

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**London Borough of Havering Reference: ENF/492/16**

**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 at **106 WHITCHURCH ROAD, ROMFORD, RM3 9AD**, showed edged in black on the attached plan.

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

Without the benefit of planning permission the erection of the rear dormer not in accordance with Planning permission P0319.15.

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 amenity or injury which has been caused by the breach.

(2) It is considered that the erection of the rear dormer not in accordance with the approved plans P0319.15 creates an incongruous and intrusive feature within the rear roof scape of the area, harmful to both the host dwelling and the streetscene and goes against the grain of the architecture of the immediate row of terraced houses, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, Policy 7.6 of the London Plan and is contrary to the Residential Extensions and Alterations SPD and NPPF (February 2019)

(3) The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems.

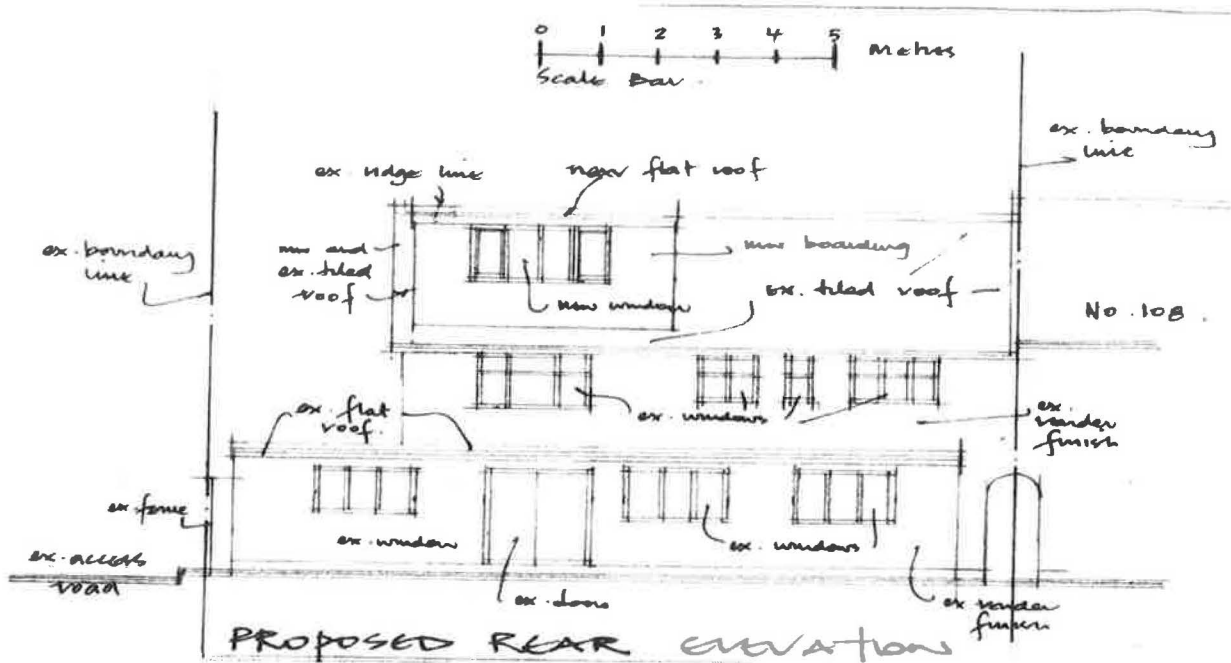
5. **WHAT YOU ARE REQUIRED TO DO**

The Enforcement Notice requires, **within 3 months**:

1. To remove or demolish the rear dormer;

**OR**

2. Modify the rear dormer in accordance with approved plans ref: P0319.15 as per the drawing below;



**AND**

3. Clad all sides of the reduced sized dormer with tiles matching those of the roof of the host dwelling;

**AND**

4. Remove all building materials and debris as a result of taking steps 1, 2 or 3 from the site.

6. **TIME FOR COMPLIANCE**

THREE MONTHS after the date this Notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **17<sup>th</sup> May 2019**, unless an appeal is made against it beforehand

Dated: 15<sup>th</sup> April 2019

Signed: 

David Colwill  
Team Leader, Planning Enforcement and Appeals  
on behalf of London Borough of Havering  
5<sup>th</sup> Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

### **Nominated Contact Officer:**

Onkar Bhogal, Principal Planning Enforcement & Appeals Officer  
01708 431587      [onkar.bhogal@haverling.gov.uk](mailto:onkar.bhogal@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 Secretary of State before the 17<sup>th</sup> of May 2019. 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 17<sup>th</sup> May 2019 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.

### **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 Secretary of State on or before the 17<sup>th</sup> May 2019. 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.

## **GROUNDS OF APPEAL**

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) and an appeal may be made 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 wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - 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**

It must be submitted 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, 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 it is proposed 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:

Christopher Paul Smith  
106 Whitchurch Road  
Harold Hill, Essex RM3 9AD

Paula Caroline Smith  
106 Whitchurch Road  
Harold Hill Essex RM3 9AD

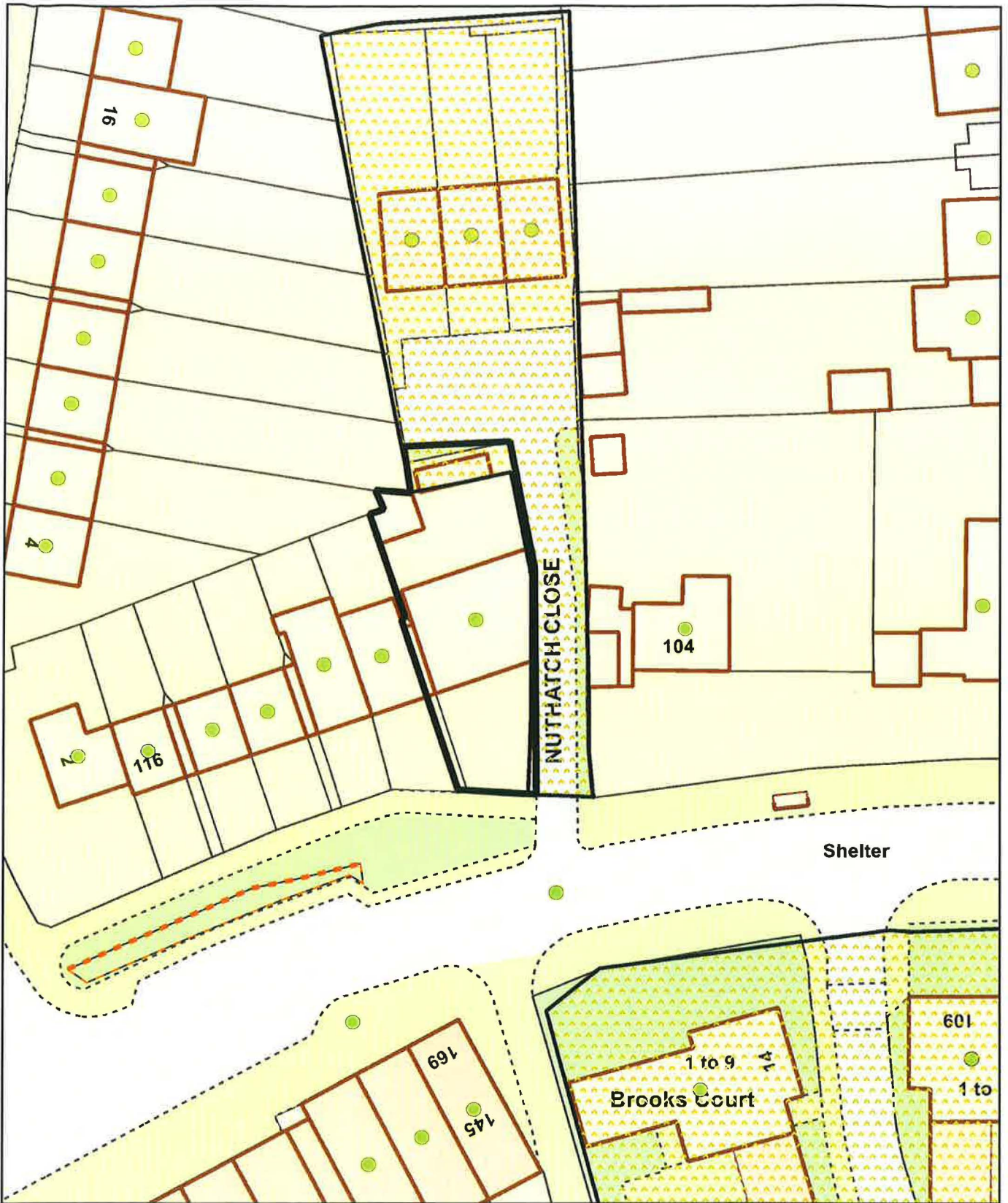
The Owners  
106 Whitchurch Road  
Harold Hill Essex RM3 9AD

The Occupiers  
106 Whitchurch Road  
Harold Hill Essex RM3 9AD


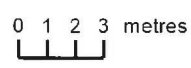
Daniel Paul Smith  
106 Whitchurch Road  
Harold Hill Essex RM3 9AD


Shane Colin Smith  
106 Whitchurch Road  
Harold Hill Essex RM3 9AD





<b>106 Whitchurch Road</b>	
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	<p><b>Scale: 1:500</b></p> <p><b>Date: 08 April 2019</b></p> <div style="text-align: right;">  </div>
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	<p>London Borough of Havering          Town Hall, Main Road          Romford, RM1 3BD          Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2019          Ordnance Survey 100024327</p>
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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](mailto: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.