

**Committee:** Planning Applications Committee

**Date:** 17<sup>th</sup> March 2016

**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>786</b> <sup>1</sup> (786)	<b>New Appeals:</b>	<b>0</b> (1)
<b>New Complaints</b>	<b>36</b> (43)	<b>Instructions to Legal</b>	<b>2</b>
<b>Cases Closed</b>	<b>93</b> (104)	<b>Existing Appeals</b>	<b>4</b> (6)
No Breach:	51	<hr/>	
Breach Ceased:	42	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>69</b> (37)
Total	<b>93</b> (104)	<b>% Determined within time limits:</b>	<b>95%</b>
<b>New Enforcement Notices Issued</b>		High Hedges Complaint	<b>0</b> (0)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>1</b> (4)
New Enforcement Notice issued	2	<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	2 (0)		
<b>Prosecutions:</b> (instructed)	0 (0)		

Note (*figures are for the period (2<sup>nd</sup> February to 7<sup>th</sup> March 2016)*). 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

**2.01 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice would come into effect on 18<sup>th</sup> March 2016 unless there is an appeal prior to that date and the requirement would be to cease using the building as eight self-contained flats.

**2.02 3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4<sup>th</sup> February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The notice would come into effect on 10<sup>th</sup> March 2016 unless there is an appeal and the owner is required to remove the extension and associated debris within one month of the effective date.

## **Some Recent Enforcement Actions**

**2.03 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 came into effect on 20/11/15 as there was no appeal prior to that. The compliance period is one month.

**2.04 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 expired on 25<sup>th</sup> December 2015. **The landlord has confirmed that the structures are to be removed by the end of March 2016.**

**2.05 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.

Listed Building Consent was granted on 3<sup>rd</sup> March 2015 to cover the required works which include the roof and rainwater goods, masonry, chimney and render repairs and woodwork, and glazing.

On 6/11/15 an extension (ref 15/P2924) (expiring on 6/3/16) was granted to allow the required works to be completed. An update on progress of the works will be made at the meeting.

## **3.0 New Enforcement Appeals**

**None**

## **3.1 Existing enforcement appeals**

- **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 would have come into effect on 5/12/15 but an appeal has been registered. The requirement is to demolish the unauthorised roof extension within one month.
- **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.

**An inspector site visit took place on 8/2/16 and a decision is expected between 2 – 5 weeks.**

- **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 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.

The Council's statement was sent on 1/12/15. PINS have confirmed an extension to 5/1/16 at the request of the appellant as they want two other planning appeals for the same development to be co-joined and dealt with by one inspector. **The next stage would be an inspector site visit.**

- **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.

**An inspector site visit took place on 8/2/16 and a decision is expected between 2 – 5 weeks.**

### **3.2 Appeals determined –**

- **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 main requirement is to demolish the structure within three months of the effective date. An appeal was allowed with the Inspector stating that there is no loss of sunlight to the adjoining property at 59 The Quadrant.
- **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 following the refusal of planning permission and the dismissal of a subsequent appeal against the refusal of planning permission. An enforcement appeal has been dismissed and the notice upheld by the inspector with a requirement that the unauthorised extension be demolished within 3 months.
- **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.

An appeal against the enforcement notice has been dismissed with the inspector expressing concerns of the size of the flats on the effects of the living conditions of the occupiers. Indeed in the top floor flat, a minimum floor to ceiling height of at least 2.5m was not available for about a large part of the gross internal area.

- **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 main requirement is to remove the first floor structure within one month of the effective date.

The appeal was dismissed and the enforcement notice upheld as the Inspector was concerned about the impact of the extension on the living conditions of the occupiers of the neighbouring properties.

**Prosecution case.**

None

**3.4 Requested update from PAC**

**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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