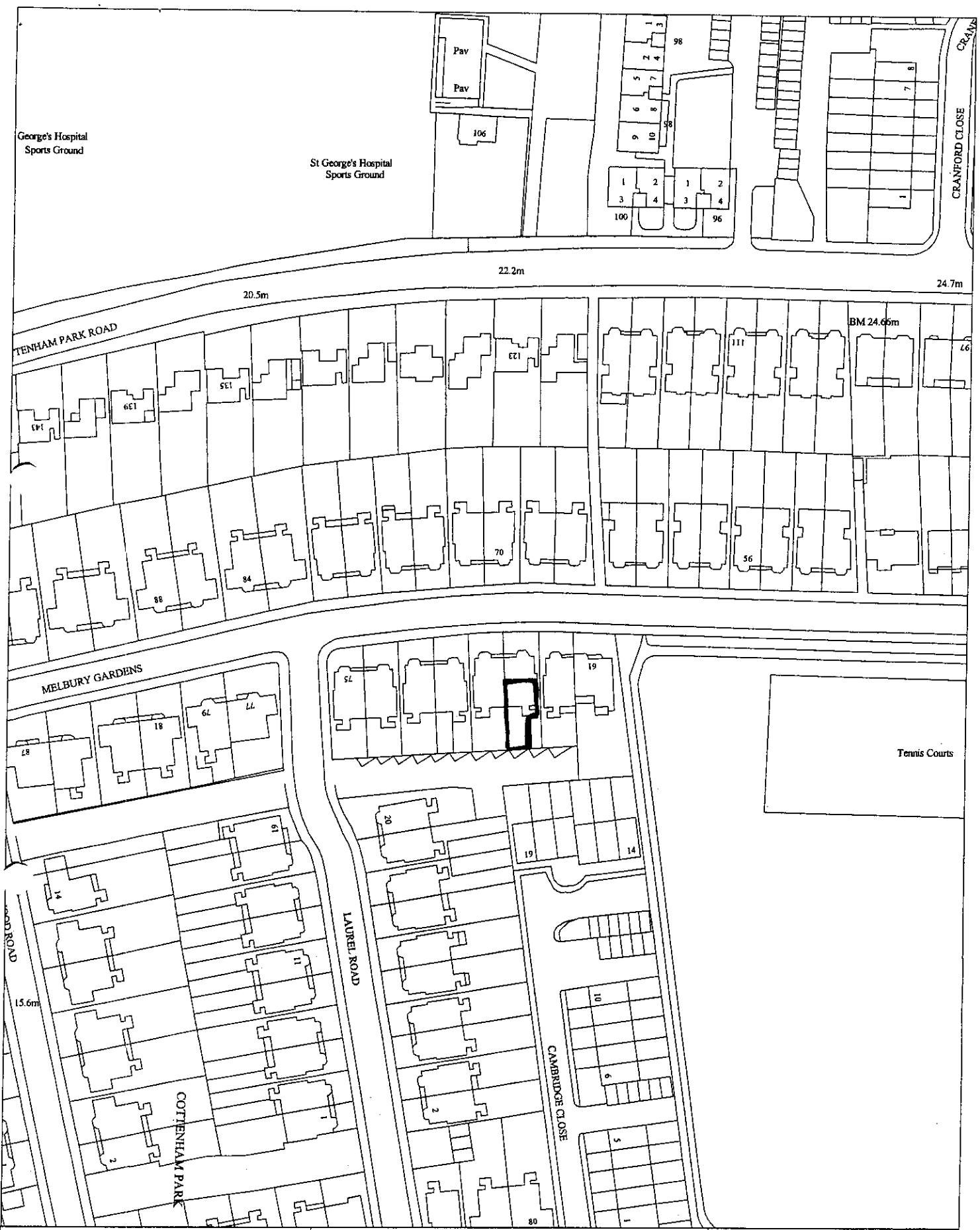
One cheque for **£110.00** payable to The Office of the Deputy Prime Minister

One cheque for **£110.00** 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
 Environmental Services Department

65B Melbury Gardens
 London
 SW20

Scale = 1: 1250

Date Printed: 20/07/04

