

## The Planning Inspectorate

### QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/X5210/C/23/3326337

Appeal By

MRS SARAH ABERGL

Site Address

Flat 2, 80 Greencroft Gardens  
London  
NW6 3JQ

#### PART 1

1.a. Do you agree to the written representation procedure? Yes ☒ No ☐

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☒ No ☐

To assess impact on the host building and conservation area.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes ☐ No ☒

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes ☐ No ☒

#### PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes ☐ No ☒

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes ☒ No ☐

5.a. Is the appeal site within a conservation area? Yes ☒ No ☐

Please give the name of the conservation area, provide a plan and indicate when the conservation area was designated.

Conservation area: SOUTH HAMPSTEAD

Designated: 2011

Plan of the conservation area:  
☒ see 'Questionnaire Documents' section

5.b. Is the appeal site adjacent to a conservation area? Yes ☐ No ☒

**PART 3**

6.a. Does the notice relate to building, engineering, mining or other operations? Yes ☐ No ☒

6.b. Is the area of the alleged breach different from the above? Yes ☐ No ☒

6.c. Does the alleged breach create any floor space? Yes ☐ No ☒

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials? Yes ☐ No ☒

7.b. the deposit of materials remaining after mineral extraction? Yes ☐ No ☒

7.c. the storage of minerals in the open? Yes ☐ No ☒

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes ☐ No ☒

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes ☐ No ☒

**PART 4**

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site? Yes ☐ No ☒

11. Has any planning permission been granted previously in respect of the development? Yes ☐ No ☒

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☒ No ☐

If YES, please provide

12.a. the date of the relevant application 09/01/2023

12.b. the date of the LPA's decision (if any) 28/02/2023

12.c. a copy of the decision (if any)

☒ see 'Questionnaire Documents' section

12.d. the reference number

2022/5431/P

13. Has a planning contravention notice been served?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.a. the appeal site is within 67 METRES OF A TRUNK ROAD?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.c. a STOP NOTICE has been served in addition to the enforcement notice?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.d. the appeal site is in or adjacent to or likely to affect a SSSI?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.e. any protected species are likely to be affected by the alleged development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.f. the appeal site is in a Green Belt or AONB?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.g. any part of the site is subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.h. the appeal site is within 400m of an area of underground or surface mineral interest?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.i. the appeal site is within 250m of a waste landfill site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.j. does the development affect the setting of a listed building or ancient monument?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.k. has importation of waste materials been involved in the development?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

## PART 5

15. Please provide a plan of any public rights of way affected by the site.

☒ see 'Questionnaire Documents' section

16.a. Is the appeal site subject to an ARTICLE 4 Direction? Yes ☒ No ☐

If YES, please send relevant Article 4 Direction.

☒ see 'Questionnaire Documents' section

16.b. What permitted development rights are affected by the Direction?

Please see the Area Design Guide.

17. Have any development rights been restricted by means of a planning condition?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

## Environmental Impact Assessment - Schedule 1

20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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## Environmental Impact Assessment - Schedule 2

20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>Environmental Impact Assessment - Environmental Statement (ES)</b>			
20.e. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

  

<b>PART 6</b>			
21.a. a copy of the letter with which you notified people about the appeal.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
the deadline you gave for their comments to be sent to us.	06/11/2023		
21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.			<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
<b>Policies/Planning Guidance</b>			
22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.			<input checked="" type="checkbox"/>
List of policies	A1, D1, D2		
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.			<input checked="" type="checkbox"/>
List of policies	Article 4 Direction (2016) BASEMENTS, LIGHTWELLS		
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.			<input checked="" type="checkbox"/>
List of supplementary planning guidance	Amenity, Design		
<input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.			<input type="checkbox"/>

22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

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22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

☐

22.g. your Authority's CIL charging schedule is being/has been examined;

☐

22.h. your Authority's CIL charging schedule has been/is likely to be adopted.

☐

22.i. any other relevant information or correspondence you consider we should know about.

☒

☒ see 'Questionnaire Documents' section

## PART 7

23. A true copy of the Enforcement Notice

☒ see 'Questionnaire Documents' section

24. The Enforcement Notice Plan (if applicable)

☒ see 'Questionnaire Documents' section

25. A list of those served with the Notice

☒ see 'Questionnaire Documents' section

26. Do you wish to attach your statement of case?

Yes

☒ No

☐

☒ see 'Questionnaire Documents' section

## LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

☒

LPA's reference

EN23/0105

Completed by

Karina Wujek

On behalf of

London Borough of Camden

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/C/23/3326337

Appeal By MRS SARAH ABERGL

Site Address Flat 2, 80 Greencroft Gardens  
London  
NW6 3JQ

### The documents listed below were uploaded with this form:

**Relates to Section:** PART 2  
**Document Description:** 5.a. Plan of the Conservation Area.  
**File name:** South Hampstead Conservation Area Appraisal and Management Strategy.pdf  
**File name:** South Hampstead CA Map.pdf  
**File name:** South Hampstead CA Topography.pdf  
**File name:** South Hampstead CA Urban Grain.pdf  
**File name:** South Hampstead CA Character Area.pdf  
**File name:** South Hampstead CA Tree Character.pdf  
**File name:** South Hampstead CA Designation dates.pdf  
**File name:** South Hampstead CA Townscape.pdf

**Relates to Section:** PART 4  
**Document Description:** 12. A copy of the decision.  
**File name:** Decision 2022\_5431\_P.pdf  
**File name:** Report.pdf  
**File name:** SKA 08 00 01 rev D00 (9 Oct 22) Site Location Plan.pdf  
**File name:** SKA 08 00 02 rev D00 (9 Oct 22) Site Block Plan.pdf  
**File name:** SKA GG 08 70 01 rev D00 (8 Dec 22) elevations and plan as built.pdf  
**File name:** SKA GG 08 70 02 rev D00 (8 Dec 22) Elevations as Proposed.pdf  
**File name:** SKA GG 08 70 03 rev D00 (8 Dec 22) elevations and plan as built - shutters down.pdf  
**File name:** consultation response - Combined Residents' Associations of South Hampstead.pdf  
**File name:** consiltation response - 14 January 2023.pdf  
**File name:** application site notices.pdf  
**File name:** PRESS ADVERT HH 19-01-23.doc

**Relates to Section:** PART 5  
**Document Description:** 15. A plan of any public rights of way affected by the site.  
**File name:** Rights of way not affected.docx

**Relates to Section:** PART 5  
**Document Description:** 16.a. Relevant Article 4 Direction.  
**File name:** Area Design Guide.pdf  
**File name:** Swiss Cottage - Fact Sheet.pdf  
**File name:** Swiss Cottage map.pdf  
**File name:** Article 4 Direction Notice and Schedules - Swiss Cottage Conservation Area.pdf

**Relates to Section:** PART 6  
**Document Description:** 21.a. A copy of the letter with which you notified people about the appeal.  
**File name:** Appeal notification (enf) Flat 2, 80 Greencroft Gardens.pdf

<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.
<b>File name:</b>	appeal notification distribution list.pdf
<b>File name:</b>	appeal notification distribution list - CRASH.pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.
<b>File name:</b>	Report.pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.
<b>File name:</b>	Camden Local Plan - cover and introduction.pdf
<b>File name:</b>	A1 - Managing the Impact of Development.pdf
<b>File name:</b>	D1 - Design.pdf
<b>File name:</b>	D2 - Heritage.pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	22.b. Extracts of any relevant policies which have been 'saved' by way of a Direction.
<b>File name:</b>	Article 4 Direction (2016) BASEMENTS, LIGHTWELLS.pdf
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	22.c. Extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.
<b>File name:</b>	Amenity CPG January 2021.pdf
<b>File name:</b>	Design CPG January 2021.docx
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	22.i. Any other relevant information or correspondence you consider we should know about.
<b>File name:</b>	2022_4478_P Application Form -Proposed Pergola to rear garden.pdf
<b>File name:</b>	2022_4478_P SKA 08 00 01 rev A00 (9 Oct 22) site location plan.pdf
<b>File name:</b>	2022_4478_P SKA 08 00 02 rev A00 (9 Oct 22) site block plan.pdf
<b>File name:</b>	2022_4478_P SKA 08 00 03 rev A00 (9 Oct 22) proposed site block plan.pdf
<b>File name:</b>	2022_4478_P SKA 08 90 01 rev A00 (9 Oct 22) proposed pergola plans and elevations.pdf
<b>Relates to Section:</b>	PART 7
<b>Document Description:</b>	23. A true copy of the Enforcement Notice.
<b>File name:</b>	Enforcement Notice - without schedule of addresses.pdf
<b>Relates to Section:</b>	PART 7
<b>Document Description:</b>	25. A list of those served with the Notice.
<b>File name:</b>	Enforcement Notice - with schedule of addresses.pdf
<b>The documents listed below are to follow by post:</b>	
<b>Relates to Section:</b>	PART 6
<b>Document Description:</b>	21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.

**Relates to Section:** PART 7  
**Document Description:** 24. The Enforcement Notice Plan.

**Relates to Section:** PART 7  
**Document Description:** 26. Statement of case.

**Completed by** Not Set

**Date** 05/10/2023 16:13:48

**LPA** London Borough of Camden