

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT – 22/E0101**

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**  
28 Martin Way, Morden SM4 5AH shown edged red on the plan attached hereto ('the Land').
  
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
Without planning permission the construction of an unauthorised extension to the rear outbuilding.
  
4. **REASONS FOR ISSUING THIS NOTICE**
  1. It appears to the Council that the unauthorised extension to the rear outbuilding was built before 25<sup>th</sup> April 2024 and has occurred within the last 4 years of the date of this notice.
  2. The extension by reason of its combined unacceptable siting, depth, width, design, scale, form and massing, would result in an incongruous, visually intrusive and unsympathetic form of development that would destroy the appearance, form and proportion of the host dwelling and the terrace row that it forms a part of to the detriment of the visual amenity of the surrounding. The extension fails to achieve a high standard of design. The proposal is therefore contrary to Policies D3 & D4 of the London Plan (2021), Policy CS 14 of the Merton LDF Core Planning Strategy (2011) and Policies DM D2 of the Merton Sites and Policies Plan (2014).
  3. By reason of combined scale, massing and siting the development results in a visually obtrusive form of development that creates an unacceptable sense of enclosure and result in overshadowing to the detriment of the residential amenity of

nearby occupants, in particular no. 26 Martin Way. The scheme is contrary to in particular, Policy DM D2 of the Merton Sites and Policies Plan (2014).

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

1. The unauthorised extension to the rear outbuilding shall be completely removed and the original outbuilding and garden elevation shall be reinstated to its original state.
2. Following compliance with requirement No.1 (above) completely remove from the Land all associated materials, fixtures, fittings and debris.

**6. TIME FOR COMPLIANCE**

Three calendar months after this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 10th **July 2024** unless an appeal is made against it beforehand.

Dated: **28th May 2024**



Signed

Managing Director,

South London Legal Partnership on behalf of the  
Council of the London Borough of Merton

Address to which all communication should be sent: -

John Scarborough, Managing Director, South London Legal Partnership, Merton Civic Centre,  
London Road, Morden, Surrey, SM4 5DX (Ref: JF/LEG/3264/4)

**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. RAHAT RANA of 28 Martin Way, Morden SM4 5AH
2. The OWNER/OCCUPIER of 28 Martin Way, Morden SM4 5AH
3. BANK OF SCOTLAND PLC (Scot. Co. Regn. No. SC327000) of Intelligent Finance Division, P.O Box 17316, Edinburgh EH12 1AY.