

PLANNING APPLICATIONS COMMITTEE

26 SEPTEMBER 2019

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: CABINET MEMBER FOR REGENERATION, HOUSING AND TRANSPORT COUNCILLOR MARTIN WHELTON and COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

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Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of casework 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:	973	¹ (950)	New Appeals:	(1)	(0)
New Complaints	99	(43)	Instructions to Legal	0	(0)
Cases Closed	76		Existing Appeals	3	(2)
No Breach:	42		<hr/>		
Breach Ceased:	34		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	90	(62)
Total	76	(25)	% Determined within time limits:	80%	
New Enforcement Notices Issued			High Hedges Complaint	0	(0)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	1	(1)
New Enforcement Notice issued	5	(0)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	(0)
Others (PCN, TSN)	1	(1)			
Total	6	(0)			
Prosecutions: (instructed)	0	(0)			

Note (*figures are for the period from 10th August 2019 to 12th September 2019*). 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.

2.0 New Enforcement Actions

47 Edgehill Road CR4 2HY. This is concerning a rear extension not being built to the dimensions provided on the prior approval application. A Planning Enforcement Notice was subsequently issued requiring the demolition of the single storey rear extension. The Notice takes effect on 16th September 2019. The Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice comes into effect. Having spoken to the planning inspectorate on 06/09/2019, no planning appeal has been electronically submitted, although from correspondences with the owner of the property, an appeal is expected.

183A Streatham Road CR4 2AG. An Enforcement Notice was issued on 1st May 2019 relating to the erection of a rear balcony to the existing rear roof dormer of the property. The Notice requires demolishing the rear balcony to the existing rear roof dormer and restoring the property to that prior to the breach. The Notice would have taken effect on 4th June 2019, with a compliance period of 2 months if no appeal is made. An appeal has now been lodged with the Planning Inspectorate.

76 Shaldon Drive, Morden, SM4 4BH. An enforcement notice was served on 14th August 2019 relating to an outbuilding being used as a self-contained unit. The notice requires the removal of all kitchen facilities, fixtures, fittings, cooker, worktops, kitchen units. The notice takes effect on 16th September 2019, with a compliance period of 1 month if no appeal has been lodged.

74 Beeleigh Road, Morden, SM4 5JW. An Enforcement Notice was issued on the property on 17th December 2018 for 'Without planning permission the erection of a single story front extension. The notice requires the owner to demolish the front extension; and would have taken effect on 21st January 2019 with a compliance period of four months of that date unless an appeal was made. An appeal was made under ground (A) That Planning Permission should be granted. The Council's statement has been submitted.

The former laundry site, 1 Caxton Road, Wimbledon SW19 8SJ. Planning Permission was granted for 9 flats, with 609square metres of (Class B1) office units. 22 flats have been created. A Planning Enforcement Notice was issued on 11th October 2018 requiring either the demolition of the development or building to the approved scheme. The Notice took effect on 18th November 2018 with a compliance period of 12 calendar months. An appeal was made but subsequently withdrawn the following day. The owner decided to comply with the approved permission and is in the process of returning some the residential units back to their authorised office use. Bath and shower units have been removed; the office units are currently being advertised for let. The garage flat is no longer being used for residential and is in the process of being returned to a garage. Planning Application 19/P1527 for Discharge of Conditions has been submitted and is currently being considered.

2 Dahlia Gardens, Mitcham, CR4 1LA. An enforcement notice was served on the 19th August 2019 for an outbuilding to be demolished and all materials resulting in this to be removed from the Land or to revert the outbuilding to be in accordance with permitted development rights under a previous application - 18/P0103. The Notice takes effect on 24th September 2019, unless an appeal is made before this date. The compliance period is 3 months from the date the enforcement Notice takes effect.

33 HASSOCKS ROAD, LONDON. SW16 5EU: This was regarding the unauthorised conversion from a single dwelling into 2 x self contained flats against a refusal planning

permission. A planning Enforcement Notice was subsequently issued on 10th September 2019 and takes effect on 15th October 2019. This Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice takes effect.

6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 1) This is regarding a side extension not built in accordance with approved plans. A planning Enforcement Notice was subsequently issued on 11th September 2019 and takes effect on 16th October 2019. The Notice requires the cessation of the use of side extension as separate self-contained unit, and the removal of all those fixtures and fittings that facilitate the unauthorised use of the extension including the permanent removal of the facilities in use for cooking facilities, kitchen unit, sink, worktop, appliances, and food preparation areas. This Notice has a compliance period of 3 calendar months, unless an appeal is made to the Planning Inspectorate before the Notice takes effect.

6 CARTMEL GARDENS, MORDEN SM4 6QN: (Notice 2) This is regarding the unauthorised use of side extension as a self-contained unit. A planning Enforcement Notice was subsequently issued on 11th September 2019 and takes effect on 16th October 2019 unless an appeal is made to the Planning Inspectorate before this date. The notice requires the demolition of the rear extension. This Notice has a compliance period of 3 calendar months.

Some Recent Enforcement Actions

Burn Bullock, 315 London Road, Mitcham CR4.

A Listed Buildings Repair Notice (LBRN) was issued in 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 in 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 in April 2016 concluded that the required works had been carried out to an acceptable standard.

At a site visit in 2017 it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action. Repairs were made and inspected by the case officer and conservation officer in 2018 who have concluded that the works are satisfactory.

1 Cambridge Road, Mitcham, CR4 1DW. The council issued a S215 notice on 21st August 2017 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 took effect on the 21st September 2017. Due to the time that has elapsed since the issuing of the Notice a new Notice was issued and served on 13th November 2018 giving 28 days in which to comply with the Notice. To date the Notice has not been complied and direct action is now under consideration.

Direct action has now been taken, with the site being cleared by contractors and is now in a satisfactory condition regarding the S215 notice. The property has been safeguarded and is under consideration on how to reinstate the property back into its residential use. A charge will also be placed on the property to recoup the cost of the works undertaken. The planning enforcement case is to now be closed.

- **399 Hillcross Avenue, Morden, SM5 4BY**

The Council served an enforcement notice on the 14th May 2019 to require the

following steps; - revert the property to a single dwelling; and to remove from the land all materials and debris resulting from the compliance. The property has been changed from a dwellinghouse into four separate flats without planning permission. The compliance date is the 24th September 2019.

This owner of the property has already complied with the enforcement notice and the property has been restored back to a single dwelling house. The case has now been closed.

7 Streatham Road, Mitcham, CR4 2AD

The Council served two enforcement notices on 6th June 2019, requiring the outbuilding to be demolished and to clear debris and all other related materials. The second enforcement notice is for an unauthorised front, side and rear (adjacent to Graham Road) dormer roof extensions. An appeal was lost for the dormers to be considered permitted development, the notice requires the owner to demolish the unauthorised front, side and rear roof dormer extensions (adjacent to Graham Road) and to clear debris and all other related materials. Both Notices come into effect on 8th July 2019 unless appeals are made before this date. To date no appeal has been lodged.

The compliance date of the Enforcement Notice relating to the outbuilding to be demolished and to clear debris and all other related materials has now passed without compliance. A warning letter of prosecution has now been sent.

3.0 New Enforcement Appeals - 1 Existing enforcement appeals - 2 Appeals determined – 1

22 St George's Road, Mitcham, CR4 1EB. The council issued an Enforcement Notice on the 7 May 2018 for 'erection of high fence and patio at the property. The notice requires removal of the fencing and decking from the Property and will take effect on 14th June 2018 with a compliance period of one month of this date unless an appeal is made. The Appeal has now been determined. With the outcome that the decking was considered to be Permitted Development, but the fencing has to be reduced in height or removed. The fencing has now been reduced as required and the Enforcement Notice has now been complied with.

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 None**