

RE: 39 Gordon Avenue Hornchurch RM12 4EA

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 **RE: 39 Gordon Avenue Hornchurch RM12 4EA**, shown edged in black on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the erection of a single storey rear extension, first floor extension, hip to gable, loft conversion, raised front roof, raised rear platform, non-matching brickwork to the flank elevation, 3 rooflights and an outbuilding.

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 cumulative impact from the loft conversion including the hip to gable roof conversion, the alteration to the front gable roof height, the addition of the rear dormer window and the construction of the single storey rear extension unbalances the appearance of the pair of semidetached bungalows and appears as an unacceptably dominant and visually intrusive feature in the street scene and also within the rear garden environment harmful to the appearance of the surrounding area, 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 contrary to guidance within the Revised NPPF.
- 3) It is considered that the cumulative impact from the single storey rear extension and rear dormer window, by reason of its excessive depth, height

and position close to the boundaries of the site, is an intrusive and unneighbourly development as well as it has an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions and Alterations Supplementary Planning Document and Policy 7.4 of the London Plan. The rear dormer window, by reason of its scale, bulk and mass, relate unacceptably to the existing dwelling and appears as an unacceptably dominant and visually intrusive feature in the rear garden scene. The development therefore is harmful to the character and appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions and Alterations Supplementary Planning Document and Policy 7.4 of the London Plan.

- 4) It is considered that the raised platform area at the rear of the single storey rear extension due to its height, positioning and use as a sitting out area creates a harmful actual and perceived overlooking to the adjacent neighbours, harmful to the residential amenity of the adjacent occupiers at Nos. 37 & 41 Gordon Avenue contrary to Policy DC61 of the LDF Core Strategy and the Development Control Policies DPD and guidance within the Revised NPPF.
- 5) It is considered that the outbuilding to the rear due to its height, mass and bulk presents an over scaled feature to the rear garden 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 contrary to guidance within the Revised NPPF.
- 6) It is considered that the addition of the bricks to the flank elevation facing 41 Gordon Avenue appears foreign and incongruous to the host dwelling and is an alien and unattractive addition. The new wall is therefore contrary to the Residential Extensions & Alterations SPD and Core Strategy Policy DC61 as well as Policy 7.4 of the London Plan and guidance within the Revised NPPF.
- 7) 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) Remove or demolish the outbuilding and remove all materials and debris from the site;

Or

Reduce the height of the outbuilding so that it is no more than 2.5 metres high as measured externally.

AND

- (ii) Demolish the single storey rear extension;

AND

- (iii) Demolish the first floor extension, the hip to gable loft conversion and the rear dormer;

AND

- (iv) Reduce the height of the roof gable at the front elevation to its height prior to works commencing. This should match the height of the gable at 37 Gordon Avenue.

AND

- (v) Remove / demolish the raised rear platform and remove all materials and debris from the site;

AND

- (vi) Remove the bricks along the flank elevation which faces 41 Gordon Avenue;

AND

- (vii) Once all steps are complied with, remove all materials and debris from the site

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **5th November 2018**, unless an appeal is made against it beforehand

Dated: 1st October 2018

Signed: 

Simon Thelwell Authorised Officer

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

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before the **5th November 2018**. 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 **5th November 2018** 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 **5th November 2018**.

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.

GROUNDINGS 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 **£206.00** is payable both to the Secretary of State and to the Council, making the total fees payable **£412.00** If the fees are not paid then that ground of appeal will not be valid

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, 39 Gordon Avenue Hornchurch RM12 4EA
- (2) The Occupier, 39 Gordon Avenue Hornchurch RM12 4EA
- (3) ANDRAS MOSZUR, 39 Gordon Avenue Hornchurch RM12 4EA
- (4) BOGDANA SHAMCHUK, 39 Gordon Avenue Hornchurch RM12 4EA
- (5) Companies Secretary, NATIONAL WESTMINSTER BANK PLC (Co. Regn. No.929027) of Mortgage Centre, P.O. Box 123, Greenock PA15 1EF.



39 Gordon Avenue

39 Gordon Avenue



Scale: 1:500
Date: 28 September 2018



London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel: 01708 434343

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Ordnance Survey 100024327

Customer Support Team
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 written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- 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.