

**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 **24 & 24A Merton High Street London SW19 1DN** 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 a ventilation duct 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 unauthorised development constitutes an over dominant and incongruous form of development that is detrimental to the appearance of the property and harmful to the character of the surrounding area and the amenities of local residents.
  - (c) The erection of the ventilation duct is contrary to policies PE2 (Pollution and Amenity), BE22 (Design of New Development) and BE23 (Alterations and Extensions to Buildings) of the London Borough of Merton Unitary Development Plan (October 2003). Copies of these policies are attached.
5. **WHAT YOU ARE REQUIRED TO DO**
  - (a) Remove the ventilation duct and all related fixtures and fittings from the Land.
  - (b) Remove from the Land all materials and debris resulting in the removal of the ventilation duct.

Time for Compliance: within three months from the date this notice takes effect.
6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on *16 December*  
unless an appeal is made against it beforehand.

2004

Dated: *4 November 2004*

Signed.....

*[Signature]*  
Head of Civic and Legal Services

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/2004P380)

### **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**.

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

You should therefore include:

One cheque for **£110** payable to The Office of the Deputy Prime Minister

One cheque for **£110** payable to the London Borough of Merton

The fee can be sent with your appeal form.

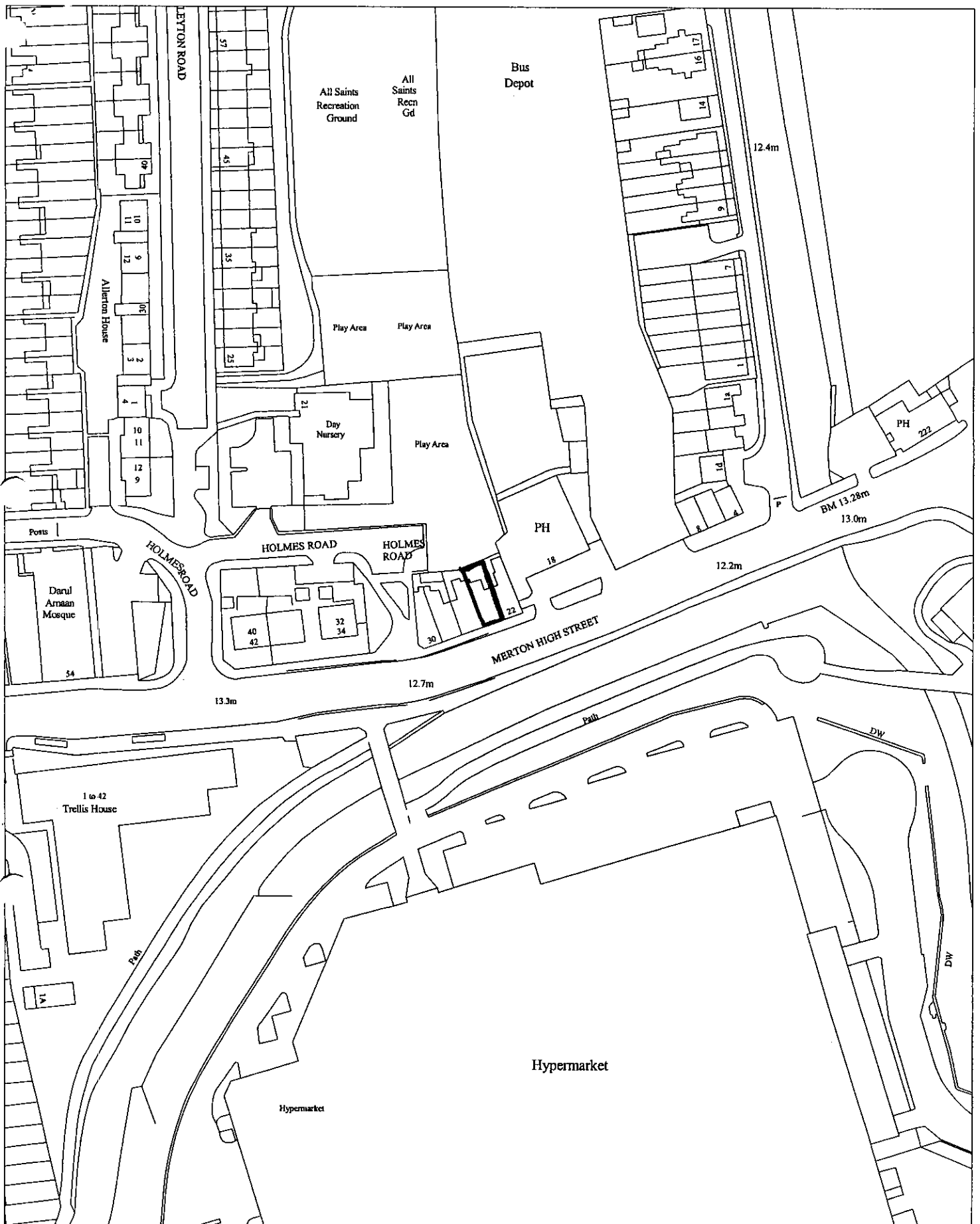
### **WHAT HAPPENS IF YOU DO NOT APPEAL**

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.

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

1. Mr Ali Hussein Mahfouz at: 24 Merton High Street London SW19 1DN  
24A Merton High Street London SW19 1DN  
40 Central Road Morden Surrey SM4 5RT
2. Mrs Amira Kamel Mahfouz at: 24 Merton High Street London SW19 1DN  
24A Merton High Street London SW19 1DN
3. The Occupier at 24 Merton High Street London SW19 1DN
4. The Occupier at 24A Merton High Street London SW19 1DN

5. Barclays Bank plc at PO Box 850 Barclays House 8 Alexandra Road London SW19 7LA



**LONDON BOROUGH OF MERTON**  
 Environmental Services Department

**24A Merton High Street**  
**Colliers Wood**  
**SW19 1DN**

Scale = 1: 1250

Date Printed: 24/06/04

