

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 2 Dahlia Gardens, Mitcham, CR4 1LA 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 single storey outbuilding to the rear of the Land (“the Outbuilding”).

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) There are no significant concerns in terms of the Outbuilding’s impact toward neighbouring light or issues of overlooking. However, the Outbuilding has been described to provide a play room, hobby room, storage and shower room with an internal floor area is 62.8sqm (and overall footprint including external walls, 73.9sqm). For these intended uses, the floor area would appear excessive.
- (c) The footprint of the Outbuilding (73.9sqm) exceeds that of the ground floor of the main dwelling house (around 63.8sqm, including the footprint of the single storey rear extension). Therefore, it is considered the Outbuilding exceeds what may be reasonably considered as incidental to the enjoyment of the main dwellinghouse and though the activities labelled on the plans fall into categories that, individually, may be acceptable as incidental to the enjoyment of the dwellinghouse, taken together they occupy an unreasonable amount of space and, as a matter of fact and degree, the outbuilding cannot be considered as incidental.

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

Either:

- (i) Revert the Outbuilding in accordance with permitted development rights pursuant to the lawful development certificate issued by the Council bearing reference number

18/P0103.

Or:

(ii) Demolish the Outbuilding; and

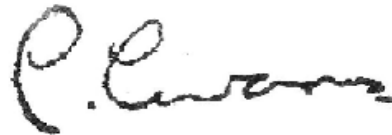
(iii) Remove from the Land all debris, materials and rubble used in connection with or resulting from compliance with Step 5(i) and 5(ii) above

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

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **24th September 2019** unless an appeal is made against it beforehand.

Dated: **19th August 2019**



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/511-998)

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 **£462** 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 OWNER / OCCUPIER of 2 Dahlia Gardens, Mitcham, CR4 1LA
2. MUHAMMAD ARSHAD and FAUZIA ARSHAD of 2 Dahlia Gardens, Mitcham, CR4 1LA
3. BANK OF SCOTLAND PLC of 36 St Andrew Square, Edinburgh, EH2 2YB