

**RE: 14 Lower Mardyke Avenue, Rainham, Essex RM13 8PP**

**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 and property.
  2. The Occupier of the said land and property.
  3. The Owner of 14A Lower Mardyke Avenue, Rainham, Essex RM13 8PP.
  4. The Occupier of 14A Lower Mardyke Avenue, Rainham, Essex RM13 8PP.
  5. Elizabeth Nortsoo Ofori of 14 Lower Mardyke Avenue, Rainham, Essex RM13 8PP.
  6. Elizabeth Nortsoo Ofori of 14A Lower Mardyke Avenue, Rainham, Essex RM13 8PP.
  7. Dr. Emmanuel Ofori of 14 Lower Mardyke Avenue, Rainham, Essex RM13 8PP.
  8. Dr. Emmanuel Ofori of 14A Lower Mardyke Avenue, Rainham, Essex RM13 8PP.
  9. Bank of Scotland PLC of Halifax Division, 1 Lovell Park Road, Leeds LS1 1NS.
  10. Bank of Scotland PLC of the Mound, Edinburgh EH1 1YZ.

**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 14 Lower Mardyke Avenue, Rainham, Essex RM13 (registered under title no. EGL92576) and shown outlined in bold black on the attached plan ("the Land").

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

Without planning permission, the construction of an unauthorised residential dwelling on the Land, known as 14A Lower Mardyke Avenue and shown shaded red on the attached plan ("the Unauthorised Dwelling").

### **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 Council granted planning permission for the construction of a residential dwelling unit on the Land under planning reference P1260.07 ("the Planning Permission"). The Unauthorised Dwelling is materially different to the development authorised by the Planning Permission. The Unauthorised Dwelling departs from the Planning Permission as follows:

- a) It was constructed with an unauthorised hipped roof;
- b) there is an unauthorised dormer with windows in the rear roof;
- c) there is an unauthorised increase in depth at first floor level.

The Unauthorised Dwelling is overbearing, visually dominant and intrusive by reason of its excessive depth; height and siting. The Unauthorised Dwelling is overbearing and detracts from the residential amenity of the rear garden environment of neighbouring properties. The Unauthorised Dwelling detracts from the character and appearance of the surrounding area.

As the Unauthorised Dwelling has not been constructed in accordance with approved plans it is considered that the development is unauthorised in its entirety. The discrepancies between the Unauthorised Development and the Planning Permission are substantial; it is not considered that remedial works could not be carried out in a way which would make the Unauthorised Dwelling acceptable in planning terms.

The Planning Permission has now lapsed and there is no scope to rebuild the development without applying for planning permission again.

The Unauthorised Dwelling is contrary to policies DC2, DC3, DC33, DC55 and DC61 of the Council's Local Development Framework Core Strategy and Development Control Policies Development Plan Document and Supplementary Planning Document on Residential Design and policies 7.4 and 7.6 of the London Plan.

The Council has previously refused a retrospective application for planning permission, application references P1317.10, to amend the Planning Permission and regularise the Unauthorised Dwelling. The Council refused the application for the reasons aforesaid. The Council's decision was appealed to the Planning Inspectorate under appeal reference APP/B5480/A/11/2159308. The Planning Inspectorate dismissed the appeal.

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

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

- (i) Demolish the Unauthorised Dwelling.

Time for compliance: 8 months from the effective date of this notice.

- (ii) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance with (i) above.

Time for compliance: 8 months from the effective date of this notice.

6. **WHEN THIS NOTICE TAKES EFFECT**

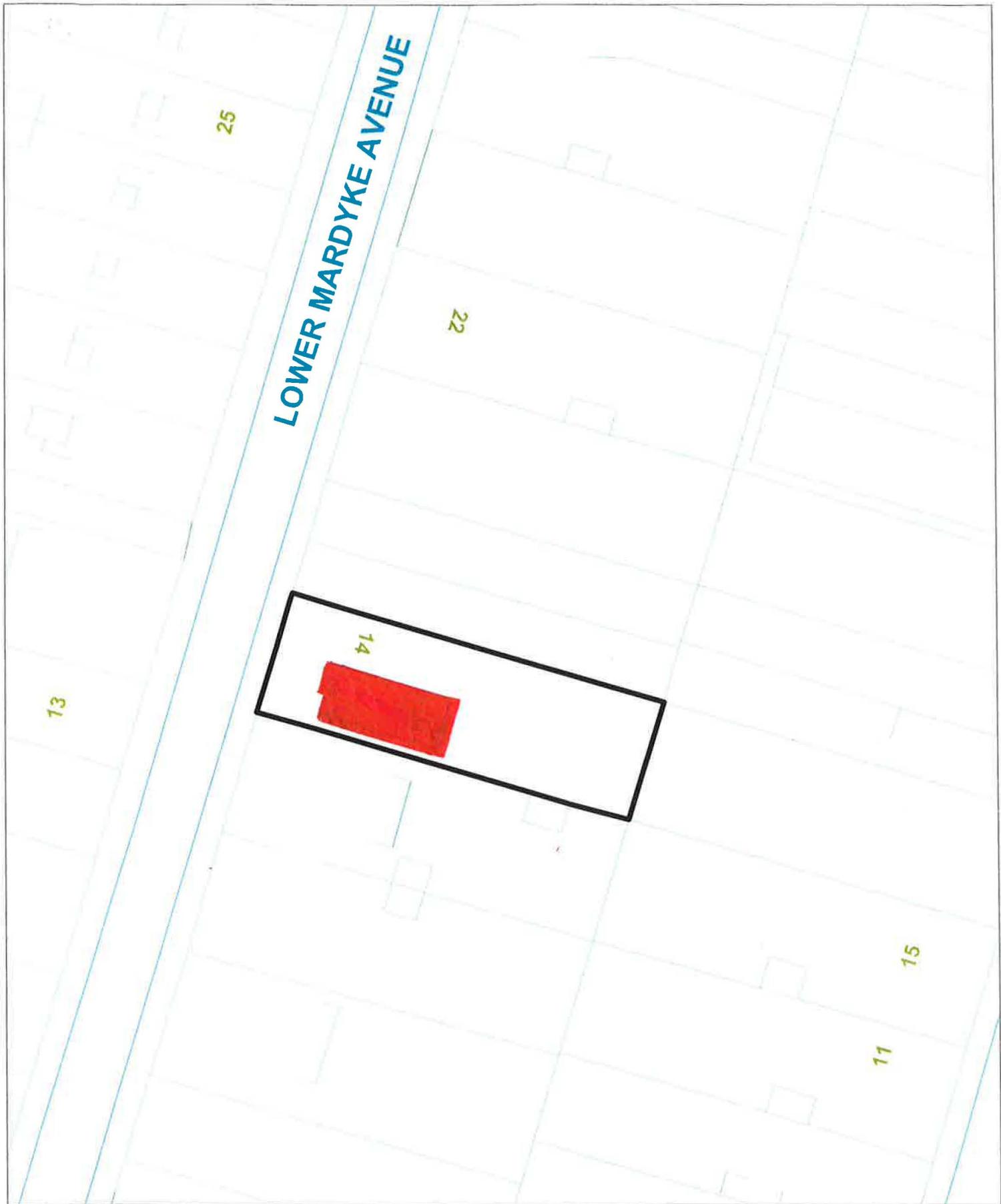
This Notice takes effect on 2 October 2012, unless an appeal is made against it beforehand

Dated: 28 August 2012

Signed:

A handwritten signature in black ink, appearing to read 'W. J. Healy', written in a cursive style.

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

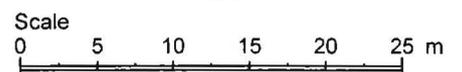


**14 Lower Mardyke Avenue**

Map Reference: TQ5083SW



Scale @ A4 1:500  
Date: 20/08/2012



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

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## **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice to the Secretary of State by 2 October 2012. 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 2 October 2012 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 2 October 2012.

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 you wish to appeal on Ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £335.00 is payable both to the Secretary of State and to the Council making the total fees payable £670.00. 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 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 land and property.
2. The Occupier of the said land and property.
3. The Owner of 14A Lower Mardyke Avenue, Rainham, Essex RM13 8PP.
4. The Occupier of 14A Lower Mardyke Avenue, Rainham, Essex RM13 8PP.
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