

**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/390/19**

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

**TO:**

1. PROPRIETOR: P & I PROPERTIES LIMITED (Co. Regn. No. 11562414) of 97 Canterbury Avenue, Ilford IG1 3NG.
  2. The Owner ,33A Elm Road Romford RM7 8HH
  3. The Occupier, 33A Elm Road Romford RM7 8HH
  4. The Owner , 33 Elm Road Romford RM7 8HH
  5. The Occupier, 33 Elm Road Romford RM7 8HH
  6. Proprietor: KENSINGTON MORTGAGE COMPANY LIMITED (Co. Regn.No. 3049877) of Ascot House, Maidenhead Office Park, Maidenhead SL6 3QQ.
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 33/33A Elm Road Romford RM7 8HH, shown edged in black on the attached plan.
3. **THE RELEVANT PLANNING PERMISSION**
- Planning History.**
- **Q0297.19** -Discharge of conditions 4, 5, 6, 12 and 13 of planning application P0273.18 (Two storey rear extension, proposed 3 bedroom end of terraced dwelling and detached garage). This application is held due to insufficient information provided.
  - **P0273.18**- Two storey rear extension, proposed 3 bedroom end of terraced dwelling and detached garage. Approved with agreement on the 30<sup>th</sup> July 2019.
  - **P0620.11** - Extension of time limit of P0903.08 for a proposed three bedroom end of terrace dwelling and detached garage. Approved with conditions on the 19 July 2011.
  - **P0903.08** -Proposed 3 bedroom end of terraced dwelling and detached garage. Approved with conditions on the 20<sup>th</sup> June 2008.
  - **P0983.07**- 2 bedroom end of terrace dwelling. Refused on the 11<sup>th</sup> July and dismissed on appeal on the 5<sup>th</sup> August 2008.

- **P2329.06** -3 bedroom end of terraced dwelling – This application was withdrawn on the 29<sup>th</sup> January 2007.
- **P1896.05** - New dwelling adjacent 33 Elm Road, Collier Row. Refused on the 8<sup>th</sup> December 2005 and dismissed on appeal on the 1<sup>st</sup> September 2006.
- **P1431.96**- Detached dwelling house. Refused on the 12<sup>th</sup> February 1997.

#### 4. THE BREACH OF CONDITIONS

The following condition is not been complied with:

Non-compliance with Condition 5, 6, 9, 10 11, 12, 13 and 14 of planning permission ref: P0273.18 granted on 30<sup>th</sup> July 2019.

##### 1. Condition 5 (Refuse and recycling)

*No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.*

*Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.*

##### 2. Condition 6 (Cycle Storage)

*No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.*

*Reason:-*

*Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.*

##### 3. Condition 9 (Obscure with fanlight openings only)

*The proposed first floor window serving a bathroom on the rear facade of the donor property as shown on Drawing No.'s PL-5772\_05 and PL-5772\_06 shall be permanently glazed with obscure glass not less than Pilkington 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.*

#### **4. Condition 10 (Obscure with fanlight openings only)**

*The proposed ground and first floor flank windows of the proposed dwelling serving a shower room and bathroom respectively as shown on Drawing No.'s PL-5772\_05 and PL-5772\_07A 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. Condition 11 (Landscaping)**

*No above ground works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.*

*Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to any above ground works will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.*

#### **6. Condition 12 (Boundary treatment)**

*Prior to first occupation of the proposed dwelling hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.*

*Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to the first occupation of the proposed dwelling will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.*

#### **7. Condition 13 (Vehicle access)**

*Prior to first occupation of the proposed dwelling hereby approved, access to the highway has been completed in accordance with the details that have been previously submitted to and approved in writing by the Local Planning Authority.*

*Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.*

## **8. Condition 14 (Visibility Splay)**

*The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.*

*Reason: In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.*

Reason for Service Notice:

It is considered expedient and necessary to serve a Breach of Condition Notice to gain compliance with the relevant conditions of planning permission P0273.18.

## **5. Notice Requirements:**

That a Breach of Condition Notice be issued and served to require that:

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

1. Provide details of the proposed scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development in writing to the local planning authority. These details must be in the form of a discharge of condition application and be submitted with the necessary forms, plans and application fee. Following agreement, these must then be implemented on site.
2. Ensure that the first floor window serving a bathroom on the rear facade of the donor property as shown on Drawing No.'s PL-5772\_05 and PL-5772\_06 is permanently glazed with obscure glass not less than Pilkington 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).
3. Ensure that the first floor flank windows of 33A dwelling serving a shower room and bathroom respectively as shown on Drawing No.'s PL-5772\_05 and PL-5772\_07A 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).
4. Provide in details the means of vehicle accessibility to the highway in writing to the local planning authority. These details must be in the form of a discharge of condition application and be submitted with the necessary forms, plans and application fee. Following agreement, these must then be implemented on site

5. Provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.
6. Provide in full details, the facilities for all proposed walls, fences and boundary treatment in writing to the local planning authority. These details must be in the form of a discharge of condition application and be submitted with the necessary forms, plans and application fee. Following agreement, these must then be implemented on site.
7. Remove all debris from the site as a result of taking steps 1 and 8 above.

## 6. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 12<sup>th</sup> August 2020



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**George Atta-Adutwum**

**Position:** Planning Enforcement Deputy Team Leader

**Authorised Officer**

On behalf of: The Mayor and Burgesses of the London Borough of Havering Town Hall  
Main Road Romford RM1 3BD

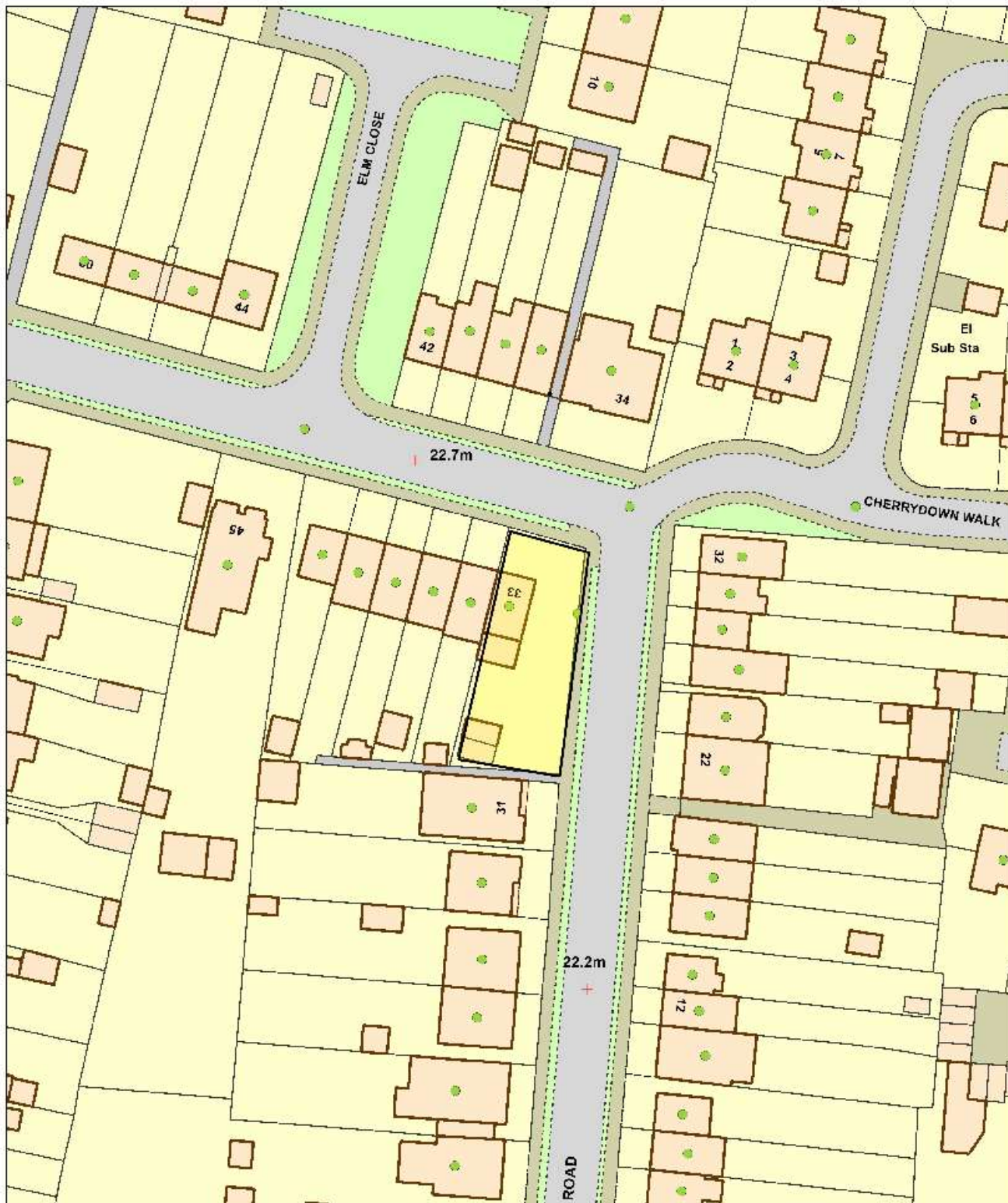
## WARNING

### **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 the Patricia Adesina Senior Planning Enforcement Officer, Mercury House, Mercury Gardens, Romford, RM1 3SL (01708 433959).

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.

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE**



33/33a Elm road	33/33a Elm road
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	Scale: 1:500 Date: 05 August 2020	
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