

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 39a Clarendon Road, Colliers Wood, London, SW19 2DX in the London Borough of Merton shown edged red on the attached plan and is registered under Land Registry title number SGL776473 ('the Land').

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission and within the last four years, the erection of a roof terrace area built over the out rigger and the raising of party walls on the Land.

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 and it is not immune from enforcement action.
- (b) The roof terrace results in issues of overlooking to neighbouring properties. Due to its size, location, and design, is bulky and creates a sense of enclosure. This makes it visually obtrusive, incongruous, and unsympathetic to the character and appearance of the dwelling, the locality, and character of the area in general. Therefore, it is considered that the development conflicts with Policies DM D1, DM D2 and DM 3 of the Adopted Supplementary 2014; Merton Supplementary Planning Guide 4.2 Urban design objectives Continuity and Enclosure; Policy CS 14 of the LBM Core strategy 2011 and policies D3 and D4 of the London Plan 2021.

5. WHAT YOU ARE REQUIRED TO DO

- (a) Permanently set back the dormer on the outrigger up to 0.25m and reinstate the eaves to the side of the outrigger;
- (b) Reinststate the rear outrigger slope with materials of similar appearance to the property;
- (c) Alter the existing terrace to the proposed size under planning permission 22/P0962 and install 1.8m privacy screening as per drawing no. 3456-00-04 Rev. C (attached);
- (d) Permanently remove all materials, fixtures, fittings and debris associated with compliance arising from steps 5 (a), 5 (b), 5 (c) above.

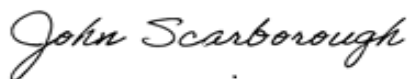
Time for Compliance: within 3 months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 03rd of September 2024 unless an appeal is made against it beforehand.

Dated: 30th of July 2024

Signed



Managing Director of South London Legal Partnership
On behalf of the Council of the London Borough of Merton

Address to which all communication should be sent:
Head of Legal Services, South London Legal Partnership, Merton Civic Centre, London Road, Morden, Surrey SM4 5DX (Ref: ABA-511/1570)

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, an appeal fee is payable, which is double that payable for a normal planning application. The total fee payable is £516.00.

Please email planenf@merton.gov.uk requesting instructions to pay or call 020 8545 3777 to make payment.

Joint appellants need only pay one set of fees.

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. NICHOLAS JAMIE CAPRINO of 39a Clarendon Road, Colliers Wood, London, SW19 2DX.
2. SANTANDER UK PLC (Company Registration Number 2294747) of 2 Triton Square, Regent's Place, London, NW1 3AN.
3. THE OWNER/OCCUPIER of 39a Clarendon Road, Colliers Wood, London, SW19 2DX.

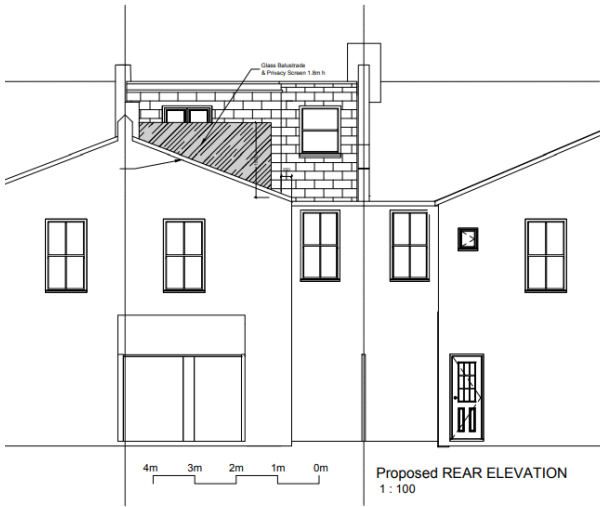
HM Land Registry
Official copy of
title plan

Title number **SGL776473**
Ordnance Survey map reference **TQ2770SW**
Scale **1:1250**
Administrative area **Merton**



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**BL
ARCHITECTURAL
DESIGN**
RESIDENTIAL - COMMERCIAL - RETAIL

LEMNIS HOUSE
CT21 4JN
Tel: 078 03592943
e-mail: barry@bl-archdesign.co.uk

Project
39a Clarendon Road
London SW19 2DX

Title
As Built & Proposed
Rear Elevation

Drawn By BJJ	Date 27/03/2023
Checked By ..	Date ..
Approved By ..	Scale 1:100@A3
Drawing No. 3456-00-04	Rev. C

Drawing no. 3456-00-04 Rev. C