

RE: Land and associated dwelling house at 100 Balgores Lane Gidea Park
Romford

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

 5. National Westminster Bank PLC of 100 The Crescent Colchester
Essex CO4 4YQ

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 associated dwelling house shown edged in black on the attached Plan .

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

Without planning permission, the laying down of a hard surface on part of the front garden area shown hatched black on the attached Plan.

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 excessive extent of the hardstanding is inappropriate and visually intrusive in the streetscene and is out of character with and detrimental to the character and appearance of the Gidea Park Conservation Area. The Council has put in place special measures (Article 4 Direction) which require planning to be obtained for all new hardstandings within the Conservation Area.

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

- (i) Remove the hard surface area in the front garden as shown hatched black on the attached plan

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

- (ii) Remove all building materials and rubble arising from compliance with the above requirement

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

- (iii) Restore the front garden by reseeding the area shown hatched black

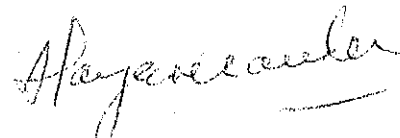
Time for compliance : three months from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 25th June 2007, unless an appeal is made against it beforehand

Dated: 18th May 2007

Signed:



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 25th June 2007. 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 25th June 2007 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 on 25th June 2007. 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.

GROUNDINGS OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1991 and are also set out on pages 2 - 5 the enclosed appeal forms.

PLANNING APPLICATION FEE

Should you 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.

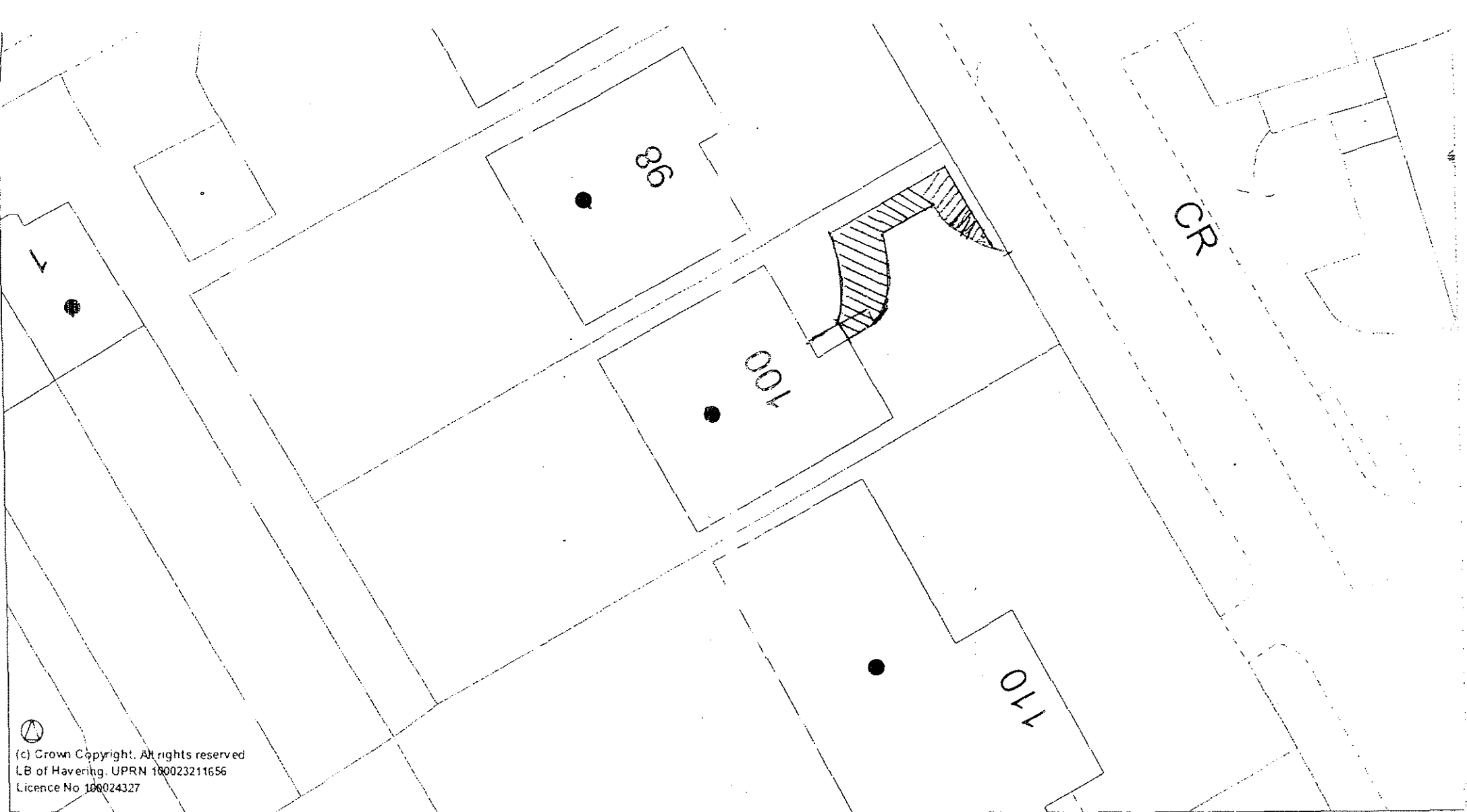
STATEMENT ON GROUNDINGS OF APPEAL

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. Mr. Majit Siingh Nandra of 100 Balgores Lane Romford RM2 5JU
4. Kulvinder Kaur Nandra of 100 Balgores Lane Romford RM2 5JU
5. National Westminster Bank PLC of 100 The Crescent Colchester Essex CO4 4YQ



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Map at scale 1:287



 London Borough of Havering
Town Hall, Main Road
Romford, RM1 3BD
Tel 01708 434343

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London Borough of Havering 100024327



Appeal Decisions

Site visit made on 3 March 2008

by **Christopher J Craig** MA(Oxon) MPhil
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.
gov.uk

Decision date:
11 March 2008

Appeal Ref: APP/B5480/C/07/2048376

100 Balgores Lane, Gidea Park, Romford RM2 5JU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Manjit S Nandra against an enforcement notice issued by the Council of the London Borough of Havering.
- The Council's reference is P2387.06.
- The notice was issued on 18 May 2007.
- The breach of planning control as alleged in the notice is, without planning permission, the laying down of a hard surface on part of the front garden area shown hatched black on the attached plan.
- The requirements of the notice are:
 - (i) Remove the hard surface area in the front garden as shown hatched black on the attached plan.
 - (ii) Remove all building materials and rubble arising from compliance with the above requirement.
 - (iii) Restore the front garden by reseeding the area shown hatched black.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections.

Appeal Ref: APP/B5480/A/07/2051573

100 Balgores Lane, Gidea Park, Romford RM2 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Manjit S Nandra against the decision of the Council of the London Borough of Havering.
- The application Ref P2387.06, dated 5 December 2006, was refused by notice dated 2 February 2007.
- The development proposed is to reduce the existing hardstanding by creating a large planted area/flowerbed/garden.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The description of development on the planning application form does not accurately reflect the development, which is to retain the extended hardstanding, modified to incorporate a 1m x 6.5m planted area/flowerbed. I shall deal with the application on this basis.
-

Reasons

The Appeal on Ground (e)

2. The appellant maintains that the notice was not properly served on him as his first name was incorrectly spelt – Majit instead of Manjit. In my view this is a minor typographical error that did not in any sense prejudice the interests of the appellant, who was fully aware the notice applied to him and has appealed. I shall use my powers to correct the notice and the ground (e) appeal fails.

The Appeal on Ground (c)

3. The appellant's contention is that hardstanding covering in excess of 50% of the front garden area is permitted under the terms of planning permission P1036.97 for the construction of 3 detached houses, including the appeal property, in particular, under conditions 3 and 13 which required an area to be laid out and maintained for car parking in order to avoid on-street parking and enable vehicles to enter and leave the site in forward gear.
4. I disagree with this contention. Conditions 3 and 13 on planning permission P1036.97 make no mention of extended hardstandings beyond the maximum of 50% allowed under UDP policy and I do not accept that condition 13 confers any implicit permission in this respect. In fact, condition 2 of the permission requires the development to be carried out in complete accordance with the approved plans. The revised landscape plan E214P/13 revA submitted by Maurice Phillips Partnership on behalf of the developers Berkeley Homes, which was accepted by the Council as discharging the landscaping condition, showed an area of hardstanding materially smaller than the current area following its extension by the appellant in late 2003. The Gidea Park area is subject to an Article 4 Direction which removes permitted development rights covering front hardstandings. It follows that planning permission is required for the extended hardstanding, which has not been obtained. There has therefore been a breach of planning control and the ground (c) appeal fails accordingly.

The Ground (a)/Planning Appeals

5. The main issue to be determined is whether the unauthorised development preserves or enhances the character or appearance of the Gidea Park Conservation Area.
6. Policy ENV3 of the Havering Unitary Development Plan 1993, reflecting the statutory test in s 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, resists proposals that fail to preserve or enhance the character or appearance of a conservation area. Policy ENV23 and the associated Appendix 7 set out additional criteria for the Gidea Park Conservation Area, with paragraph 4.6 of the Appendix stipulating that the construction of a hard surface for the parking of vehicles at the front of a property should not exceed 50% of the front garden area. These policies have been saved by government directive during the transition towards the new development plan framework, but Policy ENV1, also relied on by the Council, has not been saved and is no longer part of the statutory development plan.
7. The Gidea Park Conservation Area dates from around 1910-11 and was developed on garden city principles. Residential development in the area

comprises mainly detached houses with mature gardens. The appeal property was one of 3 detached houses constructed in 1998, whose design and layout, including a front hardstanding of no more than 50% of the front garden area, was negotiated to be compatible with the area and contribute to its character. The front garden area of the appeal property had an area of approximately 164m², half of which was used for garden/landscaping. The unauthorised extension of the hardstanding, which is in matching materials, has increased this to 100m², amounting to some 61% with a commensurate reduction in landscaping to 39%, comprising mainly boundary hedges with a small area of shrubbery in front of the living room. In my view the extended hardstanding is visually dominant and this together with the reduced area of soft landscaping detracts from the character and appearance of the conservation area. The appellant has proposed a modification to reduce the hardstanding on its northern side to incorporate an additional 1m x 6.5m strip of planted area/flowerbed. This would reduce the hardstanding to some 57% of the front garden area and provide some degree of softening in the appearance of the front of the property, but it would still materially exceed the 50% limit and I do not consider that it would go far enough to overcome the adverse impact on the character of the conservation area, contrary to development plan policies for the area.

8. The appellant contends that the extended hardstanding is necessary to enable vehicles to drive in and out in a forward gear. However, the appeal property has a garage and the layout approved under planning permission P1036.97 provided adequate space for cars to park and turn within the site. I also saw that Balgores Lane is a straight road with good visibility, aided by the absence of parked cars. I do not consider that entering and exiting the site involves any exceptional danger such as to outweigh the harm to the appearance of the area.
9. I saw that many properties in Balgores Lane have front hardstandings, which in some cases are extensive and which clearly do not contribute to the character of the conservation area. However, many of the larger hardstandings would appear to predate the Article 4 Direction introduced in 1986 and their subsequent resurfacing would not be a breach of the policy. I note the appellant's contention that extended hardstandings have been permitted recently at other properties such as 46 Balgores Lane, but I have no information on the circumstances of such cases and they do not justify other harmful developments. Neither they, nor the support of residents of the adjoining property Abbeyfield House, affect my decision in the present case which must be determined on its individual merits. The Gidea Park and District Civic Society have pointed out that other extensions, for example at 9 Balgores Crescent, have been refused by the Council, whose policy has been generally upheld at appeal, including recently at 36 and 37 Reed Pond Walk. I do not believe that the refusal of permission for the extended hardstanding at the appeal property discriminates against the appellant.
10. I conclude that the development fails to preserve or enhance the character or appearance of the Gidea Park Conservation Area. It cannot be permitted and both appeals fail. I acknowledge that refusal of planning permission constitutes interference with the appellant's rights under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. However, the interference

is justified by the public interest involved in protecting the character and appearance of the conservation area and is necessary and proportionate.

The Appeal on Ground (f)

11. In arguing that the steps required by the notice are unreasonable and excessive, the appellant has put forward the compromise proposal the subject of the planning appeal. I have concluded above that this is insufficient to overcome the harm to amenity. In my view the steps specified in the notice requiring the removal of the extended area of hardstanding and its restoration as front garden are necessary to achieve this. The ground (f) appeal therefore also fails.

The Appeal on Ground (g)

12. An increase is sought in the period for compliance with the notice to 6 months, but no reason is given for such an extension. In my view the specified period of 3 months is adequate to undertake the work required and there is accordingly no justification for an extension. The ground (g) appeal fails.

Formal Decisions

The Enforcement Appeal (APP/B5480/C/07/2048376)

13. I direct that the enforcement notice be corrected by the substitution of "Manjit" for "Majit" in No.3 of the list of recipients of the notice. Subject to this correction, I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Planning Appeal (APP/B5480/A/07/2051573)

14. I dismiss the appeal.

C J Craig

Christopher J Craig

Inspector