

129 HEATON AVENUE, ROMFORD RM3 7HL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/410/24

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 **129 HEATON AVENUE, ROMFORD RM3 7HL**, shown edged in black on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the material change of use of a dwelling (C3) to a house in multiple occupation (C4).

4. REASONS FOR ISSUING THIS NOTICE

1. It appears to the Council that the above breach of planning control has occurred within the last ten 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 original property had a gross internal floor area of less than 120 square metres and therefore fails to meet the requirements of Havering Local Plan 2016 - 2031 Policy 8 (i) in that it cannot be regarded as appropriate for conversion to an HMO as it would have a negative impact on the supply of family housing in the borough.
3. Insufficient information was provided with application P1602.24 to demonstrate that the development would comply with the quality and minimum living space standards set out within the East London HMO guidance. This, together with the

deep layout and narrow internal width of the ground floor rear bedroom, which would restrict the amount of practical usable space within, and light received by this room, means it represents a substandard internal arrangement that is detrimental to the living conditions of future occupants. The development therefore conflicts with the requirements of Local Plan Policy 8 (vii).

4. The development, by reason of the nature of its use as an HMO with a high prospective occupancy, would result in significantly higher levels of comings / goings and intensive activity over and above that of a single dwelling house, something which would have a detrimental impact on the amenity of surrounding neighbouring residents through associated noise and disturbance. As such, the development is contrary to Havering Local Plan Policies 7 and 8 (iii).
5. The development fails to demonstrate adequate levels of parking. The nature of the HMO use by unrelated occupants combined with the level of occupancy is considered likely to lead to increased vehicle ownership and overspill which would contribute unacceptably to existing levels of parking stress and limited on-street spaces within the locality to the detriment of the amenity of surrounding occupiers. The absence of any compelling evidence otherwise, such as a parking stress survey, means that it has not been demonstrated that there would not be conflict with Local Plan Policy 8 (iv), Policy T6 of the London Plan and paragraph 115 of the NPPF (2024).
6. The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome these problems and because permission has already been refused under application P1602.24.

5. WHAT YOU ARE REQUIRED TO DO

- (i) CEASE the use of the property as a house in multiple occupation;

AND

- (ii) Remove the bathrooms and kitchenettes (including the sink, workbench, cupboards) from the following locations:
 - (a) Ground floor front bedroom;
 - (b) Ground floor rear bedroom;
 - (c) First floor front bedroom;
 - (d) Remove the kitchenette from the first floor rear bedroom;

AND

- (iii) Reinstate the opening from the first floor rear bathroom into the hallway;

AND

- (iv) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i), (ii) and (iii) above.

6. TIME FOR COMPLIANCE

THREE MONTHS after the date when this Notice takes effect;

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **19th May 2025**, unless an appeal is made against it beforehand

Dated: **17th April 2025**

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: **David Colwill**

Telephone Number: **01708 432647** Email: david.colwill@haverling.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 19th May 2025**. 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 **19th May 2025** 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 19th May 2025**.

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 **£1,176** 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:

1. Mohammad Amir Mohamadi, 129 Heaton Avenue, Romford RM3 7HL
2. The Owner(s), 129 Heaton Avenue, Romford RM3 7HL
3. The Occupiers, 129 Heaton Avenue, Romford RM3 7HL
4. Mohammad Amir Mohamadi, 17 Bell Lane, London NW4 2BP
5. The Company Secretary / Director, Diako Property Management Ltd, 17 Bell Lane, London NW4 2BP
6. Mohammad Amir Mohamadi (Director), Diako Property Management Ltd, 17 Bell Lane, London NW4 2BP
7. By email to Mohammad Amir Mohamadi



129 Heaton Avenue, Romford RM3 7HL - OS Plan to Enforcement Notice	TQ5274591283 <div data-bbox="1444 1836 1508 1926"></div>
<div data-bbox="268 1966 603 2056"></div>	<div data-bbox="850 1966 1444 2038">Scale: 1:750 Date: 14 April 2025<div data-bbox="1225 1971 1444 2027"></div></div>
<div data-bbox="108 2094 391 2168"></div> <div data-bbox="486 2078 766 2172">London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</div>	© Crown copyright and database rights 2024 Ordnance Survey AC0000815231

Enforcement appeal: information sheet for local planning authorities

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1
6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

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

- online at the [Appeals Casework Portal](#); 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 written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- 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.