

RE: 3 AUSTRAL DRIVE, HORNCHURCH RM11 1JJ

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

- TO:**
1. The Owner of the said land
 2. The Occupier of the said land
 3. Ms Charlotte Lucy Fox of 3 Austral Drive, Hornchurch, Essex RM11 1JJ
 4. Mr John Alan Fox of 3 Austral Drive, Hornchurch, Essex RM11 1JJ
 5. Nationwide Building Society (Prudential Regulation Authority Registration number 106078) of Nationwide House, Pipers Way, Swindon L SN38 1NW

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the London Borough of Havering ("the Council") because it appears to the Council that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the Land described below. The Council considers 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 3 Austral Drive, Hornchurch RM11 1JJ (registered at the Land Registry under Title number EGL430776) shown edged black on the attached plan ("the Land").

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

Without planning permission, the unauthorised creation of a decking area shown hatched black on the attached plan ("the Decking") to the rear of the residential property.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the unauthorised development has occurred within the last four years'.

The Decking by reason of its width, height and position is causing an overlooking problem to the neighbouring property. The height of the Decking allows people when

standing on it to see over the boundary fence towards the rear facing rooms and outdoor area nearest to the house, which are the most sensitive areas in terms of overlooking.

The Council has had several discussions with the owner, informing them that planning permission would need to be sought for the Decking area, but to date no application has been submitted or decking reduced in height.

Policy DC61 (Design) of the Local Development Framework states that planning permission will not be granted when a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties. Therefore, the Council considers the raised Decking to be contrary to Policy DC61.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the Decking in its entirety OR reduce the height to bring it within the permitted development criteria of 0.3m to the immediate adjacent ground level.

Time for compliance: 3 months from the effective date of this notice.

- (iii) Remove from the Land all rubble and waste materials resulting from compliance with (i) above

Time for compliance: 3 months from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 3rd February 2014, unless an appeal is made against it beforehand

Dated: 23rd December 2013

Signed:



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

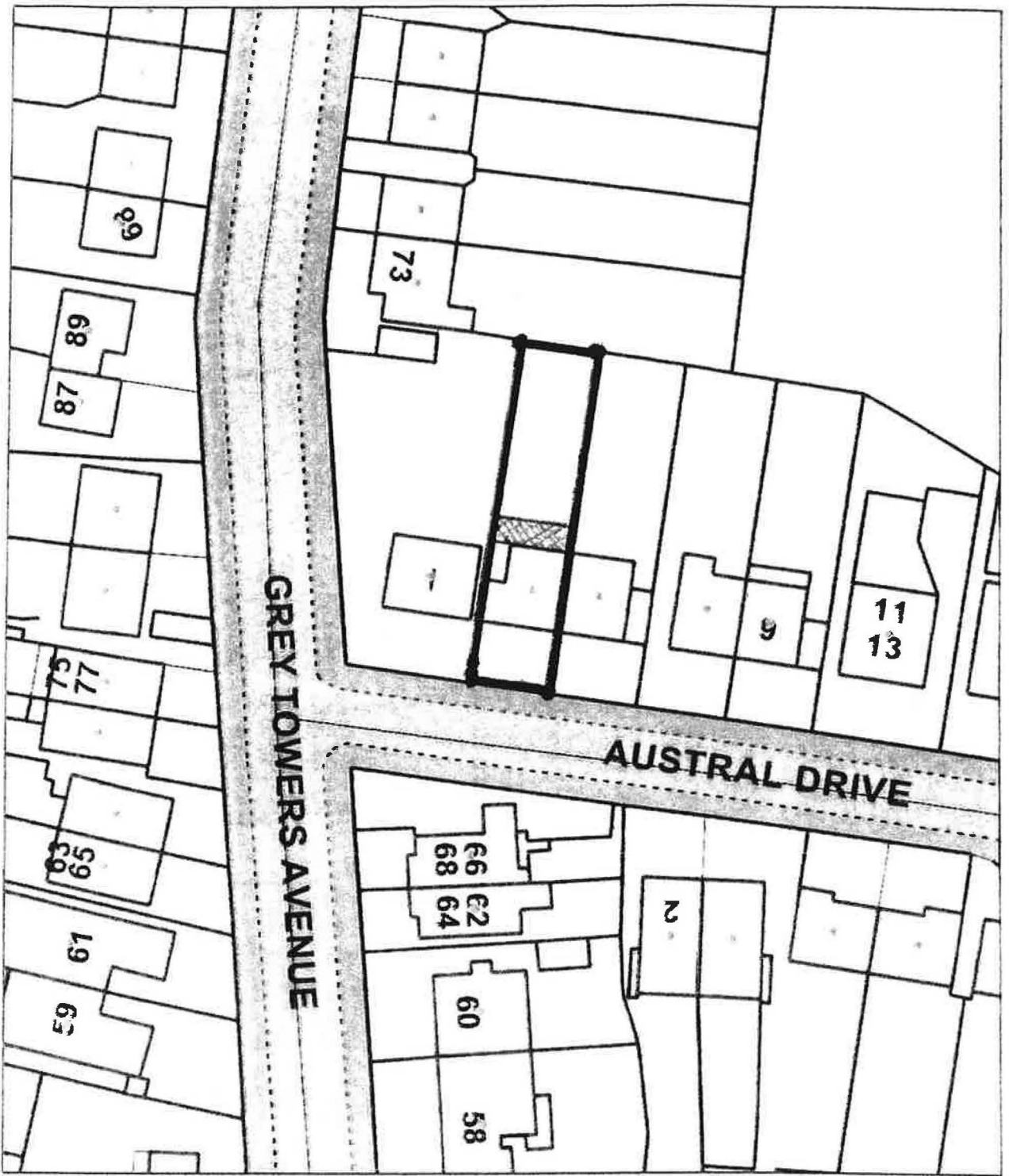
YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 3rd February 2014. 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 3rd February 2014 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.



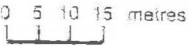
3 Austral Drive








Scale: 1:500
 Data: 11 December 2013
 Size: A4




Havering
London Borough of Havering

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

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 Ordnance Survey 100024327

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 before 3rd February 2014.

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 use - then a fee of £344 is payable to the Council. If the fee is 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 of the said land
2. The Occupier of the said land
3. Ms Charlotte Lucy Fox of 3 Austral Drive, Hornchurch, Essex RM11 1JJ
4. Mr John Alan Fox of 3 Austral Drive, Hornchurch, Essex RM11 1JJ
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