

**129 HALL LANE, UPMINSTER RM14 1AL**

**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**BREACH OF CONDITION NOTICE – ENF/131/20**

**ISSUED BY: LONDON BOROUGH OF HAVERING COUNCIL**

**TO:**

1. Matthew Allan Game, 129 Hall Lane, Upminster RM14 1AL;
2. Katie Jane Game, 129 Hall Lane, Upminster RM14 1AL;
3. The Owner(s), 129 Hall Lane, Upminster RM14 1AL;
4. The Occupier(s), 129 Hall Lane, Upminster RM14 1AL.

**1. THIS IS A FORMAL NOTICE** which is issued by the Council, under section 187A of the above Act because they consider that conditions imposed on a grant of planning permission, relating to the land described below have not been complied with. It considers that you should be required to comply with the conditions specified in this notice.

**2. THE LAND AFFECTED BY THE NOTICE**

The land and premises known as **129 Hall Lane, Upminster RM14 1AL** as shown edged in black on the attached plan.

**3. THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates to is permission P1674.18 for 'proposed double storey side and rear extension and loft conversion and double storey 1 metre front extension' approved 19<sup>th</sup> August 2019 with conditions.

**4. THE BREACH OF CONDITIONS**

The following conditions have not been complied with:

**Condition 2:**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

For the avoidance of doubt and to ensure that the development is carried out as approved.

**Condition 4:**

The proposed first floor window on the principal elevation immediately adjacent to No. 131 Hall Lane and the proposed ground floor window on the flank elevation facing No. 127 Hall Lane as shown on drawing PA/106.111 shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut and thereafter maintained, with the exception of any top hung fanlight(s).

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

As the person responsible for the breaches of conditions specified in paragraph 4 of this notice, you are required to secure compliance with the stated conditions by taking the following steps:

**Within 28 days from the date of service of this notice:**

1. Ensure that the building works are carried out in complete accordance with conditions 2 and 4 of planning permission P1674.18 including replacement of the windows which are not in accordance with Conditions 2 and 4 of P1674.18.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect immediately it is served on you in person or on the day you receive it by postal delivery.

Dated: 17<sup>th</sup> February 2021



**David Colwill**

**Position:** Planning Enforcement Team Leader

**Authorised Officer**

On behalf of: The Mayor and Burgesses of the London Borough of Havering,  
Mercury House, Mercury Gardens, Romford RM1 3SL

**WARNING**

**THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates Court for which the maximum penalty is £2,500 for a first offence and for any subsequent offence.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Mark Broad (Planning Enforcement Officer) on [mark.broad@havering.gov.uk](mailto:mark.broad@havering.gov.uk) or 01708 433643.

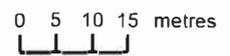
If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you on what this procedure involves.



129 Hall Lane, Upminster RM14 1AL



Scale: 1:1000  
Date: 14 January 2021



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

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Ordnance Survey 100024327



**LONDON BOROUGH OF HAVERING**

**TOWN AND COUNTRY PLANNING ACT 1990**

**AGENT**

Mr Matthew Game  
129  
Hall Lane  
Upminster  
RM14 1AL

**APPLICANT**

Mr Matthew Game  
129  
Hall Lane  
Upminster  
RM14 1AL

**APPLICATION NO: P1674.18**

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

**Proposal:** Proposed double storey side and rear extension and loft conversion and double storey 1m front extension

Revised Plans Received 16.08.2019

**Location:** 129 Hall Lane  
Upminster

The above decision is based on the details in drawing(s):

PA/106.100

PA/106.110

PA/106.111

subject to compliance with the following condition(s):

*Note to Applicants:*

*Please take the time to read the conditions stated below carefully. Some may require you to seek the Council's approval prior to works beginning on site. The approval process can take a further 8 weeks from the date of submission and you are advised to incorporate this into your timetable.*

Please also check the informatives below to verify whether the scheme is liable for the Mayoral Community Infrastructure Levy. If the scheme is liable, **you are required to give notice of commencement in advance** so that a Demand Notice can be sent to you or any other person(s) that has/have assumed liability. The Levy is payable within 60 days of commencement. **If you are intending to claim self-build, social housing or charitable exemption, you must do this before development commences otherwise any exemption request will be disqualified.**

- 1 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

For the avoidance of doubt and to ensure that the development is carried out as approved.

- 3 All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 4 The proposed first floor window on the principal elevation immediately adjacent to No. 131 Hall Lane and the proposed ground floor window on the flank elevation facing No. 127 Hall Lane as shown on drawing PA/106.111 shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut and thereafter maintained, with the exception of any top hung fanlight(s).

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

- 6 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**INFORMATIVE(S)**

- 1 Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr Game by telephone and email. The revisions involved amendments to the design of the proposal. The amendments were subsequently submitted on 16 August 2019.

**Dated: 19th August 2019**



Gary Rice  
Interim Planning Manager  
London Borough of Havering  
Mercury House, Mercury Gardens  
Romford RM1 3SL

**IMPORTANT** - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS  
OF APPLICATIONS FOR PLANNING PERMISSION**

**DEVELOPMENT MANAGEMENT PROCEDURE (England) ORDER 2010  
TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

" In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £116 per request (or £34 where the related permission was for extending or altering a dwellinghouse) will be required.