

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 ("the Act")

ENFORCEMENT NOTICE - BREACH OF CONDITION

- | | |
|---|---|
| 1. Mr Tevany Rayar
15 Palestine Grove
Wimbledon
London
SW19 2QN | 2. Mrs Joslin Francois Rayar
15 Palestine Grove
Wimbledon
London
SW19 2QN |
| 3. Halifax PLC
Trinity Road
Halifax
West Yorkshire
HX1 2RG | |

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 15 Palestine Grove, London, SW19 in the London Borough of Merton shown edged red on the attached plan.

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

Planning permission reference 01/P2101 dated 21 November 2001 was granted by the Council for erection of a first floor rear extension subject to conditions.

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

Condition 3: The flat roof of the existing single storey rear extension shall not be used as a balcony, roof garden, sitting out area or for any purpose of a similar nature without the prior written consent of the Local Planning Authority.

Reason: To protect the privacy and amenities of occupiers of neighbouring residential properties.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The use of the flat roof of the ground floor rear extension as a balcony roof garden or sitting out area results in an undesirable level of overlooking of neighbouring residential properties. The loss of privacy to the residents is therefore considered unacceptable contrary to policies EB18 of the Adopted Unitary Development Plan (April 1996) and BE22 and BE29 of the

Second Deposit Draft Unitary Development Plan (October 2000). Copies of these policies are attached.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the roof of the ground floor rear extension as a balcony roof garden or sitting out area
- (ii) Remove the metal railings from the roof of the ground floor rear extension
- (iii) Remove all railings and other materials resulting from compliance with 5(i) and 5(ii) from the Land.
- (iv) Time for compliance 5(i) 30 days 5(ii) and 5(ii) 3 months

6. WHEN THIS NOTICE TAKES EFFECT

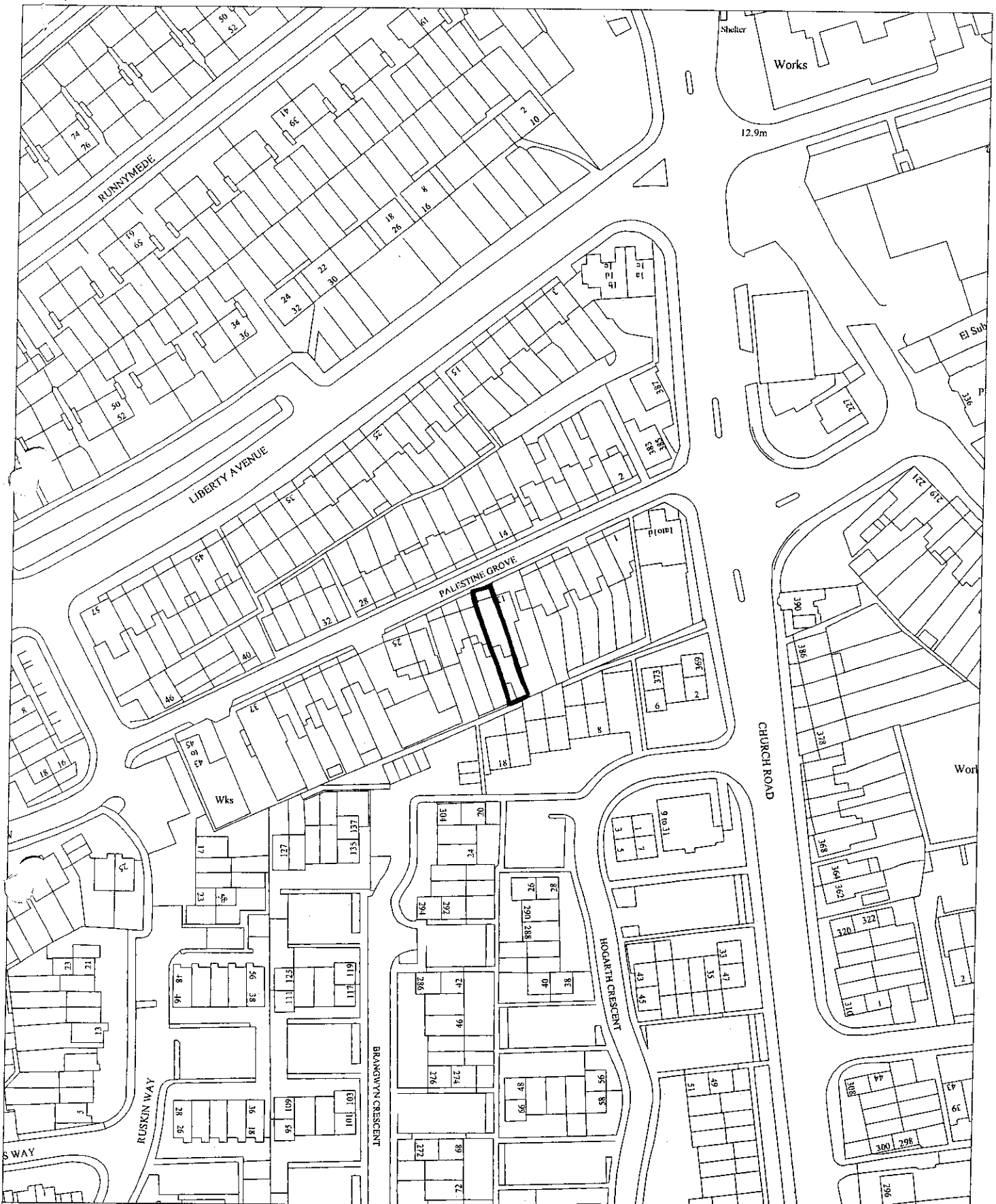
This notice takes effect on **1 September 2003** unless an appeal is made against it beforehand.

Dated: 24 July 2003

Signed 

Head of Legal Services

Address to which all communication should be sent:-
Head of Legal Services, chief Executive's Department, London borough of Merton, Civic Centre,
London Road, Morden, Surrey, SM5 5DX
(REF: LE/SLL/2003P264)



LONDON BOROUGH OF MERTON

Environmental Services Department

15 Palestine Grove, SW19

Scale = 1: 1250

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