

**Committee:** Planning Applications Committee

**Date:** 12<sup>th</sup> November 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>865</b> <sup>1</sup> (838)	<b>New Appeals:</b>	<b>3</b> (2)
<b>New Complaints</b>	<b>62</b> (111)	<b>Instructions to Legal</b>	<b>2</b>
<b>Cases Closed</b>	<b>35</b> (64)	<b>Existing Appeals</b>	<b>9</b> (6)
No Breach:	15	<hr/>	
Breach Ceased:	20	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>58</b> (52)
<b>Total</b>	<b>35</b> (64)	<b>% Determined within time limits:</b>	<b>90%</b>
<b>New Enforcement Notices Issued</b>		<b>High Hedges Complaint</b>	<b>1</b> (0)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>4</b> (0)
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		
<b>Total</b>	<b>5</b> (6)		
<b>Prosecutions:</b> (instructed)	<b>0</b> (0)		

Note (*figures are for the period (6<sup>th</sup> October to 2<sup>nd</sup> November 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

- 2.01 112 Edgehill Road Mitcham CR4** An enforcement notice was issued on 26<sup>th</sup> October 2015 against the erection of a 'canopy type' rear extension. The requirement is to demolish the structure within one month of the effective date unless an appeal is made before 5<sup>th</sup> December 2015 which is the effective date.
- 2.02 4 Sunnymead Avenue Mitcham CR4-** The Council served an enforcement notice against a front roof alteration and rear dormer on 26/10/15. The notice comes into effect on 5/12/15 unless an appeal is made prior to that date. The requirement is to demolish the unauthorised roof extension within one month.
- 2.03 10 Lammas Avenue Mitcham CR4-** The Council served an enforcement notice on 19<sup>th</sup> October 2015 against the erection of a rear roof extension to the property. The requirement is to demolish the extension and reinstate the roof slope using similar materials at the adjoining properties. The notice would come into effect on 30<sup>th</sup> November 2015 unless there is an appeal prior to that date. The compliance period is three months.

- 2.04 61 Commonsides West Mitcham CR4** An enforcement notice was issued on 12<sup>th</sup> October 2015 against a roof alteration at the property with a requirement to remove the unauthorised roof and replace with the original flat roof. The notice would come into effect on 20/11/15 unless there is an appeal prior to that. The compliance period is one month.

#### **Recent Enforcement Actions**

- 2.05 19 Laings Avenue Mitcham CR4** The Council issued an untidy land notice on 10<sup>th</sup> September 2015 to require the owner to trim and cut back overgrown bushes in the rear garden and the garden in an tidy condition. The notice came into effect on 1<sup>st</sup> October as there was no appeal and the owner has 28 days to comply with the requirements. The required works have been carried out in compliance with the notice and the file has been recommended for closure.
- 2.06 1 Dovedale Rise, Mitcham CR4** - The Council served an enforcement notice on 17<sup>th</sup> August 2015 against the erection of four outbuildings in the rear garden of the property with a requirement to demolish these structures within three months of the effective date. The notice came into effect on 25<sup>th</sup> September as there was no appeal prior to that date. The compliance period expires by 25<sup>th</sup> December 2015.
- 2.07 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 but this has been delayed. An extension has been agreed for an application to be submitted as failure could result in prosecution for non-compliance.
- 2.08 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. The owner has made some progress by removing the balustrade but the decking is still in place.

- 2.09 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.

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

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

Officers inspected the property with a representative from English Heritage on 17<sup>th</sup> September and it appeared that works have been halted. A work scheduled showing expected completion times has been requested from the contractor/agent to support a current application for a time extension to complete the works.

**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).

Most of the cars have now been removed – the remaining cars are broken and need to be towed or carried on transporters.

### **3.0 New Enforcement Appeals**

**18 Morton Road, Morden SM4** The Council served an enforcement notice on 29th 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 of 6/8/15. The Council has been notified of an appeal and a questionnaire and relevant policies have been sent to the Inspectorate.

#### **3.1 Existing enforcement appeals**

- **2 Cavendish Road, Colliers Wood SW19** - The Council issued an enforcement notice on 18th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice would have come into effect on 30th September 2015 but the Council has been notified of an appeal. The main requirement is to remove the first floor structure within one month of the effective date. The Council's questionnaire and policies sent to the Inspectorate.
- **61 The Quadrant SW20** - The Council issued an enforcement notice on 25th August 2015 against the unauthorised erection of a single storey rear extension. The notice would come into effect on 6th October 2015 unless there is an appeal prior to that date. The main requirement is to demolish the structure within three months of the effective date. The Council's questionnaire and policies sent to the Inspectorate.
- **14 Glenthorpe Road Morden SM4** An enforcement notice was issued against the erection of a raised timber decking with uprights and a polycarbonate lean-to with roofing. The requirements are to remove these structures within one month of the effective date. The owner has appealed and the council's statement was sent on 5/10/15.
- **36 Deal Road SW17** An enforcement notice was issued on 6th 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 have come into effect on 10th August 2015 but an appeal has been registered.

The main requirement of the notice would be for the use of the building as three self-contained flats to cease within 6 months.

- **24 Greenwood Close SM4** An enforcement notice was issued on 20th July 2015 against the unauthorised erection of a detached bungalow. The notice would have come into effect on 25th August 2015 but an appeal has been registered.

The main requirement of the notice is for the unauthorised building to be demolished within three months

- **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.

Final statements and comments have been exchanged and now awaiting an inspector site visit date.

- **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.

The Council's statement has been sent to the Inspectorate and expecting a site visit.

### **3.2 Appeals determined –**

**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.

## **Decision.**

The appeal was partly allowed on ground 'D' that the decking had been in place for more than four years and is therefore immune.

The inspector dismissed the appeal and upheld the enforcement notice with a variation arguing that the use of the outbuilding by exchange student was not simply an intensification of an incidental use but it was a commercial use that has resulted in a material change of use.

The notice was varied by the deletion of requirement no.2 relating to the removal of the wooden decking and banister.

## **Prosecution case.**

**None**

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

(b) **24 Greenwood Close, SM4 (para. 3.1)** – Officers undertook to ask the Enforcement Team to advise Councillor Tobin Byers of the time scale for the enforcement appeal for this site.

*The original date of 11/11/15 for submitting appeal statements have been extended to 25/11/15.*

(c) **Burn Bullock PH, 315 London Road, Mitcham, CR4 (para. 2.09)** – Officers undertook to ask the Enforcement Team to advise Councillor Ross Garrod what be the next step would be if the owner didn't submit an application for planning and listed building consent by 27 October 2015 as required.

*Sufficient supporting information has been provided to enable an extension to be granted for the required works to continue to completion.*

(d) **18 Morton Road, Morden, SM4 (para. 2.06)** – Councillor Philip Jones advised that this property (which was already the subject of an enforcement appeal for an outbuilding) was being advertised as a bed and breakfast establishment. Officers undertook to investigate.

*This is being investigated.*

### **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**

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