

290 UPMINSTER ROAD NORTH, RAINHAM RM13 9JR

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT REFERENCE: ENF/714/17

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 **290 Upminster Road North, Rainham** RM13 9JR, shown edged in black on the attached plan and is registered under Land Registry Title Number BGL107530.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the construction of a building in the rear garden.

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 injury to amenity which has been caused by the breach.
2. The outbuilding, by reason of its size, bulk and mass, appears as an unacceptably dominant and visually intrusive feature in the rear garden environment, harmful to the appearance of the surrounding area, contrary to the Supplementary Planning Document for Residential Extensions and Alterations and Policy DC61 of the Development Control Policies Development Plan Document.
3. The building by reason of its combined bulk, scale and mass together with its residential character and appearance, has introduced a development that is out of character with the existing rear garden environment and as such gives rise to the creation of an entirely self-contained dwelling which is not incidental to the main dwellinghouse and results in material harm to neighbouring residential amenity contrary to the Supplementary Planning Document for Residential

Extensions and Alterations and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

4. The outbuilding dwelling provides poor living conditions for current and future occupiers. The constraints of the site in conjunction with the design approach adopted would be to the detriment of the amenity of current and future occupiers. The dwelling fails to meet the nationally described space standard and fails to provide adequate internal areas, daylight, outlook, privacy and built-in storage. The result is substandard living conditions for current and future occupants, in direct contrast to the aims of London Plan (2021) Policies D4 and D6 and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and contrary to guidance within the NPPF (2021).
5. The Council does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notice requires within **TWO MONTHS** of the effective date:

1. Demolish the building at the rear of the rear garden of 290 Upminster Road North, Rainham RM13 9JR in the approximate area as hatched black on the attached plan;

AND

2. Remove all building materials and rubble from the site associated with complying with step 1 above.

6. TIME FOR COMPLIANCE

TWO MONTHS after the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **13th September 2021**, unless an appeal is made against it beforehand

Dated: **12th August 2021**

Signed:



GEORGE ATTA-ADUTWUM

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

Nominated Officer to contact regarding this Notice: Patricia Adesina (Senior Planning Enforcement Officer)

Telephone Number: 01708 433 959

Email: patricia.adesina@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 Planning Inspectorate acting on behalf of the Secretary of State before **13th September 2021**. 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 **13th September 2021** 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 **13th September 2021**.

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.

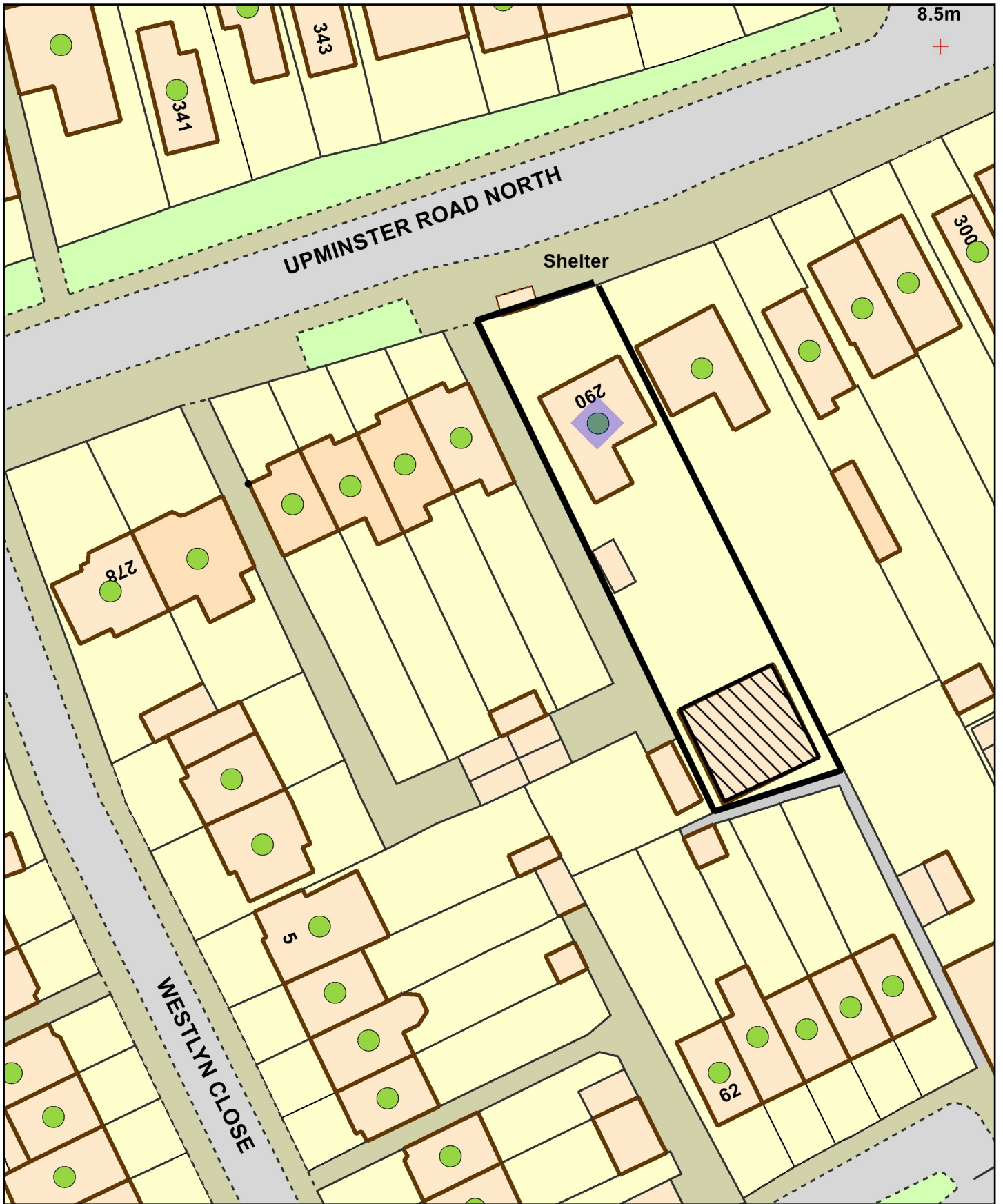
RECIPIENTS OF THE ENFORCEMENT NOTICE

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

1. KEITH GILBERT, 48 Warwick Road, Rainham RM13 9XU
2. QASIM SAIF JANJUA, 48 Warwick Road, Rainham RM13 9XU
3. KEITH GILBERT, 290 Upminster Road North, Rainham RM13 9JR
4. QASIM SAIF JANJUA, 290 Upminster Road North, Rainham RM13 9JR
5. KEITH GILBERT, PO Box 21284, Alman, United Arab Emirates
6. QASIM SAIF JANJUA, PO Box 21284, Alman, United Arab Emirates
7. The Owner, 290 Upminster Road North, Rainham RM13 9JR
8. The Occupier, 290 Upminster Road North, Rainham RM13 9JR

9. The Owner, Building at rear of 290 Upminster Road North, Rainham RM13 9JR

10. The Occupier, Building at rear of 290 Upminster Road North, Rainham RM13 9JR



290 Upminster Road North Rainham RM13 9JR



Scale: 1:500
Date: 11 August 2021



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

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 Ordnance Survey 100024327

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

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.