

**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 31 Edgehill Road Mitcham CR4 2HY** 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, raising the garden on the Land and incorporating a raised patio and steps.

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 raised garden and patio with steps, by reason of its design, size and siting, is considered an unneighbourly form of development which is visually intrusive and overly dominant resulting in a loss of privacy and residential amenity towards the occupiers of 29 Edgehill Road and is contrary to London Plan policies 7.4 and 7.6, policy CS.14 of the Merton LDF Core Planning Strategy (2011) and policy DM D2 of the Merton Sites and Policies Plan (2014).

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

- (a) Revert the garden on the Land to its natural ground level, therefore reduce the height of the garden by 90cm, and remove the patio and steps.
- (b) Remove from the Land all materials, machinery, apparatus and installations used in connection with or resulting from compliance with (a) above.

**Time for Compliance: within three (3) months from the date this notice takes effect.**

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18 December 2019 unless an appeal is made against it beforehand.

Dated: 20 November 2019



Signed.....  
Assistant Director of Corporate Governance (Interim)  
South London Legal Partnership

Address to which all communication should be sent:-  
Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 5DX (Ref: CS/LEG/RO/511/1034)

### 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 £412.00 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. Habib-Ullah Saghir, 31 Edgehill Road, Mitcham CR4 2HY
2. The Occupier, 31 Edgehill Road, Mitcham CR4 2HY
3. Santander UK Plc, Deeds Services, 101 Midsummer Boulevard, Milton Keynes MK9 1AA

