

RE: 176 MAWNEY ROAD, ROMFORD, RM7 8BU (Ref: ENF/737/17)

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: London Borough of Havering (herein after referred to as “the Council”)

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

The land at **176 MAWNEY ROAD, ROMFORD, RM7 8BU**, shown edged in black on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

- (1) Without planning permission, raising the height of the rear part of the building by approximately 1 metre to facilitate the change of use of storerooms into a new self-contained flat (176C Mawney Road) at the rear of the ground floor;
- (2) Without planning permission, the change of use of the two storey outbuilding at the rear into a new self-contained residential accommodation.

4. **REASONS FOR ISSUING THIS NOTICE**

- 1) It appears to the Council that the above breaches of planning control have occurred “within the last FOUR years” and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity which has been caused by the breach.
- 2) It is considered that the conversion of the outbuilding to residential accommodation, is a poor quality of conversion by way of inadequate outdoor amenity space, poor outlook, lack of parking provision and cramped internal living conditions would be harmful to the current and future occupiers contrary to Policies DC4, DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD, London Plan Policy H2 and guidance within the NPPF 2018.

- 3) It is considered that the open stair case leading to the first floor area includes a raised platform which could potentially be used as a sitting out area and also the height of the stairs leading to the first floor room creates a harmful actual and perceived overlooking to adjacent neighbours, which is harmful to the residential amenity of the adjacent occupiers at Nos. 174, 178, 180 and 182 Mawney contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 4) It is considered that the raised roof of at the rear of the main building due to its height, mass and bulk presents an over scaled feature to the rear garden and presents a bulky and overbearing feature to neighbouring gardens contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions and Alterations Supplementary Planning Document, Policy 7.4 of the London Plan and the National Planning Policy Framework July 2018.
- 5) It is considered that by reason of the inadequate on site car parking provision and arrangement, the new residential accommodation in the new flat and also in the 2 storey accommodation has resulted in unacceptable overspill of vehicles onto the pedestrian pathway, adjoining roads and conflicts with pedestrians and highway users, to the detriment of highway safety and residential amenity, contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD and the National Planning Policy Framework 2018.
- 6) It is considered that the new use as residential accommodation for both the new flat at ground floor rear and the 2 storey outbuilding has resulted in an increase of noise and disturbance at the property, causing harm to neighbouring residential amenity and adversely affecting the living conditions of adjacent occupiers, contrary to Policies DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 7) It is considered that the flank windows of the outbuilding facing No. 178 Mawney Road creates harmful actual and perceived overlooking of several rear gardens on Mawney Road to the North harmful to residential amenity contrary to Policy DC61 of the LDF Core Strategy, Development Control Policies DPD and London Plan Policy H2.

- 8) The Council does not consider that planning permission should be granted for the development because conditions attached to any consent cannot remedy the breach.

5. WHAT YOU ARE REQUIRED TO DO

Within 3 months of the effective date of this Notice to:

- (i) Cease the use of the rear outbuilding as residential accommodation, including the removal of all residential paraphernalia including sleeping, cooking and bathing amenities;

AND

- (ii) Reduce in height the raised roof on the single storey rear extension to unit 176c Mawney Road to the height which existed prior to conversion;

AND

- (iii) Cease the use of the flat known as 176c Mawney Road, Romford RM7 8BU as residential accommodation, including the removal of all residential paraphernalia including sleeping, cooking and bathing amenities;

AND

- (iv) Once steps (i), (ii) and (iii) are complied with, remove all resulting materials and debris from the site.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **6th March 2019**, unless an appeal is made against it beforehand

Dated: 30th January 2019

Signed:



David Colwill

Authorised Officer

on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

Nominated Officer:

Patricia Adesina, Planning Enforcement & Appeals Technician
01708 433959 patricia.adesina@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before the 6th March 2019. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 6th March 2019 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the Notice.

FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A summary of Sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) is enclosed with this Notice.

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be in writing and received, or posted (with the postage paid and properly addressed) in time to be received in the ordinary course of the post, by the Secretary of State on or before the 6th March 2019. If you intend to appeal against this Notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that, those matters have not occurred;
- (c) that, those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that, copies of the Enforcement Notice were not served as required by section 172;

- (f) that steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

PLANNING APPLICATION FEE

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of **£924** is payable to the Council when you lodge your appeal. If you do not pay this fee, the planning merits of your appeal will not be considered by the Planning Inspector.

STATEMENT ON GROUNDS OF APPEAL

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

RECIPIENTS OF THE ENFORCEMENT NOTICE

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

- (1) The Owner 176 Mawney Road, Romford , RM7 8BU
- 2) The Owner 176c Mawney Road , Romford RM7 8BU
- 3) The Owner Rear of 176 Mawney Road, Romford RM7 8BU
- 4) The Occupier, 176 MAWNEY Road, RM7 8BU
- 5) The Occupier 176c Mawney Road RM7 8BU
- 6) The Occupier rear of 176 Mawney Road RM7 8BU
- (7) PROPRIETOR: MULLA NIYAZI, 1 The Close, Oaks Lane, Barkingside, Essex IG2 7RS.
- (8) Proprietor: BUSINESS MORTGAGE FINANCE 7 PLC (Co. Regn. No. 6252784) of Asticus Building, 2nd Floor, 21 Palmer Street, London SW1H 0AD.

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

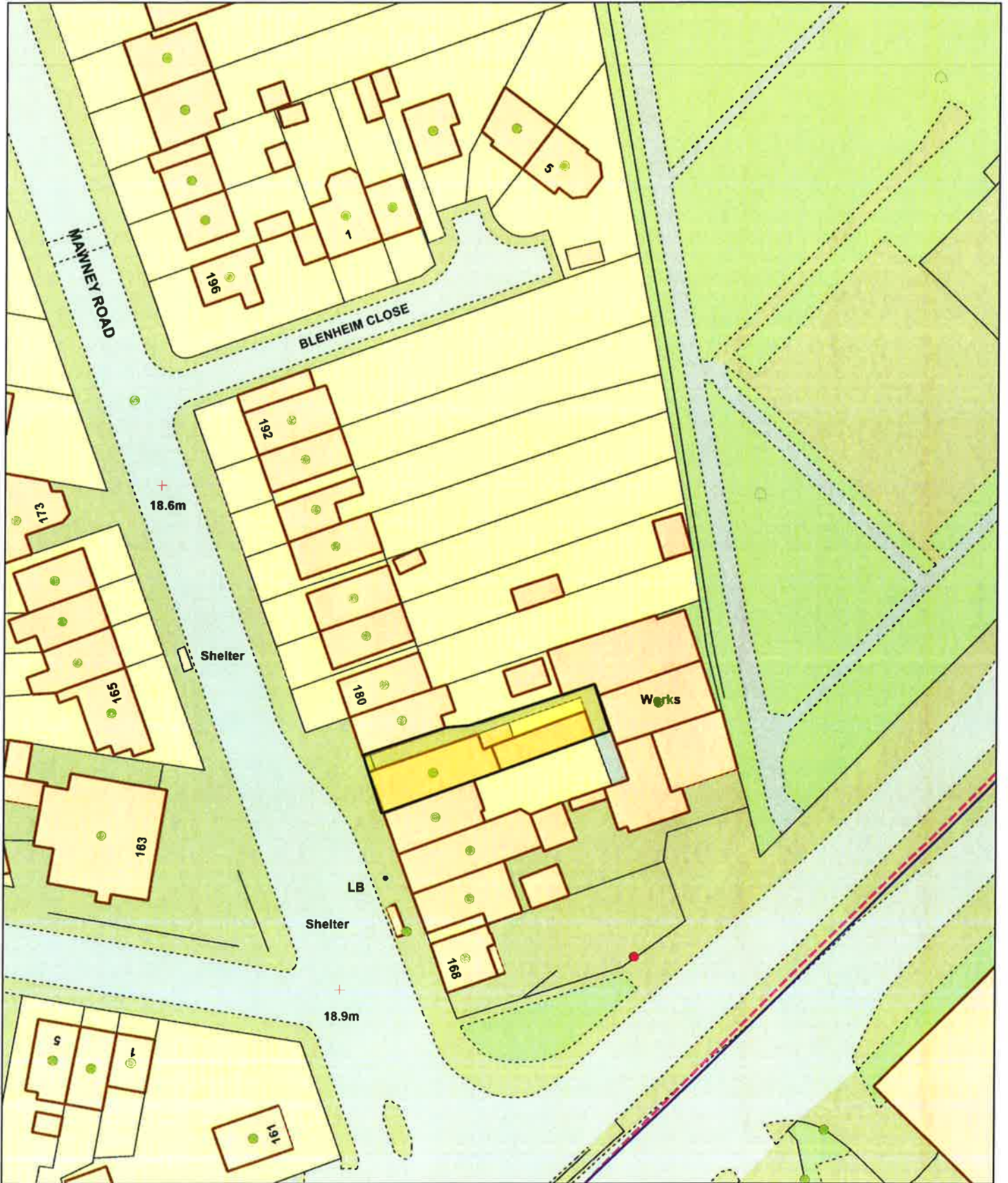
You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.



176 Mawney Road

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nlpq NSQ Ordnance Survey
 BUSINESS STREET Licensed Partner

Scale: 1:500
 Date: 30 January 2019

Havering
 LONDON BOROUGH

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