

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

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 171(A)(1)(b) 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 known as 100 Garth Road, Morden, SM4 4LR shown edged red on the plan attached hereto and is registered under Land Registry Title Numbers SGL778060 and SGL640422 ('the Land').
3. **THE BREACH OF PLANNING CONTROL ALLEGED**
Without planning permission and within the past four years the unauthorised erection of a self-contained residential unit on top of the existing garage ("the Unit").
4. **REASONS FOR ISSUING THIS NOTICE**
 1. It appears to the Council that the above breach of planning control has occurred within the last four years.
 2. The Unit is of a sub-standard construction that does not meet either the national or London living space standard criteria of 37sq m for one person. There is also a poor level of outlook and light to the new unit leading to poor residential living amenity. The development of the upper floor as a residential unit conflicts with Policies DM D3 and DMEP2 of Merton Council's site and policies plans 2014, Policy CS 14 of the LBM Core strategy 2011 and Policies D4 Delivering Good Design, Housing Quality and Standard of the London Plan 2021 or the government guide of technical housing standards.
 3. The Unit by the virtue of its size, siting and design is considered visually obtrusive, incongruous and unsympathetic to the character and appearance of the main dwelling, locality, surrounding area and to the character of the area in general.. It is considered that the development conflicts with Policies DM1, DM2 and DM F1 and DMF2 of Merton's sites and Policies Plan 2014; policy CS 14 and CS 16 of the LBM Core strategy 2011. The London Plan policies; D4 Delivering Good Design D6 Housing Quality and Standard. The National Framework Planning policy 12. Achieving well designed places; Policy 14

5. WHAT YOU ARE REQUIRED TO DO

1. Permanently cease the use of the Unit
2. Completely demolish the Unit

or.

3. Restore that part of the property to its condition prior to the breach of planning control by complying with approved drawing number E-1672-PJ-03A planning permission 17/P2214.

and;

4. Permanently remove from the property all associated materials, fixtures, fittings and

debris and take off site.

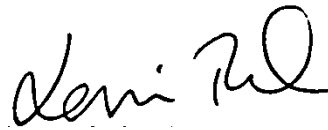
6. TIME FOR COMPLIANCE

3 (Three) calendar months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **2nd May 2022** unless an appeal is made against it beforehand.

Dated: **28 March 2022**



Signed.....
Assistant Director of Corporate Governance,
South London Legal Partnership on behalf of the
Council of the London Borough of Richmond upon
Thames

Address to which all communication should be sent: -

Louise Round, Managing Director, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey, SM4 5DX (Ref: CS/LEG/HB/217-2147)

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 **£412** 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. Ms R Blenkinsopp, 100 Garth Road, Morden SM4 4LR
2. Owner/Occupier, Garth Road, Morden SM4 4LR
3. Owner/Occupier, 100 Garth Road, Morden SM4 4LR

4. Bank of Scotland Plc (Scot. Co. Regn. No. SC327000) of Halifax Division, 1 Lovell Park Road, Leeds LS1 1NS