

RE: 299 OSBORNE ROAD HORNCHURCH

**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
  2. The Occupier of the said land
  3. Nokhaiz Nisar Khan of 299 Osborne Road Hornchurch London RM11 1HW
  4. Cheltenham & Gloucester PLC of Barnett Way Gloucester GL4 3RL.

**ISSUED BY:** London Borough of Havering

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 and dwelling-house at 299 Osborne Road Hornchurch shown edged in black on the attached Plan A.

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

Without planning permission the erection of (1) extensive decking structure to the rear of the dwelling-house shown hatched black on the attached Plan B (2) side boundary fences more than 2 metres high above ground level shown edged red on the attached Plan B.

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 erections took place less than four years ago. The decking structure causes significant harm by reason of its intrusive size,height and design. Its relationship with neighbours is such that materially harmful overlooking is possible, notwithstanding the erection of fencing which, at a height of 2.5 m in relation to adjoining properties, has an unduly oppressive effect on their sense of outlook and rear garden scenes. Planning conditions are unlikely to be sufficient to mitigate the adverse impact on the amenity of neighbours.

1.

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

- (i) Remove the unauthorised decking

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

- (ii) Restore the premises to its original condition as a garden area before the breach occurred.

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

- (iii) Reduce the side boundary fences in height so that they are no higher than 2 metres above ground level

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

- (iv) Remove from the premises all equipment, machinery, apparatus, building materials and rubble arising from compliance with the requirements above

**6. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 27<sup>th</sup> February 2006, unless an appeal is made against it beforehand

Dated: *20<sup>th</sup> January* 2006

Signed:

*[Handwritten Signature]*  
Authorised Officer

on behalf of 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 the 27<sup>th</sup> February 2006. 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 27<sup>th</sup> February 2006 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 27<sup>th</sup> February 2006. 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 1990 and are also set out on pages 2 - 5 of the enclosed appeal forms.

### **PLANNING APPLICATION FEE**

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £135 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.

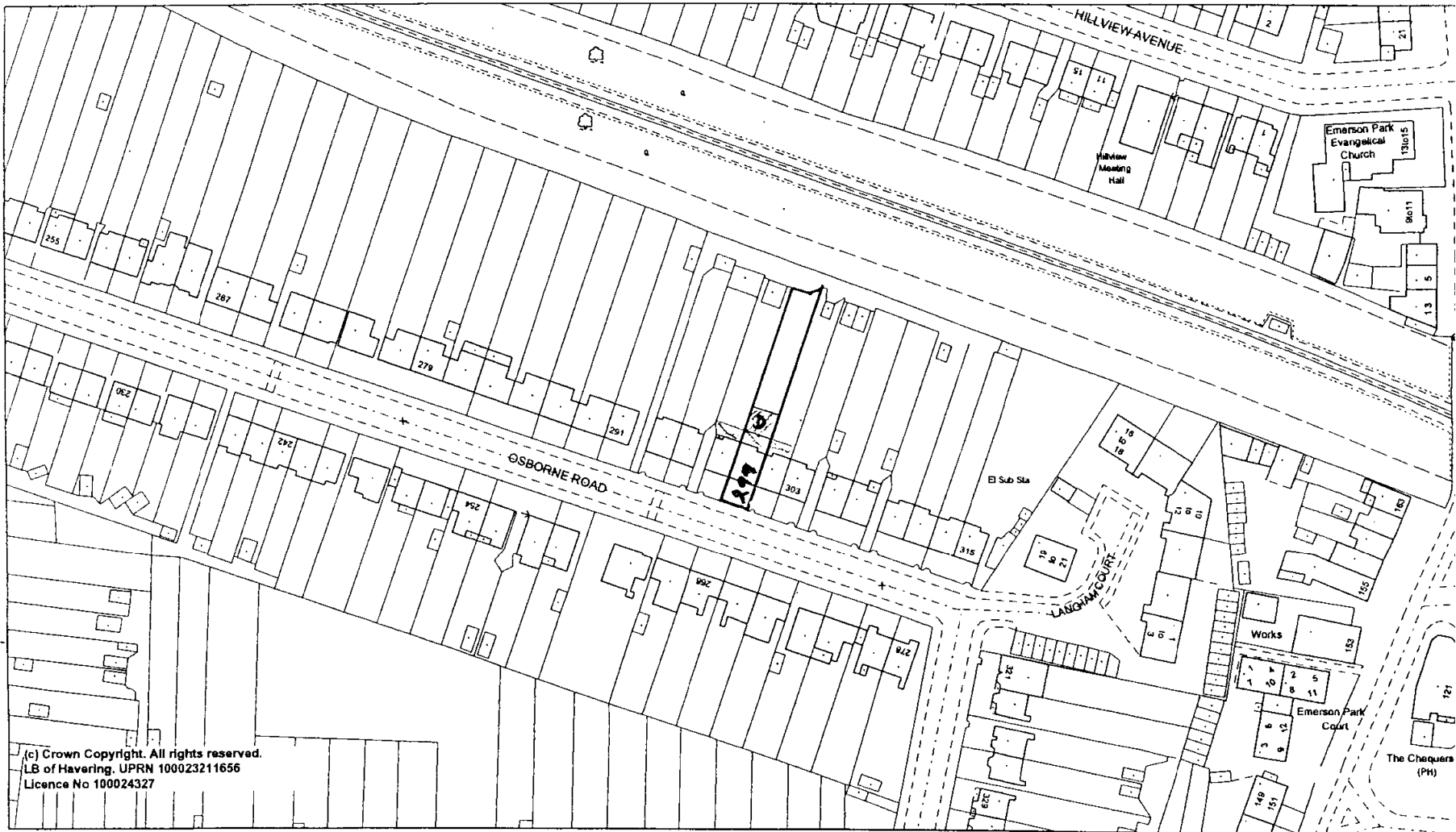
### **STATEMENT ON GROUNDS OF APPEAL**

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 land
2. The Occupier of the said land
3. Nokhaiz Nisar Khan of 299 Osborne Road Hornchurch London RM11 1HW
4. Cheltenham & Gloucester PLC of Barnett Way Gloucester GL4 3RL



(c) Crown Copyright. All rights reserved.  
 LB of Havering. UPRN 100023211656  
 Licence No 100024327

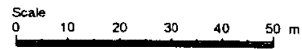
*299 OSBORNE ROAD*



Map Reference: TQ5387NE

Date: 30/11/2005

Scale: 1:1250



London Borough of Havering  
 Planning Department  
 Mercury House, Mercury Gardens  
 Romford, RM1 3SL  
 Tel: 01708 434343

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 London Borough of Havering 100024327



(c) Crown Copyright. All rights reserved.  
 LB of Havering. UPRN 100023211656  
 Licence No 100024327

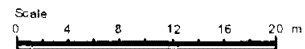
299 OSBORNE RD



Map Reference TQ5387NE

Date 18/01/2006

Scale: 1:500



Ordnance Survey



London Borough of Havering  
 Planning Department  
 Mercury House, Mercury Gardens  
 Romford, RM1 3SL  
 Tel 01708 434343

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
 London Borough of Havering 100024327