

THE ONYX RESTAURANT, 48-50 STATION LANE, HORNCHURCH, RM12 6NB

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/130/21

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 **48-50 STATION LANE, HORNCHURCH, RM12 6NB**, shown edged in black on the attached plan and is registered under Land Registry Title Number **EGL3498 (Freeholder) and EGL150437 (Leaseholder)**.

3. THE BREACH OF PLANNING CONTROL ALLEGED

- i) Without planning permission, the alteration and construction of a first floor rear extension.
- ii) Without planning permission, the construction of an extension over the front forecourt.

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. 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 first floor rear extension by reason of its bulk, mass, scale and proximity to the neighbouring properties causes overlooking and loss of privacy as well as creating a sense of enclosure and impacting on natural light, which would have a serious and adverse effect on the living conditions of adjacent occupiers particularly at no. 46 Station Lane. The development is contrary to the principles set out in the National Planning Policy Framework 2021, Policies D1, and D4 of the London Plan 2021, and Policies 14, 26 and 34 of the Havering Local Plan 2016-2031.

3. The first floor rear extension by virtue of its siting, poor design, bulk and retractable roof, facilitates the use of the flat roof as an additional seating area for patrons of the restaurant and has significantly increased the level of activity to this area, where previously there was none, which has a detrimental impact, particularly with regard to levels of noise from patrons, amplified music and sporting events relayed by television, which is materially harmful to the amenity of adjoining occupiers, particularly at no. 46 Station Lane and the five flats at no. 52 Station Lane. The development is contrary to the principles set out in the National Planning Policy Framework 2021, Policies D1 and D4 of the London Plan 2021, and Policies 14, 26 and 34 of the Havering Local Plan 2016-2031.
4. The extension over the front forecourt, by virtue of its siting, design and use of materials has resulted in a development which is out of character with the surrounding area particularly the open forecourts that characterise this part of the street, to the detriment of the streetscene and public realm. The development is contrary to the principles set out in the National Planning Policy Framework 2021, Policies D1 and D4 of the London Plan 2021, and Policies 14, 26 and 34 of the Havering Local Plan 2016-2031.
5. The extension over the front forecourt, has increased the permanent seating capacity of the restaurant and intensified the levels of activity from the premises to this area, which has exacerbated the existing impacts of the premises, particularly with respect to levels of noise and disturbance, which is harmful to the amenity of adjacent occupiers. The development is contrary to the principles set out in the National Planning Policy Framework 2021, Policies D1 and D4 of the London Plan 2021, and Policies 14, 26 and 34 of the Havering Local Plan 2016-2031.
6. The Council does not consider that planning permission should be granted for either development because of the impact the developments have on the street scene and amenity of adjoining occupiers and that planning conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires, **within THREE MONTHS** of the effective date of the Notice to:

1. Remove all the unauthorised extensions to the rear first floor flat roof (hatched on the attached location plan);

OR

2. Remove all the unauthorised extensions to the rear first floor flat roof (hatched on the attached location plan) so that what remains on site accords fully with the existing plans submitted with application P1000.21 attached as **LBH 1**. Any building works undertaken to comply with this step shall be carried out in materials to match in colour and texture the host building;

AND

3. Remove all materials and debris from the land as a result of under taking steps 1 and 2 above;

AND

The Enforcement Notice requires, **within ONE MONTH** of the effective date of the Notice to:

4. Remove the unauthorised extension over the front forecourt (marked as solid black on the attached location plan);


AND

5. Remove all materials and debris from the land as a result of under taking step 4 above.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **29th JULY 2022**, unless an appeal is made against it beforehand

Dated: 24th June 2022

Signed: 

David Colwill

Authorised Officer on behalf of London Borough of Havering, Mercury House, Mercury Gardens, Romford, RM1 3SL

Nominated Officer to contact regarding this Notice: Phillip Jones

Telephone Number: 01708 431439 Email: Phillip.jones@havering.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 **29th JULY 2022**. 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 **29th JULY 2022** 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 **29th JULY 2022**.

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 **£924** 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.

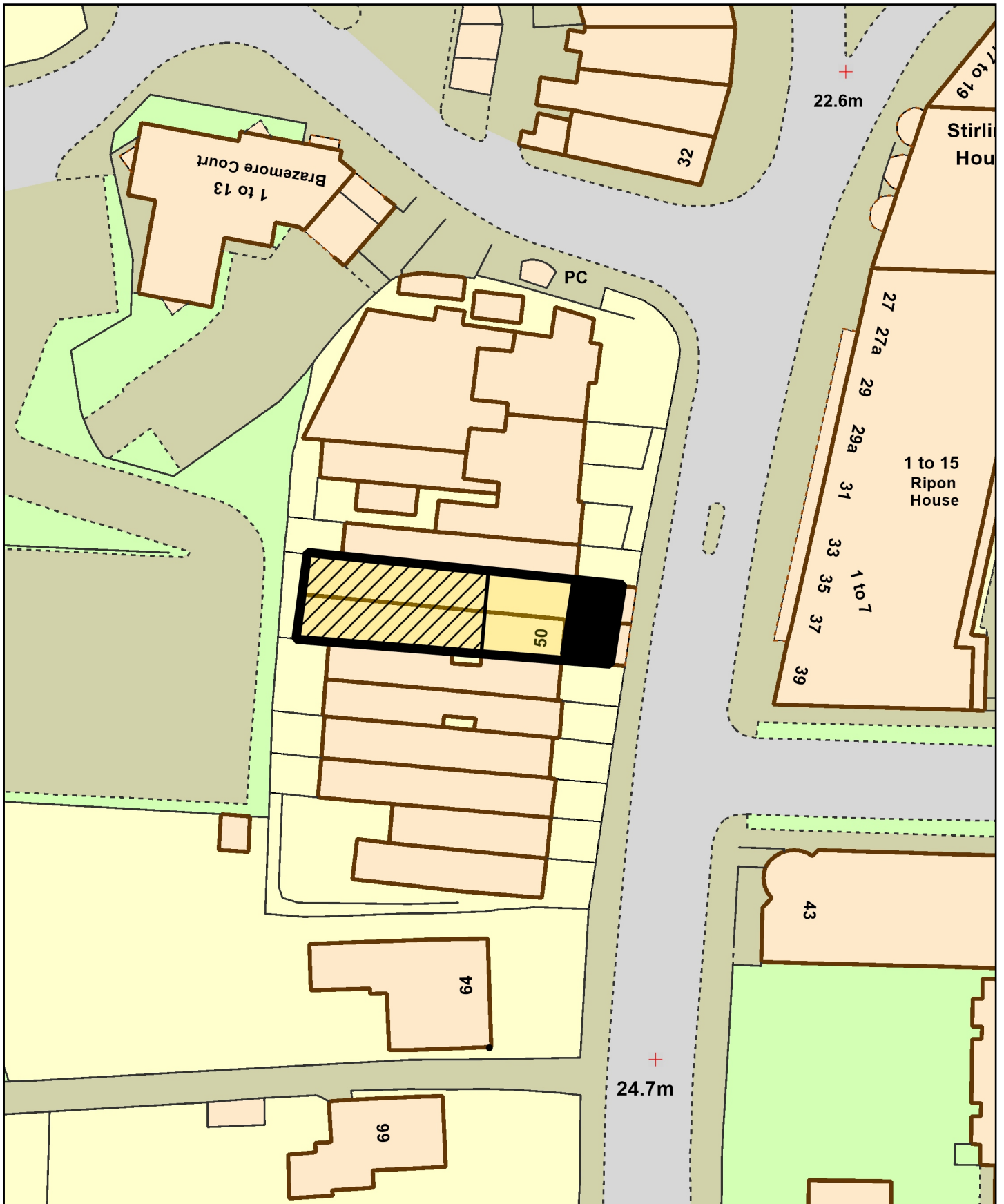
STATEMENT ON GROUNDS OF APPEAL


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.


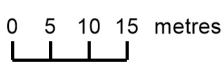
RECIPIENTS OF THE ENFORCEMENT NOTICE


The names and addresses of all the persons on whom the Enforcement Notice has been served are:

1. The Owner(s), 48-50 Station Lane, Hornchurch, RM12 6NB.
2. The Occupier(s), 48-50 Station Lane, Hornchurch, RM12 6NB.
3. Vivienne Naomi Lev, 43 Albion Hill, Loughton, Essex, IG10 4RD.
4. Heather Becker, 43 Albion Hill, Loughton, Essex, IG10 4RD.
5. White Rose Restaurant Limited, 19A Regarth Avenue, Romford, RM1 1TJ.
6. White Rose Restaurant Limited, 48-50 Station Lane, Hornchurch, RM12 6NB.
7. Elena Karamani, 48-50 Station Lane, Hornchurch, RM12 6NB.
8. Elena Karamani, 19A Regarth Avenue, Romford, RM1 1TJ.



<p>The Onyx Restaurant, 48-50 Station Lane, Hornchurch, RM12 6NB</p>	<p>ENF/130/21</p> 
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	<p>Scale: 1:550</p> <p>Date: 23 June 2022</p> 
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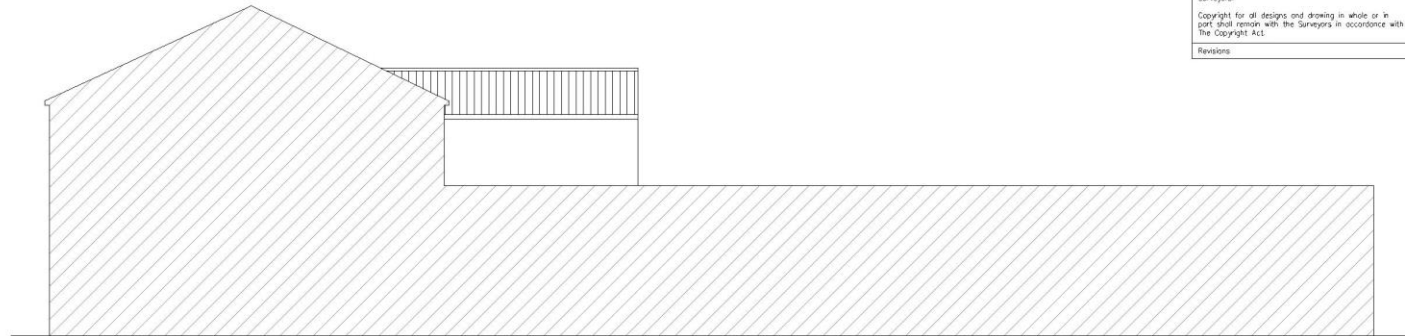
	<p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2022 Ordnance Survey 100024327</p>
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LBH 1

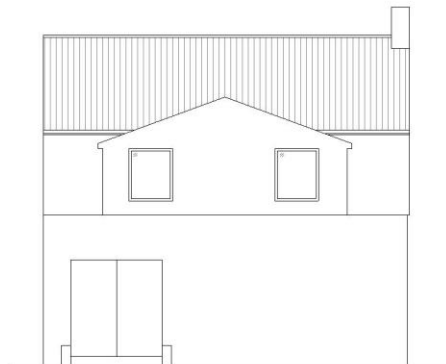
Figured dimensions and levels should be verified by the Contractor on site before construction or manufacture and any discrepancies brought to the attention of the Surveyors.
Copyright for all designs and drawing in whole or in part shall remain with the Surveyors in accordance with The Copyright Act.
Revisions



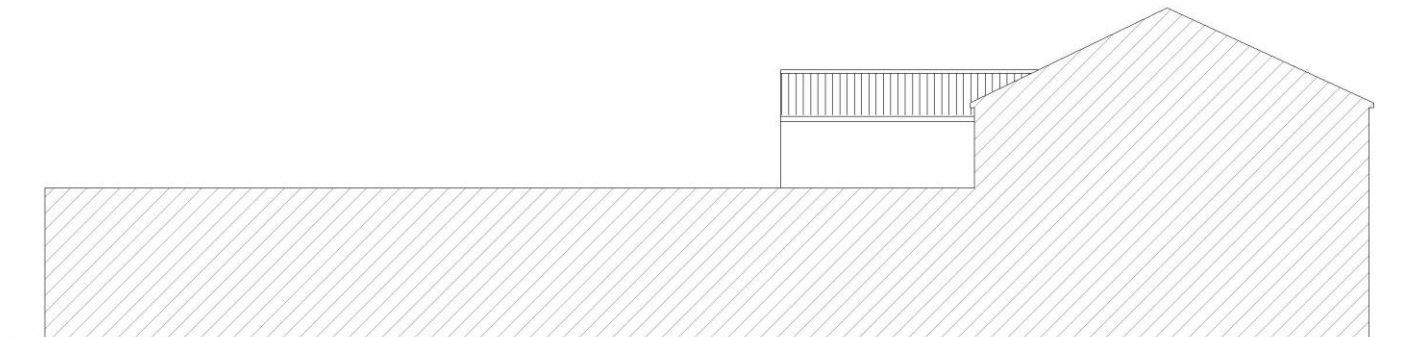
EXITING FRONT ELEVATION



EXITING SIDE ELEVATION



EXITING REAR ELEVATION



EXITING SIDE ELEVATION

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.