

Council reference: EN22/0760

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: THE LONDON BOROUGH OF CAMDEN

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171 A (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. The Explanatory Note at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at: 48 ROSSLYN HILL, LONDON NW3 1NH as shown outlined in black on the attached plan (“the Property”).

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

Without planning permission: the replacement of a shopfront, installation of a retractable glazed roof to the rear of the premises and heat lamps attached to the front of the premises.

4. **REASONS FOR ISSUING THIS NOTICE:**

- a) The development has occurred within the last 4 years.
- b) The unauthorised shopfront, by reason of its layout, proportions, detailed design and materials, disrupts the historical elevational composition of a building which contributes positively to the Hampstead Conservation Area, causing harm to the character and appearance of the Conservation Area contrary to policies D1, D2 and D3 of the London Borough of Camden Local Plan 2017, DH1 and DH2 of the Hampstead Neighbourhood Plan;

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- c) The unauthorised retractable glazed roof, by reason of its detailed design, materials, and appearance, causes harm to the character and appearance of the Hampstead Conservation Area contrary to policy D1 and D2 of the London Borough of Camden Local Plan 2017, DH1 and DH2 of the Hampstead Neighbourhood Plan, the London Plan 2021, and the National Planning Policy Framework 2021;
- d) The unauthorised retractable glazed roof, by reason of its detailed design and ability to open, may cause noise disturbance to neighbouring residential occupiers contrary to policy A1 of the London Borough of Camden Local Plan 2017, Camden Planning Guidance on Amenity, London Plan 2021, and the National Planning Policy Framework 2021; and
- e) The unauthorised heat lamps, by reason of their siting, scale and design adds clutter to the shopfront causing harm to the character and appearance of the Hampstead Conservation Area contrary to policy D1 and D2 of the London Borough of Camden Local Plan 2017, DH1 and DH2 of the Hampstead Neighbourhood Plan, the London Plan 2021, and the National Planning Policy Framework 2021.

5. WHAT YOU ARE REQUIRED TO DO

Within a period of **THREE (3) months** of the Notice taking effect:

1. Remove the unauthorised shopfront and heat lamps;
2. Reinststate a shopfront to replicate the material, design, proportions and openings of the pre-existing shopfront;
3. Remove the unauthorised retractable rear roof to the rear of the premises;
4. Reinststate the rear roof to replicate the material, design and proportions of the pre-existing rear roof; and
5. Remove all associated debris from site and make good on any damage caused.

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6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **12 May 2023** unless an appeal is made against it beforehand.



DATED: 30 March 2023 Signed:

**Chief Planning Officer, Supporting Communities on behalf of the
London Borough of Camden, Town Hall, Judd Street, London
WC1H 8JE**

**Explanatory Note Pursuant to Regulation 5 of the Town and Country
(Enforcement Notices and Appeals) (England) Regulations 2002**

An appeal may be brought on any 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 or, 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 the 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.

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is

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alleged not to have been complied with should be discharged” there is a fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/No.2920 for the deemed application for the planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The fee is payable twice to the “London Borough of Camden”, as the Local Planning Authority.

If you wish to appeal under Ground (a), the fee payable to the “London Borough of Camden” should be submitted at the same time as the appeal form is submitted. The fee is payable:

By credit/debit card by phone: call 020 7974 4444 or by BACS transfer to:

London Borough of Camden NatWest Account.

Sort code: 50-30-03

Account number: 24299480

You must use the Council’s reference EN22/0760.

The fee is £412.00

The TOTAL FEE payable is £412.00 (i.e. £206.00 x 2)

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.

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ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 6 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

link to <http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **12 May 2023**, and you must then ensure that the required steps for complying with it, for which you may 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.

The information contained within this notice is a summary of sections 171A, 171B and 172-177 of the Town and Country Planning Act, 1990.

For the full sections of the act please see:

<http://www.legislation.gov.uk/ukpga/1990/8/part/VII>

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THIS ENFORCEMENT NOTICE HAS BEEN SERVED ON:

1	Owner THE ROSSLYN ARMS, 48 Rosslyn Hill, London NW3 1NH
2	Occupier THE ROSSLYN ARMS, 48 Rosslyn Hill, London NW3 1NH
3	Owner OAK & POOPY, 48 Rosslyn Hill, London NW3 1NH
4	Occupier OAK & POOPY, 48 Rosslyn Hill, London NW3 1NH
5	NKAYE PROPERTIES LIMITED 1a Downshire Hill, London NW3 1NR
6	NKAYE PROPERTIES LIMITED c/o Glovers Solicitors LLP, Fifth Floor, Berkshire House, 168-173 High Holborn, London WC1V 7AA
7	EI GROUP PLC 3 Monkspath Hall Road, Shirley, Solihull B90 4SJ
8	OAK & POOPY LIMITED 18 Bristol Gardens, London W9 2JQ

If you believe that there is someone else who should be served or any of those listed above has not received a copy of the notice or any other document please let that person and the Council know of this omission as soon as possible.

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