

## **Committee:** Planning Applications Committee

**Date:** 13<sup>th</sup> August 2015

**Agenda item:**

**Wards:** All

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

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**Recommendation:**

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That Members note the contents of the report.

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**1. Purpose of report and executive summary**

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

<b>Current Enforcement Cases:</b>	<b>864</b> <sup>1</sup> (886)	<b>New Appeals:</b>	<b>3</b> (0)
<b>New Complaints</b>	<b>38</b> (35)	<b>Instructions to Legal</b>	<b>3</b>
<b>Cases Closed</b>	<b>60</b> (61)	<b>Existing Appeals</b>	<b>4</b> (4)
No Breach:	36	<hr/>	
Breach Ceased:	24	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>27</b> (48)
Total	<b>60</b> (61)	<b>% Determined within time limits:</b>	<b>90%</b>
<b>New Enforcement Notices Issued</b>		<b>High Hedges Complaint</b>	<b>0</b> (0)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>0</b> (3)
New Enforcement Notice issued	4	<b>Tree Replacement Notice</b>	<b>0</b>
S.215: <sup>3</sup>	0	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	0		
Total	3 (4)		
<b>Prosecutions:</b> (instructed)	0 (0)		

Note (*figures are for the period (7<sup>th</sup> July – 3<sup>rd</sup> August 2015)*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.00 New Enforcement Actions

- 2.01 24 Greenwood Close SM4** An enforcement notice was issued on 20<sup>th</sup> July 2015 against the unauthorised erection of a detached bungalow. The notice would come into effect on 25<sup>th</sup> August 2015 unless there is an appeal prior to that date. The main requirement of the notice is for the unauthorised building to be demolished within three months
- 2.02 18 Church Road Mitcham CR4** The Council issued an enforcement notice on 14<sup>th</sup> July 2015 against the unauthorised erection of bicycle shelter in the front garden of the property which is in a conservation area.. The notice would come into effect on 25<sup>th</sup> August 2015 unless there is an appeal prior to that date. The main requirement is to dismantle the structure within one month of the effective date.
- 2.03 36 Deal Road SW17** An enforcement notice was issued on 6<sup>th</sup> July 2015 against the conversion of the property from two into three self-contained flats involving the use of the roof space as a self-contained flat. The notice would come into effect on 10<sup>th</sup> August 2015 unless there is an appeal prior to that date. The main requirement of the notice would be for the use of the building as three self-contained flats to cease within 6 months.

## Recent Enforcement Actions

- 2.04 18 Morton Road, Morden SM4** The Council served an enforcement notice on 29<sup>th</sup> June 2015 against the erection of an outbuilding with a requirement to demolish the structure within two months of the effective date of the notice which comes into effect on 6<sup>th</sup> August unless there is an appeal prior to that date.

There was no appeal at the time this report was finalised.

- 2.05 32 Consfield Avenue KT3.** The Council issued an enforcement notice on 24<sup>th</sup> June 2015 against the unauthorised erection of a single storey rear extension. The notice came into effect on 30<sup>th</sup> July 2015 as no appeal was registered before that date. The main requirement is to remove the structure within one month of the effective date. The owner has indicated a retrospective planning application would be submitted for a smaller extension

- 2.06 3 Crown Lane, Morden SM4** An enforcement notice was issued on 22<sup>nd</sup> June 2015 against the unauthorised erection of a second single storey extension with wooden timber posts. The notice came into effect on 26<sup>th</sup> July 2015 and the extension has been demolished as required.

- 2.07 43 Approach Road, Raynes Park SW20.** An enforcement notice was issued on 4<sup>th</sup> June 2015 against the installation of a roof terrace with a requirement to cease its use and remove all facilitating fixtures such as the balustrade. The compliance period is one month of the effective date of 15<sup>th</sup> July 2015 as there was no appeal.

The landlord has to comply by 15<sup>th</sup> August 2015 or could be prosecuted.

- 2.08 Tooting Medical Centre, 5 London Road, Tooting SW17.** The Council served an enforcement notice on 9<sup>th</sup> April 2015 against the erection of a wooden panelled fence and a metal structure situated on top of the single storey rear part of the premises. The notice took effect on 20<sup>th</sup> May 2015 and the wooden fence (structure) has been removed in compliance with the requirement of the notice.

- 2.09 49 London Road, London SW17 9JR.** An enforcement notice was issued on 8/4/15 against the installation of three condenser/ventilation units to the rear elevation of the outrigger extension on the land. The notice came into effect on 19<sup>th</sup> May 2015 as there was no appeal. The requirements are for the unauthorised units and associated fixtures and fittings to be removed and the resulting debris also removed from the land within one month of the effective date.

- 2.10 25 Malcolm Road Wimbledon SW19** A section 215 (Amenity Land) Notice was issued on 10th September 2014 to require remedial works to the land involving the removal of hoarding, bamboo fencing, plastic sheeting on an existing car port, a marquee, a skip and also clear the land of abandoned building materials, wooden pallet and general waste. The notice came into effect on 9th October 2014 (28 days after service) as there was no appeal against the notice. Some works have been carried out to tidy the site.

The front of the site has been tidied up but the rear garden is still overgrown.

**2.11 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed. The notice came into effect immediately and as a first step requires the owner to submit an application for planning and listed building consent by 27<sup>th</sup> October 2014 for consideration. The schedule of works covering the roof and rainwater goods, masonry, chimney, render repairs, woodwork, glazing external and internal repairs, were meant to be completed within five months of the approval date.

**Listed Building Consent was granted on 3<sup>rd</sup> March 2015** to cover the required works include:

- 1) The roof and rainwater goods,
- 2) Masonry, chimney and render repairs
- 3) Woodwork, glazing and both internal and external repairs.

Officers were concerned about the section of the application which covers the Tudor part of the building so this was reserved for English Heritage's advice and involvement. A new person has been suggested by the landlord to carry out the survey and this has been referred to EH for approval.

The compliance period for completing the required works was 5<sup>th</sup> August 2015. The works are still on-going and the owners' agent is to submit an application to extend the completion period

**The Car lot** – the enforcement notice was issued on 9th July 2014 against the material change of use of the car park on the land for the sale of motor vehicles. The notice came into effect on 20<sup>th</sup> August 2014 as there was no appeal prior to that date and the compliance period would expire by 20<sup>th</sup> October 2014 (2 calendar months).

The car sales business has ceased in compliance with the requirements of the notice.

More cars have now been removed from the site and this is expected to continue until the site is cleared.

### **3.0 New Enforcement Appeals**

None

### **3.1 Existing enforcement appeals**

- **163 Central Road, Morden SM4,** An enforcement notice was issued on 9th April 2015 against the unauthorised conversion of an outbuilding into residential accommodation. The notice would have come into effect on 19th May 2015 but an appeal was registered and is proceeding under written representations. The requirements are for the unauthorised use to cease and the landlord to remove all partitions, facilities, fixtures and fittings facilitating the use of the outbuilding as a bedsit within four

months. The Council's questionnaire and consultee letters have been sent.

- **14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. An appeal has been registered and is proceeding by written representation. If the appeal is dismissed and the notice is upheld, the requirements would be for the owners to cease the use of the property as flats and remove all fittings and partitions facilitating the unauthorised use within three months.
- **204 Tamworth Lane, Mitcham CR4**, - An enforcement notice was issued on 11th May 2015 against the unauthorised erection of a second single storey rear extension and raised patio. An appeal has been registered and is proceeding under written representation. The main requirement of the notice is for the unauthorised extension to be demolished within 3 months.
- **Land and premises known as 336 Lynmouth Avenue, Morden SM4**. An enforcement notice was issued on 1st September 2014 against the unauthorised change of use of the land to a mixed use comprising a dwellinghouse and hostel accommodation involving the use of an outbuilding to the rear of the land as student accommodation. The compliance period would be 2 calendar months and the requirements are for the unauthorised use to cease and the removal of the wooden decking and banister at the front of the outbuilding. The Council's final statement was sent on 27<sup>th</sup> March 2015. The Planning Inspectorate has advised that they are behind with enforcement appeals and a site visit will be arranged shortly.

### **3.2 Appeals determined –**

None

### **3.3 Prosecution case.**

None

### **3.4 Requested update from PAC**

(b) Tooting Medical Centre, 5 London Road, Tooting, SW17 (para. 2.05) –

The Chair, Councillor Linda Kirby, advised that the wooden fence referred to in the report, was in fact of brick construction. Officers undertook to investigate and update the Chair on the matter.

#### **Response -**

The enforcement action was taken against the previous wooden fence which has now been dismantled. A site visit on the 25/6/2015 established the

enforcement notice had been complied with and the fence and shed had been removed.

Planning permission (ref: 15/P0728) was granted on 19/5/15 for 'brick boundary treatment at rear first floor level and change of use of the upper floor to D1 use from B1a use and to operate from 9am - 9pm'.

The new brick wall is therefore lawful.

In a recent appeal- 14/P2341 for the retention of the 'existing boundary treatment' the Inspector said he was satisfied that the relationship in terms of siting, orientation and scale of the boundary treatment in relation to the adjoining properties, and in particular 1 Golf Place caused no material harm to the living conditions of the immediate neighbours, including with respect to overlooking and loss of privacy; loss of light and noise and disturbance and to this end it would not conflict with the Framework or Policies DM D2 and DM D3 of the MSPP which seeks to achieve protection of amenity within the borough and protect new and existing development from visual intrusion.

**4. Consultation undertaken or proposed**

None required for the purposes of this report

**5 Timetable**

N/A

**6. Financial, resource and property implications**

N/A

**7. Legal and statutory implications**

N/A

**8. Human rights, equalities and community cohesion implications**

N/A

**9. Crime and disorder implications**

N/A

**10. Risk Management and Health and Safety implications.**

N/A

**11. Appendices – the following documents are to be published with this report and form part of the report Background Papers**

N/A

**12. Background Papers**