

**IMPORTANT-THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**LONDON BOROUGH OF MERTON  
TOWN & COUNTRY PLANNING ACT 1990  
ENFORCEMENT NOTICE  
Operational Development**

ISSUED BY: THE LONDON BOROUGH OF MERTON ('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 above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to all other material planning considerations.
  
2. **THE LAND AFFECTED**  
The land and property known as at **Dawood House, 1 Caxton Road, SW19 8SJ** shown edged red on the plan attached hereto ("the Property").
  
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
Without planning permission and within the last four years the unauthorised erection of 22 residential units on the Property ("the Unauthorised Development")
  
4. **REASONS FOR ISSUING THIS NOTICE**
  - (i) It appears to the Council that the above breach of planning control has occurred within the last four years.
  - (ii) the Council granted planning permission for the redevelopment of the Property to provide a mixed use development comprising 7 flats and 2 maisonettes plus 609 square metres of commercial (Class B1) space with associated parking and landscaping under planning reference 10/P2827 ("the Planning Permission"). The Unauthorised Development completely departs from the Planning Permission.
  - (iii) As the Unauthorised Development has not been constructed pursuant to the approved plans of the Planning Permission it is considered that the development is unauthorised in its entirety. The discrepancies between the Unauthorised Development and the Planning Permission are substantial; it is not considered that remedial works could be carried out in a way that would make the Unauthorised Development acceptable in planning terms as explained in paragraphs 4(iv) – 4(vi) below
  - (iv) The Unauthorised Development fails to comply with Policy CS 8, CS 9, CS 12, CS14, CS 15, CS 16, CS 17, CS18, CS 19 and CS 20 of the London Borough of Merton Core

Strategy (2011) and policies DM D2 (2014), and the Council's Supplementary Planning Guidance.

(v) The Unauthorised Development has resulted in substandard residential accommodation that fails to meet the required room sizes, dwelling mix, numbers of affordable housing units and adequate outside amenity space

(vi) The Unauthorised Development does not provide either on-site affordable housing or an off-site affordable housing contribution that is therefore contrary to Policy CS 8 of the London Borough of Merton Core Strategy (2011)

(vii) The Council do not consider that there are any steps short of those required by this notice which can be taken to remedy the breach of planning control.

## 5. WHAT YOU ARE REQUIRED TO DO

Either;

(i) Demolish the Unauthorised Development; and

(ii) Make good any damage arising for the compliance with step 5(i) above; and

(iii) Remove from the Property all associated paraphernalia, surplus materials and debris arising for the compliance with step 5(i) above

Or:

(iv) Implement the development (in its entirety) pursuant to the Planning Permission

## 6. TIME FOR COMPLIANCE


Twelve calendar months after this notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **18<sup>th</sup> November 2018** unless an appeal is made against it beforehand.

Dated: **11<sup>th</sup> October 2018**

Signed..



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Assistant Director of Corporate Governance,  
South London Legal Partnership  
on behalf of the Council of the London Borough of  
Merton

Address to which all communication should be sent: -

Paul Evans, Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey, SM4 5DX (Ref: CS/LEG/HB/511-904)

## **ANNEX**

### **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 **£20,328** 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. Mrs Zakia Ismail, 318 Norbury Avenue, London, SW16 3RL
2. Sajid Ismail, 4 Blandfield Road, , Balham, London, SW12, 8BG
3. Sajid Ismail, 28 Graham Avenue, Mitcham, Surrey, CR4 2HG
4. Shakil Ismail, 28 Graham Avenue, Mitcham, Surrey, CR4 2HG
5. Shezan Ismail, 28 Graham Avenue, Mitcham, Surrey, CR4 2HG
6. Managing Agent: Flats4London, 352 – 354 London Road, Mitcham, Surrey, CR4 3ND
7. The Owner / Occupier, 1 Caxton Road (1<sup>st</sup> Floor), South Wimbledon, London, SW19 8SJ
8. The Owner / Occupier, 1A Caxton Road (Ground Floor), South Wimbledon, London, SW19 8SJ
9. The Owner / Occupier, Flat 1, 1B Caxton Road (1<sup>st</sup> Floor), South Wimbledon, London, SW19 8SJ
10. The Owner / Occupier, Flat 2, 1B Caxton Road (1<sup>st</sup> Floor), South Wimbledon, London, SW19 8SJ

11. The Owner / Occupier, Flat 1C Caxton Road (Ground Floor), South Wimbledon, London, SW19 8SJ
12. The Owner / Occupier, Flat 1, 1D Caxton Road (1<sup>st</sup> Floor), South Wimbledon, London, SW19 8SJ
13. The Owner / Occupier, Flat 2, 1D Caxton Road (1<sup>st</sup> Floor), South Wimbledon, London, SW19 8SJ
14. The Owner / Occupier, Flat 3, 1D Caxton Road (1<sup>st</sup> Floor), South Wimbledon, London, SW19 8SJ
15. The Owner / Occupier, Flat 4, 1D Caxton Road (1<sup>st</sup> Floor), South Wimbledon, London, SW19 8SJ

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16. The Owner / Occupier, Flat 5, 1D Caxton Road (2<sup>nd</sup> Floor), South Wimbledon, London, SW19 8SJ
17. The Owner / Occupier, Flat 6, 1D Caxton Road (2<sup>nd</sup> Floor), South Wimbledon, London, SW19 8SJ
18. The Owner / Occupier, Flat 7, 1D Caxton Road (2<sup>nd</sup> Floor), South Wimbledon, London, SW19 8SJ
19. The Owner / Occupier, Flat 8, 1D Caxton Road (2<sup>nd</sup> Floor), South Wimbledon, London, SW19 8SJ
20. The Owner / Occupier, Flat 9, 1D Caxton Road (2<sup>nd</sup> Floor), South Wimbledon, London, SW19 8SJ
21. The Owner / Occupier, Flat 10, 1D Caxton Road (3<sup>rd</sup> Floor), South Wimbledon, London, SW19 8SJ
22. The Owner / Occupier, Flat 11, 1D Caxton Road (3<sup>rd</sup> Floor), South Wimbledon, London, SW19 8SJ
23. The Owner / Occupier, Flat 12, 1D Caxton Road (3<sup>rd</sup> Floor), South Wimbledon, London, SW19 8SJ
24. The Owner / Occupier, Flat 1E, 1 Caxton Road (Ground Floor), South Wimbledon, London, SW19 8SJ
25. The Owner / Occupier, Flat 1, 1F Caxton Road (1<sup>st</sup> Floor), South Wimbledon, London, SW19 8SJ
26. The Owner / Occupier, Flat 2, 1F Caxton Road (2<sup>nd</sup> Floor), South Wimbledon, London, SW19 8SJ
27. The Owner / Occupier, Flat 1G, 1 Caxton Road (Ground Floor), South Wimbledon, London, SW19 8SJ

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

# 1 Caxton Road SW19

