



REGULATORY SERVICES COMMITTEE

17 May 2012

REPORT

Subject Heading:

Planning Contravention
186A Main Road
Gidea Park

Report Author and contact details:

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Local Development Framework

Policy context:

Financial summary:

Enforcement action and a defence of the
Council's case in any appeal will have
financial implications.

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This property is a first floor flat and part of a terrace of flats above shops at the junction of Main Road and Balgores Lane, this is within the Gidea Park Conservation Area. In March 2011 the Planning Enforcement Service received information that a new white PVC window had been installed in the front elevation

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of this property without prior permission from the Local Planning Authority (LPA). Letters were written to the occupier of the property requesting information and the submission of a retrospective planning application seeking the retention of the unauthorised window, no replies have been received. In January 2012 a Planning Contravention Notice was sent to the occupier requesting answers to a number of questions regarding ownership of the property, the notice was never returned. Due to this lack of response the LPA undertook searches to establish the identity of the registered owner of the property. The registered owner was identified and contacted by letter. The owner telephoned the Planning Enforcement office and stated that he would not apply for planning permission but would paint the window instead in order to "tone it down". Given that this property is within the Conservation Area and as the owner has failed to assist the LPA with this investigation it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breach.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 6 months:

- Remove the unauthorised PVC window
- Install a replacement window which is identical to the window removed prior to the installation of the PVC window

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

186A Main Road is a first floor residential flat above a retail shop and is within the Gidea Park Conservation Area. The property is on a major road into Romford and sits in a prominent location adjacent to the traffic lights at the junction with Balgores Lane.

The property to be enforced against is shown outlined bold black on the attached plan.

2. **The Alleged Planning Contravention**

Regulatory Services Committee,

It is alleged that, without planning permission, a PVC window was installed at first floor level in the front elevation overlooking Main Road. The property is within the Conservation Area.

3. **Relevant Planning History**

None

4. **Enforcement background**

None

5. **Material Considerations of the Use or Development**

Policies DC61 and DC68 of the LDF apply. Policy DC61 deals with urban design and seeks to ensure that all development is compatible with its surrounding environment. Policy DC68 deals with Conservation areas and seeks to preserve and enhance their appearance.

6. **Justification for Intended Action**

The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the nature and impact of the unauthorised development. This is in terms of its effect upon the special character and appearance of the Gidea Park Conservation Area.

It is felt that, should a planning application be submitted permission may not be granted as the window is white and constructed of PVC. This design does not conform to that which would normally be allowed within the Conservation Area.

It is therefore recommended that an enforcement notice be served.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

No implications identified.

BACKGROUND PAPERS

There is a **statutory** obligation to list papers relied on in the preparation of the report, **unless:**

- 2 *It is an exempt report*
- 3 *Papers relied upon are already in the public domain as “published papers”. This can include: books, magazines and newspapers; Government publications; Council publications (including previous reports and minutes of meetings)*
- 4 *Site Plan*