

RE: 50 HEATH DRIVE, GIDEA PARK, ROMFORD RM2 5QP

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 property
  2. The Occupier of the said property
  3. Ms Andrea Gray, 50 Heath Drive, Gidea Park, Romford RM2 5QP

**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 house and land at 50 Heath Drive, Gidea Park, Romford RM2 5QP as shown outlined in black on the attached plan (the "Land").

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

Without the benefit of planning permission the insertion of UPVC windows replacing the original wooden casement windows in the house on the Land within the Gidea Park Conservation Area, which is subject to an Article 4 Direction removing permitted development rights for replacement of windows.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

The white UPVC windows adversely affect the visual amenity of the street scene and detract from the special character and appearance of the Gidea Park Conservation Area contrary to policies DC61 and DC68 of the London Development Framework. Permitted Development rights in respect of replacement windows have been removed within the Gidea Park Conservation Area by Article 4 Direction.

## 5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the UPVC windows and replace with timber framed casement windows to match the window patterns on the attached drawing, marked "Drawing 1" for the front of the house the South East elevation ('S E ELEVATION') for the rear of the house the North West elevation ('N W ELEVATION') for the side with ground floor extension, the North East elevation ('N E ELEVATION') and for the side without the ground floor extension, the South West elevation ('S W ELEVATION').

Time for compliance: 6 months from the effective date of this notice.

- (ii) Remove all materials, equipment and constructions brought on to the Land in connection with the unauthorised development.

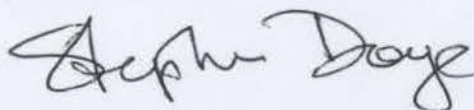
Time for compliance: 6 months from the effective date of this notice.

## 6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 14<sup>th</sup> February 2009, unless an appeal is made against it beforehand

Dated: 8th January 2009

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 14<sup>th</sup> February 2009. 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 14<sup>th</sup> February 2009 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.**



**50 Heath Drive**



Map Reference: TQ5290SW

Date: 30/10/2008

Scale: 1:500

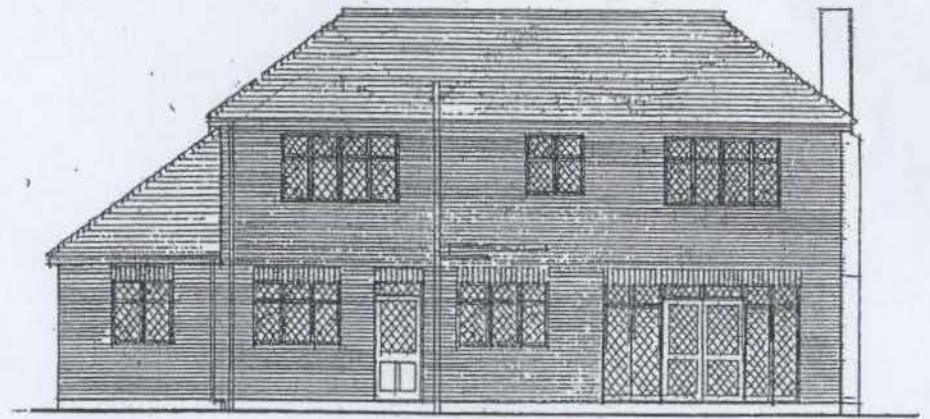


London Borough of Havering  
 Planning Department  
 Mercury House, Mercury Gardens  
 Romford, RM1 3SL  
 Tel: 01708 434343

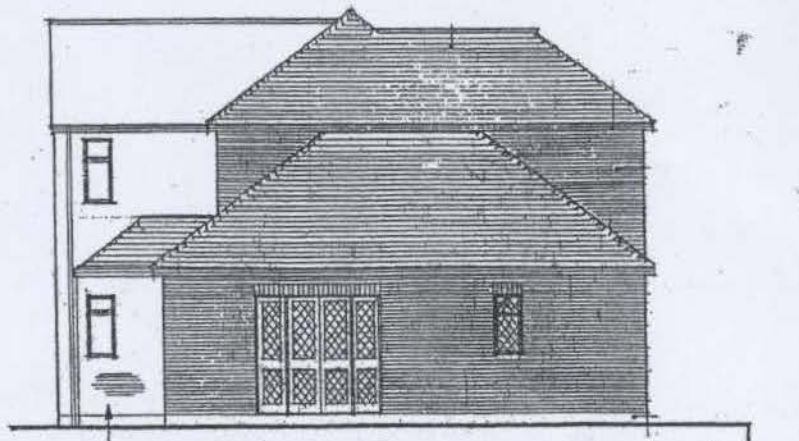
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 London Borough of Havering 100024327



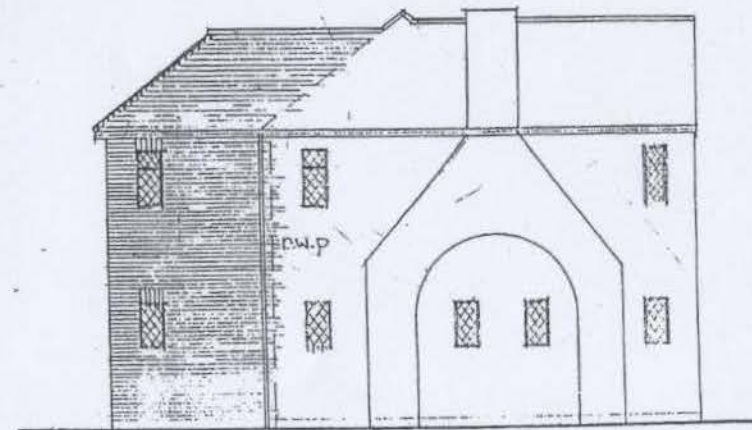
S.E. ELEVATION



N.W. ELEVATION



N.E. ELEVATION



S.W. ELEVATION

DRAWING I

## **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 14<sup>th</sup> February 2009. 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 1991 and are also set out on page X the enclosed appeal forms.

### **PLANNING APPLICATION FEE**

Should you wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of **£220** 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 property
2. The Occupier of the said property

3. Ms Andrea Gray, 50 Heath Drive, Gidea Park, Romford RM2 5QP



# Appeal Decision

Site visit made on 27 February 2006

by **Nigel Harrison BA (Hons) 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](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
23 February 2009

**Appeal Ref: APP/B5480/A/09/2094095**

**(Original Ref: APP/B5480/A/05/1190941)**

**50 Heath Drive, Gidea Park, Romford, Essex, RM2 5QP**

- 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 Lorna Reynolds (Executor of Martin Reynolds - deceased) against the decision of the Council of the London Borough of Havering.
- The application Ref: P1138.05, dated 20 April 2005, was refused by notice dated 3 August 2005.
- The development proposed is *retrospective planning application for the retention of all upvc windows and doors*.

## Decision

1. I **allow** the appeal, and grant planning permission for the installation of upvc windows and doors at 50 Heath Drive, Gidea Park, Romford, Essex RM2 5QP in accordance with the terms of the application, Ref: P 1138.05 dated 20 April 2005, and the plans submitted with it.

## Procedural Matters

2. I visited the site and first considered the appeal in February 2006. However, due to the death of the appellant, Martin Reynolds, and in the absence of probate confirming the person authorised by the court to act as executor of the deceased's estate, I have not been able to proceed to decide the appeal. However, as evidence of probate has since confirmed Lorna Reynolds as the only duly appointed executor I am, with her consent, able to proceed with the appeal.
3. Accordingly, I have re-considered the appeal in the light of the up-to date policy context. Both main parties have informed me that there have been no significant changes to the appeal site or surrounding area in the intervening period, or other change in circumstances, and I have proceeded on this basis.
4. The application is described as being for *the retention of all upvc windows and doors*, and it was clear at the time of my site visit in 2006 that these had been installed in accordance with the details shown on the submitted plans. However, I intend to consider the appeal on the basis of the proposed development being for the installation of uPVC windows and doors.

## Main Issue

5. I consider that the one main issue in this case is whether the proposed upvc windows and doors would preserve or enhance the character or appearance of the Gidea Park Conservation Area.



## Reasons

6. As the site is in a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The appeal property is a detached house on a corner plot within the Gidea Park Conservation Area. It has recently been substantially extended to the side and rear. The windows and doors that have been installed to all elevations of the extended house have white upvc frames and applied 'leaded' strips. The conservation area comprises individually designed dwellings in generous, well-planted plots, laid out on garden suburb principles. Some houses, although not the appeal property, were built as exhibition and competition houses. Although some properties have been altered and extended over the years, the area nonetheless has a distinctive leafy and spacious character.
8. The Unitary Development Plan (UDP) policies under which the application was first considered have now expired, being replaced by the *Development Control Policies Development Plan Document (DPD)* within the *Havering Local Development Framework*, adopted in October 2008. Here, Policy DC61 says development will only be permitted where it maintains, enhances or improves the character and appearance of the area and responds to local building forms and materials. Policy DC68 says that planning permission will only be granted for development in a conservation area where it preserves or enhances its character or appearance, and is well designed. Although less specific than the replaced UDP Policies, I am satisfied that these DPD policies raise no significant new considerations, and reflect government advice in PPG15: *Planning and the Historic Environment*.
9. The Council's Supplementary Planning Guidance "*Residential Alterations and Extensions*", to which I was originally referred, no longer has any formal status. However, I have considered its advice relating to the size, proportions, position and style of windows on the basis of informal guidance only.
10. The Council says that only a small minority of dwellings in the conservation area have upvc windows. While I agree that the majority of dwellings retain painted timber frame windows, I nonetheless noted numerous examples of white and coloured upvc windows in Heath Drive, Reed Pond Walk, Meadway, Parkway and other nearby streets. Also, a number of properties have replacement windows in unpainted hardwood, or have metal frames. Taken together, these represent a very significant proportion, which materially contribute to the character and appearance of the conservation area.
11. I accept that in those parts of the conservation area where timber window frames predominate, and certainly in respect of the exhibition and competition houses, their replacement with upvc would be materially harmful. However, the appeal property is relatively modern and has already been radically altered by its recent extensions.
12. I have taken into account an appeal decision at 43 Crossways, allowed in September 2005 (Ref: APP/B5480/A/05/1181758). Here, the Inspector considered that the variety of window frame materials and designs contributed to the character and appearance of the conservation area, and concluded that

the proposed upvc windows were not out of keeping with the appearance of the house, street scene, or that part of the conservation area. It will be seen from my conclusion that I share those views.

13. The Council has referred me to another appeal decision at 19 Reed Pond Walk, dismissed in January 2004 (Ref: APP/B5480/A/04/1152627). In this case the Inspector took a different view, concluding that the proposal would not preserve or enhance the character or appearance of the conservation area. However, from the information before me, No 19 is one of the 1911 exhibition houses, and was recognised by the Inspector as an important building. This distinguishes it from No 50 Heath Drive, which to my mind has less importance in terms of architectural quality and the contribution it makes to the character and appearance of the conservation area. Given the different circumstances, this decision has not influenced me in dealing with the current appeal.
14. The Council has stated that the appeal property is of particular importance in the conservation area because of its proximity to a number of 1911 exhibition houses, particularly No 49 Heath Drive. However, the immediate neighbour to the west is a modern bungalow, and this equally contributes to the immediate area's character and appearance.
15. I find no conflict with DPD Policies DC61 and DC68, and I conclude on this issue that the proposal would preserve the character and appearance of the Gidea Park Conservation Area.
16. In accordance with the advice in Circular 11/95, I agree with the Council that it is not necessary to impose any conditions.

#### **Conclusion**

17. For the reasons given above, and having regard to all other matters raised, including the comments of the Gidea Park and District Civic Society and local residents, I conclude that the appeal should be allowed.

*Nigel Harrison*

INSPECTOR



Date 26<sup>th</sup> February 2009

From Assistant Chief Executive  
Legal & Democratic Services

My Reference BLP/TP3377

Extension 2468

To Planning Department  
F.A.O Ann Southwood  
7<sup>th</sup> Floor Mercury House

Your Reference

### ENFORCEMENT NOTICE

RE : 50 Heath Drive, Gidea Park, Romford RM2 5QP

Please note on your records that the Enforcement Notice served on the above mentioned property under section 171A(1)(a) of the Town and Country Planning Act 1990 dated 8<sup>th</sup> January 2009 has been withdrawn under s173A of the same Act.

  
ASSISTANT CHIEF EXECUTIVE

