

99 HOWARD ROAD, UPMINSTER, RM14 2UQ

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/420/18

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 known as **99 Howard Road, Upminster, RM14 2UQ**, shown edged in black on the attached plan and is registered under Land Registry Title Number EX4270.

3. THE BREACH OF PLANNING CONTROL

Without planning permission, the enlargement to the roof of the property.

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(a) or to remedy any injury to amenity which has been caused by the breach.
- (2) The roof enlargement, by reason of its size, design, and external appearance, results in an unacceptable and incongruent addition to the property. It results in poor design that fails to respond or respect the original architecture of the building, un-balances the pair of semi-detached houses, and fails to relate to the established character of the area. This also results in the development having a negative impact on the visual amenity of the area more generally. The development is therefore contrary to the National Planning Policy Framework (July 2021), Policies D1, D4, D6, and D8 of the London Plan (March 2021), and Policies CP17 and DC61 of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008.

- (3) The Council does not consider that planning permission should be granted because no conditions attached to any consent would overcome the identified harm.

5. WHAT YOU ARE REQUIRED TO DO

EITHER:

- (i). Demolish the enlargement to the roof;

AND

- (ii). Reinststate the roof as it was prior to the enlargement being carried out;

AND

- (iii). Remove all materials, rubble and debris from the site as a result of taking steps (i) AND (ii) above;

OR

- (iv). Carry out remedial works to bring the roof extension in accordance with drawing number 1505/03 which was approved under lawful development certificate D0465.17. The drawings which are attached in Appendix 1 to this Notice;

AND

- (v). Clad the gable walls and the external walls of the dormer in tiles matching that of the main roof of the host dwelling;

AND

- (vi). Remove all materials, rubble and debris from the site as a result of taking steps (iv) AND (v) above;

6. TIME FOR COMPLIANCE

3 MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **22nd November 2021**, unless an appeal is made against it beforehand.

Dated: 22nd October 2021

Signed:



DAVID COLWILL

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

Nominated Officer to contact regarding this Notice: **Sam Cadman**

Telephone Number: 01708 433 758 Email: sam.cadman@havering.gov.uk

THE RIGHT TO APPEAL

Those with a legal or equitable interest in the land or who is a relevant occupier can appeal against this Enforcement Notice to the Planning Inspectorate acting on behalf of the Secretary of State before **22nd November 2021**. Further details are given in the attached explanatory note.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

If an appeal is not received against this Enforcement Notice, it will take effect on **22nd November 2021** 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) can be viewed online at <https://www.legislation.gov.uk>

THE RIGHT TO APPEAL

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 Planning Inspectorate before **22nd November 2021**.

If an appeal against this Notice is intended, the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice should be followed.

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 or use, then a fee of **£412** is payable to the Council when the appeal is lodged. If this fee is not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

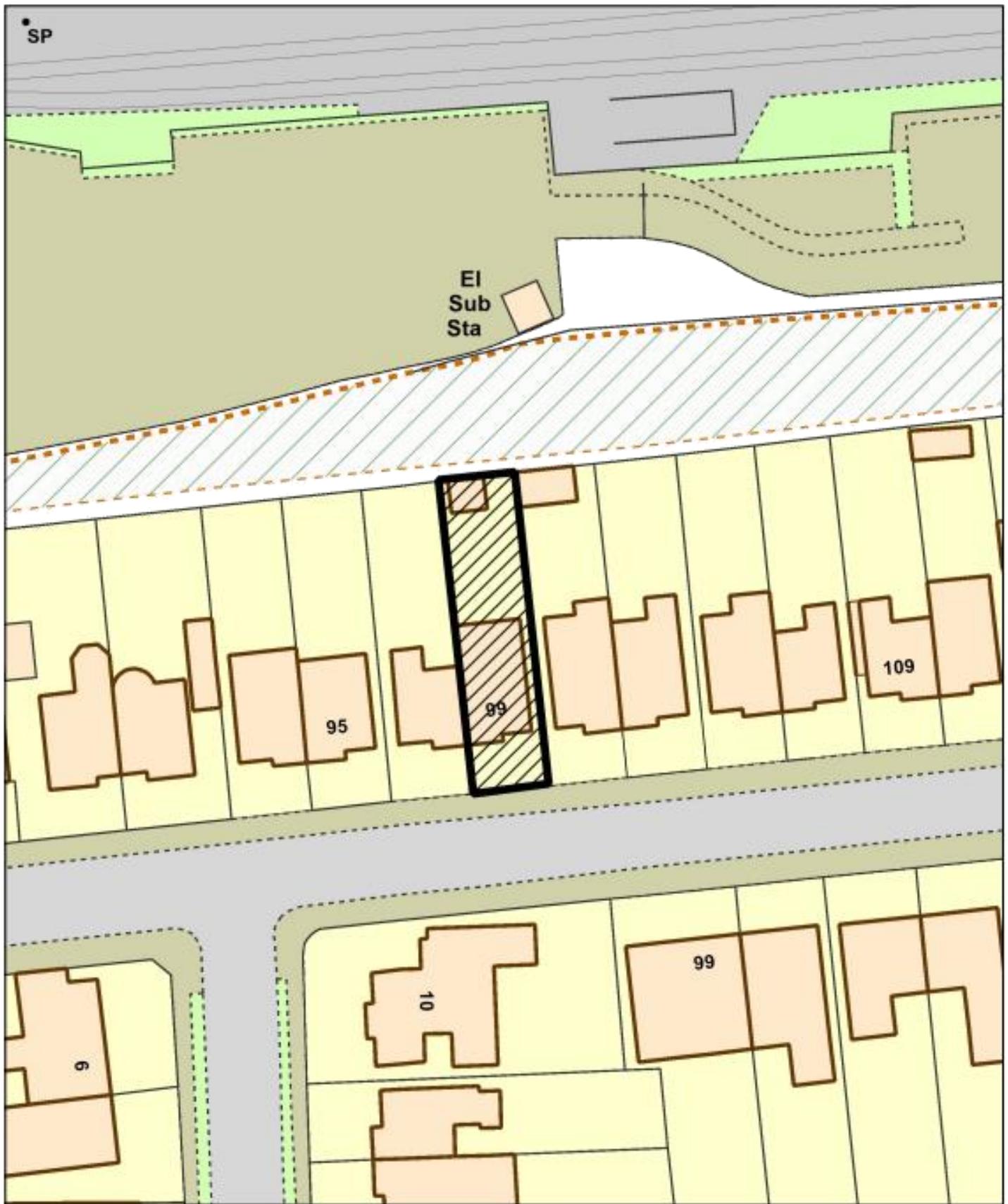
STATEMENT ON GROUNDS OF APPEAL

The grounds of appeal must be submitted to the Planning Inspectorate, either when giving notice of the appeal or within 14 days from the date on which the Planning Inspectorate sends you a notice so requiring, a statement in writing specifying the grounds on which the appeal against the Enforcement Notice is being made 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:

- (i). The Owner; 99 Howard Road, Upminster, RM14 2UQ
- (ii). The Occupier; 99 Howard Road, Upminster, RM14 2UQ
- (iii). Miss Lynsey Jade Brook; 99 Howard Road, Upminster, RM14 2UQ
- (iv). Miss Lynsey Jade Brook; issued via e-mail
- (v). Mr Luke James Ricketts; 99 Howard Road, Upminster, RM14 2UQ
- (vi). Sean Michael Amato; 99 Howard Road, Upminster RM14 2UQ
- (vii). Sean Michael Amato; issued via e-mail
- (viii). Lauren Donna Moran; 99 Howard Road, Upminster RM14 2UQ
- (ix). Simply Convey. Prpty Lawyers Ltd; Ashtree House, Sopwith Way, Daventry, Northants, NN1 8PB
- (x). Bank Of Scotland PLC, Halifax Division; The Mound, Edinburgh, EH1 1YZ
- (xi). Simply Conveyancing Property Lawyers; 3 Caxton Close, Daventry, Northants, NN11 8RT



<p>99 HOWARD ROAD, UPMINSTER, RM14 2UQ</p>	<p>N ↑</p>
<p>    </p>	<p> Scale: 1:500 Date: 19 October 2021 </p> <p>0 1 2 3 metres</p> 
<p>  Havering <small>LONDON BOROUGH</small> </p> <p> London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343 </p>	<p>6 © Crown copyright and database rights 2021 Ordnance Survey 100024327</p>

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@pins.gsi.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal <https://acp.planninginspectorate.gov.uk/> or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.