

ENFORCEMENT NOTICE

AT: 8 OXFORD AVENUE, HORNCHURCH, RM11 3ES

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 have been breaches 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. The Explanatory Notes at the end of this Notice and the Enclosures referred to therein contain important additional information.

2. THE LAND AFFECTED

The land known as **8 OXFORD AVENUE, HORNCHURCH, RM11 3ES** shown edged in black on the attached plan and is registered under Land Registry Title Number NGL164368.

3. THE BREACHES OF PLANNING CONTROL ALLEGED

Without the benefit of planning permission, the erection of a building.

4. REASONS FOR ISSUING THIS NOTICE

(1) 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(b) to remedy the injury to amenity which has been caused by the breach.

(2) The building, by reason of its size, bulk, mass and projection forward of the building line, would appear as an unacceptably dominant and visually intrusive feature in the street scene and 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 Supplementary Planning Document for Residential Extensions and Alterations; Policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan and contrary to guidance within the NPPF.

(3) The building, by reason of the combined bulk, scale and mass of the proposed structure, together with its residential character and appearance, would introduce a development that is out of character with the existing rear garden environment and give rise to the creation of an entirely self-

contained dwelling not considered incidental to the main house, which would result in material harm to neighbouring residential amenity contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document; the Supplementary Planning Document for Residential Extensions and Alterations; Policies 7.4 (Local Character) and 7.6 (Architecture) of the London Plan and contrary to guidance within the NPPF.

- (4) The building, by reason of its positioning, removes any pedestrian visibility to No.2 Hampshire Road and from vehicles exiting from 2 Hampshire Road which would pose a safety issue for all highway users contrary to the aims and objectives of Policy DC32 of the LDF Core Strategy and Development Control Policies Development Plan Document; Policies 6.10 (Walking) and 6.13 (Parking) of the London Plan and contrary to the principles within the NPPF.

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

5. **WHAT YOU ARE REQUIRED TO DO**

The Enforcement Notice requires within **TWO MONTHS** of the date when this Notice takes effect to:

1. Demolish the building at the rear of the rear garden of 8 Oxford Avenue, Hornchurch, RM11 3ES as shown hatched black on the attached plan;

AND

2. Remove all building materials and rubble from the site associated with complying with step 1 above.

6. **TIME FOR COMPLIANCE**

TWO MONTHS after the date when this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice will take effect on 2nd October 2018, unless an appeal is made against it beforehand.

Dated: 28th August 2018

Signed: 

Name: David Colwill

Team Leader, Planning Enforcement and Appeals

on behalf of London Borough of Havering

5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

Nominated Officer: David Colwill

Telephone Number: 01708 432647 / Email: david.colwill@haverling.gov.uk

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before **2nd October 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 **2nd October 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 this 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 before **2nd October 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 you 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 (being the fee for planning permission of £462 which is payable both to the Council and the Planning Inspectorate). 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 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:

MARK GLEN LEE
8 Oxford Avenue
Hornchurch
RM11 3ES

The Owner
8 Oxford Avenue
Hornchurch
RM11 3ES

The Occupier
8 Oxford Avenue
Hornchurch
RM11 3ES

Santander UK PLC
Deeds Services
101 Midsummer Boulevard
Milton Keynes
MK9 1AA

Kerry Michelle Lee
Care of: Moss and Coleman 170-180 High Street
Hornchurch
Essex
RM12 6JP

Kerry Michelle Lee
DX51003 Hornchurch



<p>8 OXFORD AVENUE, HORNCURCH, RM11 3ES</p>	<p style="text-align: right;">N ↑</p>
<p>    </p>	<p> Scale: 1:500 Date: 24 August 2018 </p> <p style="text-align: right;">  </p>
<p>  </p>	<p> London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343 </p> <p> © Crown copyright and database rights 2018 Ordnance Survey 100024327 </p>