

RE: 38 DERBY AVENUE, UPMINSTER, RM14 2NR

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 38 Derby Avenue, Upminster, RM14 2NR, as 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 that extends 6.1m beyond the original rear wall of the house.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has 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 or injury which has been caused by the breach.

It is considered that the development is, by reason of scale, bulk and mass is an unacceptably dominant and visually obtrusive intrusive and un-neighbourly development as well as having an adverse effect on the amenities of adjacent occupiers. The development is therefore contrary to the NPPF, London Plan policies 6.13, 7.4 and 7.6, and policies DC33 and DC61 of the Havering Core Strategy and Development Control Policies DPD, as well as Havering Council’s Residential Extensions and Alterations 2011 SPD.

The Council does not consider that planning permission should be granted for the development because conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

EITHER:

- (i). Reduce the size of the rear extension so that it extends no more than 3m from the rear wall of the original house.
- (ii). Remove all materials and debris resulting from step (i) from the site.

OR:

- (iii). Remove the 6.1m rear extension in its entirety.
- (iv). Remove all materials and debris resulting from step (iii) from the site.

Time for compliance with EITHER steps (i) and (ii), OR Steps (iii) and (iv) above: 6 months from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **14th October 2016**, unless an appeal is made against it beforehand.

Dated: 9th September 2016

Signed:



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 by the **14th October 2016**. 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 **14th October 2016** 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

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 before **14th October 2016**.

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 **£172.00** is payable both to the Secretary of State and to the Council, making the total fees payable **£344.00** If the fees are not paid then that ground of appeal will not be valid.

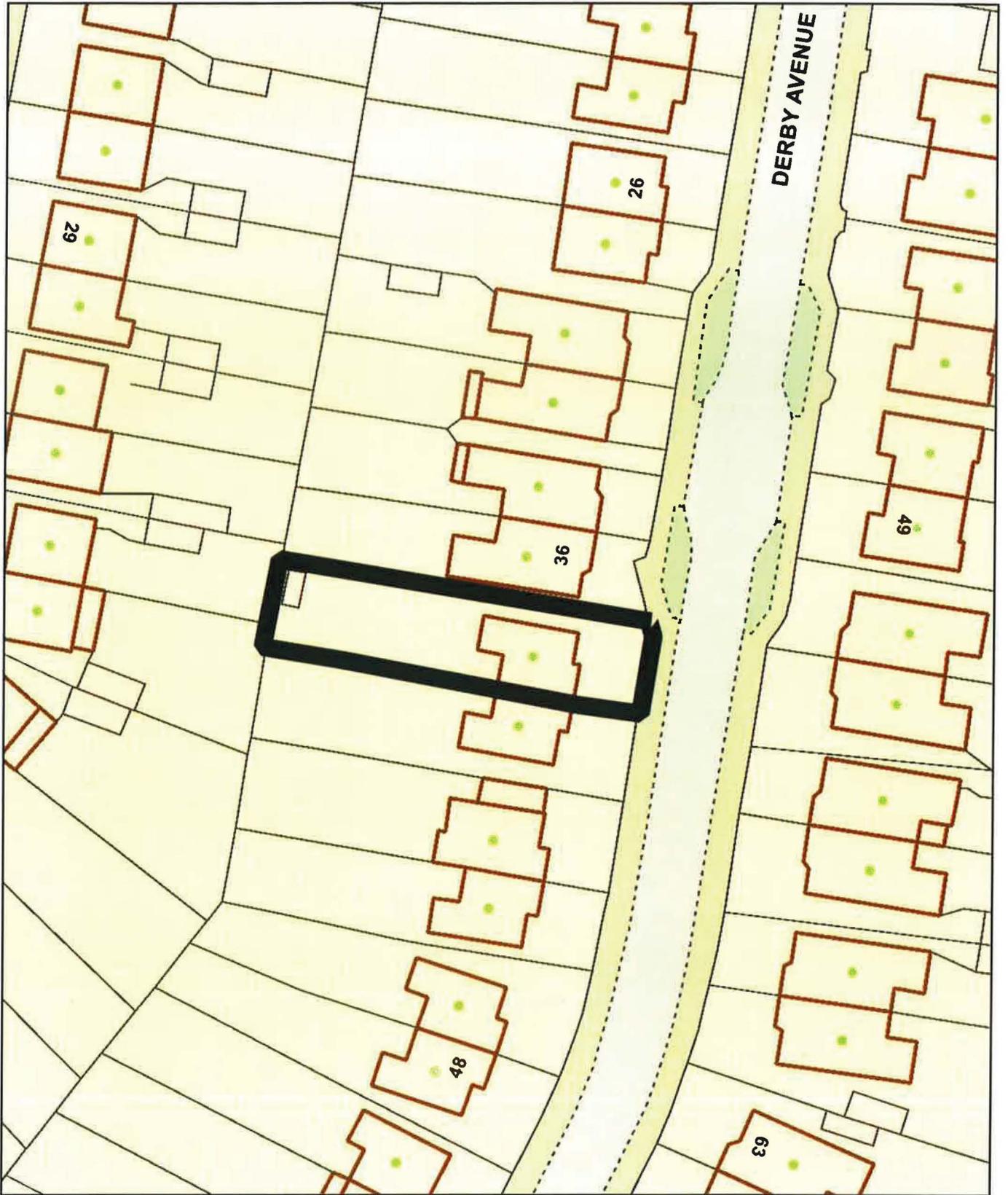
STATEMENT ON GROUNDINGS OF APPEAL

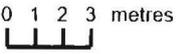
You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the 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 / Occupier; 38 Derby Avenue, Upminster, RM14 2NR
- 2) Christopher Watson; 38 Derby Avenue, Upminster RM14 2NR.
- 3) Domonique Mills; 38 Derby Avenue, Upminster RM14 2NR.
- 4) Nationwide Building Society; Nationwide House, Pipers Way, Swindon L, SN38 1NW.



<p>38 Derby Avenue, Upminster, RM14 2NR</p>	
	<p>Scale: 1:500 Date: 07 September 2016</p> 
 <p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2016 Ordnance Survey 100024327</p>