



Appeal Decision

Site visit made on 16 September 2026

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2026

Appeal Ref: APP/T5720/C/25/3364443

31 Glebe Avenue, Mitcham CR4 3DZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Hamid Eftekhari Nejad against an enforcement notice issued by the London Borough of Merton.
 - The notice was issued on 19 March 2025.
 - The breach of planning control as alleged in the notice is:
 - a) the conversion of a dwellinghouse to a one bedroom flat and two studio flats (“the Flats”)
 - b) the erection of an unauthorised single storey rear extension (“the Rear Extension”) (and together called “the Development”).
 - The requirements of the notice are to:
 - a) Convert the main property back to a single dwellinghouse, this includes and not limited to removing the new kitchens and bathrooms for the Flats; and
 - b) Completely demolish the Rear Extension and reinstate the rear to its previous state prior to the breach of planning control as shown in Appendix 2.
 - c) Remove from the Land all debris associated with compliance with paragraphs 5(a) and 5(b) above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Procedural matters

1. As set out in the correspondence of 23 April 2025, ground (a) is barred. The appeal therefore proceeds on ground (f) only.
2. No representative of the Council attended the site visit at the arranged time. With the appellant’s agreement, I proceeded with an access-required site visit.

The appeal on ground (f)

3. The ground (f) appeal is that the requirements of the notice exceed what is necessary. The purposes of an enforcement notice are to remedy the breach of planning control or any injury to amenity. As the notice requires the property to be converted back to a single dwellinghouse and the unauthorised rear extension to be demolished, its purpose is clearly to remedy the breach.
4. There is no appeal on ground (a). As the purpose of the notice is to remedy the breach, a lesser step that would not achieve that purpose cannot succeed under ground (f). Nor can ground (f) be used to argue that the requirements exceed what is necessary to remedy injury to amenity where the notice seeks to remedy the breach itself. The appeal on ground (f) therefore fails.

Formal Decision

5. The appeal is dismissed and the enforcement notice upheld.

A A Phillips

INSPECTOR