

RE: 12 Yevele Way, Hornchurch, Essex RM11 3NB

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

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 at **12 Yevele Way, Hornchurch, Essex RM11 3NB**, shown hatched edged in black on the attached plan.

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

- (i) Without planning permission, the erection of a two storey timber outbuilding measuring approximately 5m wide, 6.25m deep and 7m high to top of the roof in the rear garden of 12 Yevele Gardens for use as a gym / playroom shown hatched attached plan.

4. **REASONS FOR ISSUING THIS NOTICE**

To issue an enforcement notice to remove or reduce to a maximum height of 2.5m maximum of the unauthorised two storey timber structure in the rear garden at the above site:

Reasons

- (1) It appears to the Council that the above breaches of planning control have occurred within the last four years in relation to the development and uses of the land that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity or injury which has been caused by the breach.
- (2) The 7m high wooden structure / outbuilding would provide a dominant and overbearing feature in the rear garden due to the combination of its height, bulk, mass and position close to the boundary. It will also have an adverse impact on the rear garden environment of adjoining properties and will be unsympathetic to the surrounding area including the neighbouring properties.

(3) The outbuilding would, due to its position and proximity to neighbouring properties, cause overlooking and loss of privacy which would have a serious adverse effect on the living conditions of adjacent occupiers, contrary to the Residential Extensions and Alterations SPD.

(4) The development is therefore considered to be contrary to adopted guidelines illustrated below for householder extensions and the proposal is deemed to be unneighbourly.

The development is contrary to the following LDF Policies:

LDF

DC60 - Trees and Woodlands

DC61 - Urban Design

DC69 - Other Areas of Special Townscape or Landscape Character

SPD04 - Residential Extensions & Alterations SPD

SPD05 - Emerson Park Policy Area SPD

SPD08 - Protection of Trees during Development SPD

OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

The Council does not consider that planning permission should be granted because conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

The Enforcement Notices to require, within TWO MONTHS:

1. Cease any use of the unauthorised two storey wooden structure in the Land shown hatched in black on the attached plan; and
2. Remove the unauthorised two storey wooden structure used for gym / playroom activities from the land; or
3. Reduce the maximum height of the outbuilding at any point to a maximum height of 2.5 m, remove the cooking and bathing facilities; and
4. Remove all building materials and rubble from the site.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 21st April 2017, unless an appeal is made against it beforehand

Dated: 10th March 2017

Signed: 

Name: David Colwill

Team Leader, Planning Enforcement and Appeals
on behalf of London Borough of Havering

5th Floor, Mercury House, Mercury Gardens, Romford RM1 3SL

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State before 21st April 2017. 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 21st April 2017 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) 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 21st April 2017.

If you intend to appeal against this Notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUNDINGS 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 - then a fee of **£344** is payable 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, 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:

Mr Tariq Mahmood
12 Yevele Way
Emerson Park, Hornchurch, Essex RM11 3NB

Mrs Nargis Mahmood
12 Yevele Way
Emerson Park, Hornchurch, Essex RM11 3NB

The Owners / Occupiers
12 Yevele Way
Emerson Park, Hornchurch, Essex RM11 3NB

Bank of Scotland PLC
(Scot. Co. Regn. No. SC327000)
Of Halifax Division
1 Lovell Park Road, Leeds, LS1 1NS


Fusion Finance Ltd
(Co. Regn. 4634128)
Of Scottish Mutual House

27-29 North Street, Hornchurch, Essex RM11 1RS



12 Yevele Way	
----------------------	---

	Scale: 1:500 Date: 06 March 2017
---	---

	London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343	© Crown copyright and database rights 2017 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.