

PLANNING APPLICATIONS COMMITTEE
9 FEBRUARY 2017

Wards: All
Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES
Lead officer: HEAD OF SUSTAINABLE COMMUNITIES
Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE
Contact Officer Sam Amoako-Adofo: 0208 545 3111
 sam.amoako-adofo@merton.gov.uk

Recommendation:

That Members note the contents of the report.

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.

Current Enforcement Cases: 531 ¹ (531)	New Appeals: 0 (0)
New Complaints 40 (45)	Instructions to Legal 0
Cases Closed 42 (52)	Existing Appeals 4 (4)
No Breach: 25	
Breach Ceased: 17	
NFA ² (see below): -	
Total 40 (52)	
New Enforcement Notices Issued	TREE ISSUES
Breach of Condition Notice: 0	Tree Applications Received 50 (55)
New Enforcement Notice issued 3	% Determined within time limits: 95%
S.215: ³ 1	High Hedges Complaint 0 (0)
Others (PCN, TSN) 4	New Tree Preservation Orders (TPO) 0 (0)
Total 7 (5)	Tree Replacement Notice 0
Prosecutions: (instructed) 2 (0)	Tree/High Hedge Appeal 0

Note (*figures are for the period (10th Jan 2017 – 31st Jan 2017*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

- 2.01 14 Nelson Road, SW19** On 20/12/16 the council issued an enforcement notice against the unauthorised erection of a single storey rear extension. The notice would come into effect on 1/2/17 unless an appeal is made prior to that. The compliance period is one month. No appeal has been made. The owner has confirmed the single storey extension will be removed.
- 2.02 1 Flaxley Road Morden SM4 6LJ** • the Council issued an enforcement notice on 5th December 2016 against the erection of a single storey rear extension at the property. The notice requires the structure to be demolished and would become effective by 16/1/17 unless there is an appeal prior to that date. No appeal has been made.
- 2.03 13 Fairway, Raynes Park SW20.** On 2nd December 2016, the council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken. Next step is prosecution.
- 2.04 218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice takes effect on the 28th February 2017, giving two months for one of the above options to be carried out, unless an appeal is made before 28th February 2017
- 2.05 58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice takes effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months, unless an appeal is made before 15th February 2017.
- 14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8) . The Notice takes effect on the 15th February 2017, unless an appeal is made before this date, giving a month to completely and permanently cease the use of the outbuilding and garden for the storage of building materials.

- 2.06 2 & 2A Elm Garden, Mitcham, CR4 4HA.** The council issued an enforcement notice on the 12th January 2017 for 'erection of a single storey bungalow on the Land. The notice requires the structure to be demolished and will take effective on 18th February 2017, unless an appeal has been made. To o appeal has been made
- 2.07 31 Eveline Road, Mitcham.** An enforcement notice was issued on the 18th December 2016 for 'Use of the rear domestic garage on the land for car repairs, breaking of cars and storage. The notice requires the cessation of the garage for car repairs, breaking of cars and storage. The notice was effective on 12th January 2017. The notice was complied with on 5th January 2017.
- 2.08 36 Biggins Avenue, Mitcham, CR4 3HN.** The council issued an enforcement notice on the 18th January 2017 for 'the single storey front extension and the created balcony on the first floor of the property. The notice requires the structures to be demolished and will take effective on 1st March 2017, unless an appeal is made.

Some Recent Enforcement Actions

- 2.04 55-61 Manor Road, Mitcham** An enforcement notice was issued on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 as no notification of an appeal has been received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he has failed to comply with the notice, the Council is now considering prosecution proceedings.
- 2.05 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.
- 2.06 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th 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 3rd March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations.

3.0 New Enforcement Appeals

None

3.1 Existing enforcement appeals

- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3rd October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council has been notified of an appeal. The compliance period would be two calendar months. We are waiting for a start date letter from the Planning Inspectorate to confirm formal registration and start of this appeal.
- **34 St Barnabas Road, Mitcham** On 30th August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 meters to 8.4 metres. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received. The start date of the appeal has now been confirmed as the 18th January 2017 and statements will be submitted shortly.
- **21 Merton Hall Road, Morden.** The Council issued an enforcement notice on 9/8/16 against the unauthorised erection of a wooden bike shelter. The notice would have come into effect on 15th September 2016 but the Council has been notified of an appeal. The requirement is to remove the shed within a month. The Councils statement has now been submitted.
- **Wyke Road, Raynes Park SW20.** The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal has been submitted. The Councils statement has now been submitted.
- **44 Homefield Gardens, Mitcham CR4 3BY.** An enforcement notice was issued on 3rd August 2016 against the erection of a single covering structure at the front of the property. The notice would have come into effect on the 7th September 2016 but an appeal has been submitted. An appeal statement has been submitted to the inspectorate and we are awaiting a site visit date by the inspectorate.

3.2 Appeals determined –

- **3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4th 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 owner is required to remove the extension and associated debris within one month of the effective date. The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17.
- **32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. The appeal was dismissed on 29/12/16 and the new compliance date by which to demolish the front gates is 29th March 2017.
- **Swinburn Court, 32 The Downs SW19.** The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date. The appeal was dismissed on 10/1/17 and the appellant has three months to comply.

Prosecution cases.

- **170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. A site visit on 4th October 2016 confirmed that the notice has not been complied with and prosecution documents have been forwarded to Legal Services for further action.
- **Land, at 93 Rowan Crescent Streatham, SW16 5JA.** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings to be instigated.

3.4 Requested update from PAC

None

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**