



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case reference** : **FC/LON/00AB/HPO/2018/0010**

**Property** : **6 Verney Gardens, Dagenham,  
Kent, RM9 5LR**

**Applicant** : **Anthony Thomas**

**Representative** : **In person**

**Respondent** : **London Borough of Barking and  
Dagenham**

**Representative** : **Alistair Cantor (Counsel)**

**Type of application** : **Appeal against a Prohibition Order  
under paragraph 7(1) of Schedule 2  
to the Housing Act 2004**

**Tribunal members** : **Judge Robert Latham  
Mr Luis Jarero  
Mr Clifford Piarroux**

**Date and Venue of  
Hearing** : **25 October 2018 at  
10 Alfred Place, London WC1E 7LR**

**Date of decision** : **29 October 2018**

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**DECISION**

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**Decision of the tribunal**

The prohibition order made by the London Borough of Barking and Dagenham on 20 July 2018 in respect of 6 Varney Gardens, Dagenham, Essex RM9 5LR is varied as follows:

- (i) Paragraph 3 is amended to read: “This Order prohibits the use of (a) the dwelling for all purposes, except for occupation by the owner and

his/her family as their residence; and (b) the first floor area above the rear extension except as a means of escape in the event of fire.”

(ii) Paragraph 5 is amended to read: “The Order becomes operative on 25 October 2018.”

### **Reasons for the tribunal’s decision**

1. On 10 August 2018, Mr Anthony Thomas, the Applicant, appealed against the a prohibition order under section 20 of the Housing Act 2004 which had been made by the London Borough of Barking and Dagenham on 20 July 2018 in respect of a property known as 6 Varney Gardens, Dagenham, Essex RM9 5LR (“the property”).
2. Before the hearing, the Tribunal inspected the property. It is apparent that the situation had changed since the Respondent inspected it in May and July:
  - (i) Whilst it seems that the Applicant was in the process of converting it into four self-contained flats, that work has ceased. The kitchen on the first floor has been removed. There was no evidence of any tenants occupying any of the flats.
  - (ii) A number of works have been executed which satisfy some of the concerns of the Respondent. In particular, the scaffolding structure at the rear of the property has been removed. The locks have also been removed from a number of the internal doors.
3. At the hearing, the Applicant confirmed that he is currently occupying the property with his daughter as the family home. This is how he intends to occupy it. He has no intention to continue with plans to convert it into four flats. Neither does he intend to let any of the rooms to tenants. Were he to do so, he would require a licence from the Respondent.
4. The Tribunal has therefore proceeded on the basis that The Applicant will continue to occupy the property as his residence. Mr Thomas did not oppose a prohibition order restricting the use of the property to occupation as a private residence.
5. The scaffolding structure at the rear of the property has been removed. The Respondent had been concerned that this was being used to provide access from the first floor flat into the garden. The Respondent is now concerned that the area above the rear extension should not be used for recreational purposes without suitable guarding being installed. The Applicant stated that he had no intention to use this area. He therefore agreed that the prohibition order should restrict the use that could be made of this area.

6. The Respondent remain concerned that the rear external door does not have a thumb lock. Further, a number of double glazed units have been installed with a design whereby only the upper casement can be opened. This creates a potential risk as this restricts the means of escape in the event of fire. Mr Thomas is a builder. He will consider the points which have been raised. However, the Respondent did not require any works to be specified in the Order.
7. The effect of the Order that we have made is that no works are required provided that Mr Thomas continues to occupy the whole of the property as his residence. If he wishes to create four self-contained flats, the Prohibition Order alerts him to the works that would be required before the Respondent would be minded to revoke the Order.
8. The Applicant has paid tribunal fees of £300. The Tribunal is satisfied that the Respondent was justified in the steps that it has taken. The Tribunal therefore makes no order for any reimbursement of the fees.

**Judge Robert Latham**  
**29 October 2018**

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).