

RE: 5 AND 7 UPMINSTER ROAD SOUTH RAINHAM RM13 9YS

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 property.
 2. The Occupier of the said property.
 3. Malvin Paul Brown of 167 Corbets Tey Road, Upminster, Essex RM14 2AX.
 4. Osman Sari of 47 Portersfield Road, Norwich, Norfolk NR2 3JU.
 5. Huseyin Sari of 47 Portersfield Road, Norwich, Norfolk NR2 3JU.

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, under Section 171A(1)(a) 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 and property known as 5 and 7 Upminster Road South, Rainham, Essex RM13 9YS shown edged in black on the attached plan ("the Property").

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

Without planning permission, the erection of a satellite dish, the installation of ventilation ducting and the construction of hard surfacing at the rear of the Property.

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.

The Property lies within the Rainham Village conservation area.

The satellite dish exceeds one meter in diameter and is fixed approximately two meters from the roof of the Property. The satellite dish is highly visible from the front,

rear and side of the Property and is visually intrusive and not in keeping with the streetscene. The satellite dish is harmful to the conservation area.

The ventilation ducting being of galvanised metal rises approximately two meters above the roof of the Property. The ducting is highly visible from the front, rear and side of the Property and is visually intrusive and not in keeping with the streetscene. The ducting is harmful to the conservation area.

The hard surfacing to the rear of the Property is visually intrusive and not in keeping with the streetscene. The hard surfacing is visible from a public walkway that is frequently used by pedestrians and is harmful to the conservation area.

The satellite dish, the ventilation ducting and the hard surfacing are contrary to Policy DC61 and DC68 of the Local Development Framework (Development Plan Documents) and policy ENV3 of the Havering Unitary Development Plan.

The satellite dish, the ventilation ducting and the hard surfacing do not constitute permitted development under the General Permitted Development Order 1995 (as amended).

The Council does not consider that planning permission should be given, because planning conditions could not overcome these problems.

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

- (i) Remove the satellite dish from the Property.

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

- (ii) Remove the ventilation ducting from the Property.

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

- (iii) Remove the hard surfacing from the rear of the Property.

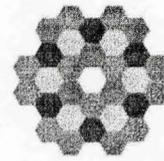
Time for compliance: 3 months from the effective date of this notice.

- (iv) Reinstate the garden area at the rear of the Property over which the hard surfacing has been placed.

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

- (v) Remove all materials, machinery, apparatus, equipment and installations used in connection with or resulting from the removal of the satellite dish, the ventilation ducting and the hard surfacing.

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



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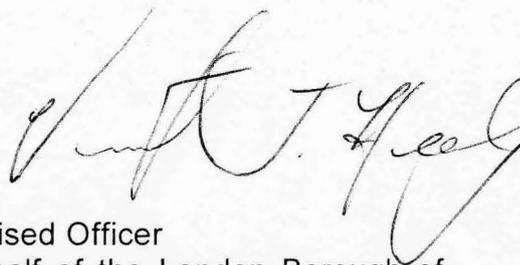


6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 10 November 2008, unless an appeal is made against it beforehand

Dated: 29. 09. 2008

Signed:



Authorised Officer
on behalf of the 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 10 November 2008. 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 10 November 2008 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 before 10 November 2008. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1991 and are also set out on pages 2 - 5 of the enclosed appeal forms.

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 £170.00 is payable both to the Secretary of State and to the Council. 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 him, 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 property.
2. The Occupier of the said property.
3. Malvin Paul Brown of 167 Corbets Tey Road, Upminster, Essex RM14 2AX.

4. Osman Sari of 47 Portersfield Road, Norwich, Norfolk NR2 3JU.
5. Huseyin Sari of 47 Portersfield Road, Norwich, Norfolk NR2 3JU.