



Legal Services  
Law and Governance  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Date: 21 August 2023  
Our Reference: 1800.2606  
Enquiries to: Annie Kelly

**FIRST CLASS RECORDED POST**

Owner  
Flat 1  
3 Akenside Road  
London  
NW3 5BS

Direct 020 7974 6890  
e-mail: [annie.kelly@camden.gov.uk](mailto:annie.kelly@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

**IMPORTANT- THIS COMMUNICATION AFFECTS YOUR LAND**

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**ENFORCEMENT NOTICE: EN22/0366**  
**LAND AND PREMISES AT: FLAT 1, 3 AKENSIDE ROAD, LONDON, NW3 5BS**

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**NOTICE OF WITHDRAWAL OF AN ENFORCEMENT NOTICE**

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The Council issued a **Enforcement Notice** relating to the above land on **08 August 2023** which was served on you (or your client) in view of your (or your client's) interest in the land, to take effect on **20 September 2023** unless an appeal was made beforehand.

Under the powers conferred on it by **Section 173A(1) (a)** of the above Act, the Council has decided to withdraw this notice **due to an error made in the previous notice**. Therefore, the Council hereby notifies you (on behalf of your client) of the withdrawal.

You are advised that the withdrawal of this **Enforcement Notice** does not affect the power of the Council to issue a further **Enforcement Notice**.

If you have any queries regarding this withdrawal please contact **Gary Bakall** of the Planning Enforcement team at Planning Enforcement team at Supporting Communities, Regeneration and Planning, Development Management, London Borough of Camden, Town Hall, Judd Street London WC1H 8JE or on **020 7974 5618** on [Gary.Bakall@camden.gov.uk](mailto:Gary.Bakall@camden.gov.uk).

Yours faithfully,

**Annie Kelly**  
**For the Borough Solicitor**

**Borough Solicitor**  
**Andrew Maughan**

**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: Flat 1, 3 Akenside Road, London, NW3 5BS** as shown outlined in purple on the attached plan ("the Property").

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

**Without planning permission:** extension of the rear roof terrace and railings to the north and east sides of the terrace, installation of new doors at first floor level onto terrace area and installation of privacy screen to south side of the terrace.

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

- a) The development has occurred within the last 4 years.
- b) The perimeter railings of the enlarged roof terrace, by reason of its proximity to neighbouring windows, result in direct overlooking of the adjoining first floor rear windows of No.2 Akenside Road to the detriment of the amenity of neighbouring residential occupiers, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

- c) The privacy screen, by reason of its design and location, has a harmful impact on the character and appearance of the host building and surrounding conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

## 5. WHAT YOU ARE REQUIRED TO DO

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

- 1) Either completely remove perimeter railings and door that enable the rear first floor flat roof to be used as a roof terrace or implement approved roof terrace with railings and door in accordance with planning permission reference 2017/4652/P dated 10/11/2017 (for Erection of single storey rear extension to ground floor flat with roof terrace enclosed by balustrades above for use by first floor flat); and
- 2) Remove side privacy screen.

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **03 October 2023** unless an appeal is made against it beforehand.



DATED: 21 August 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—

**Council reference: EN22/0366**

- (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 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 EN22/0366.**

The fee is £412.00

**Council reference: EN22/0366**

**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.

## 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 **03 October 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>

