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17a Nassington Road
London, NW3 2TX

Monday, 04 December 2023

Council Reference: EN23/0772

To whom it may concern,

This communication serves as formal written notice of our appeal against Enforcement Notice EN23/0772, issued by the London Borough of Camden. The latter has been issued against us as the owners of 17a Nassington Road as a direct consequence of Camden's inaction against the owners of 17b Nassington Road who, without any planning permission, have removed a window and installed an unauthorized door opening out directly onto our property (i.e., 'single storey roof extension').

Alarming, the actions of Camden Council demonstrate a pattern of behaviour where questions need to be answered regarding potential collusion with the owners of both 17b and 19b Nassington Road (i.e., the 'complainants') both of whom have been referred to the police for their actions which constitute harassment and a deliberate, concerted attempt to intentionally cause distress and anxiety.

Further, Camden Council, not having taken any timely or purposeful action to remedy the unauthorized installation of the door onto our property for which no planning permission has been granted, have been repeatedly made aware of the temporary nature of the installation at 17a Nassington Road – the sole purpose of which is to detect and deter unauthorized use of the single storey extension roof.

Camden Council is equally aware that the resolution to this situation falls within their competence – i.e., serve enforcement action against the owners of 17b requiring them to remove the unauthorized door and reinstate the original window, thus negating the need for any measures, temporary or otherwise, to protect our property.

Specifically, we appeal against the Enforcement Notice as:

- a) in the unlikely event retroactive planning permission is required, this shall be granted; and the notice therefore discharged. To that end, we note Camden's focus on the unfounded allegation, for which no evidence or supporting documentation has been provided, that the installation harms the character and appearance of the host building. Firstly, should that be the case, this would be a civil matter for resolution by the Freehold Company. Secondly, conversely, the temporary installation seeks to enhance the character and appearance of the building by: a) creating the infrastructure for a 'living roof' to cover the entirety of the surface area of the single storey extension; b) ensures none of the infrastructure (i.e., razor wire) is visible as, in anticipation of the development of the living roof in Spring 2024, has been carefully covered with high quality faux ivy to enhance the aesthetic quality of the overall roof structure.

- b) the matters cited in the Enforcement Notice have not occurred in the manner set out by Camden Council. The installation should be viewed as a) temporary works; b) is not yet complete; and c) further adjustments can be made to ensure the final installation respects the residential nature of the property.
- c) We robustly argue that the matters cited in the Enforcement Notice do not constitute a breach of planning control. Additionally, we robustly argue that Camden Council is applying/enforcing its own rules and policies unequally and unfairly which raises serious concerns regarding the conduct of certain officers working on and/or on behalf of the Council.
- f) Further grounds for our appeal relate to the excessive measures required to comply with the Enforcement Notice – i.e., the removal of the living roof infrastructure – when a) coherent advice from Camden could ensure remedial actions ensure the installation satisfies the criteria to not harm the character and appearance of the host building (a civil matter); b) the opportunity for granting a retrospective planning application – a measure which has been granted to the owners of 17b Nassington Road for their unauthorized construction of a door onto the single storey roof extension – should such permission be required, will be granted on the basis that the installation does not, in fact, harm the character and appearance of the host building; and further refinements to the temporary installation can be accommodated to satisfy additional criteria as required.
- g) The Enforcement Notice was served within hours of a complaint being made by the owners of 17b and 19b Nassington Road. On that date, the temporary works had only just commenced and are still not complete. Additionally, in the event of needing to comply with the Enforcement Notice in its current form, the latter does not allow reasonable time for corrective measures to be taken, given inclement weather, proximity to the holiday season and, of worrying note, recent actions taken by the owners of 17b in which they have written to our suppliers under threat of legal and/or police action, masquerading as an official letter from the Freehold Company (which it is not), have been such that competent suppliers are unwilling to carry out works at the property.

We maintain, as we have throughout this process, that:

- Camden Council is acting in concert with, and/or unwittingly on behalf of, vocal local residents who have been referred to the police for continuing harassment;
- The resolution to this matter is entirely within Camden Council’s area of responsibility; and that requiring the removal of the unauthorized door and requiring the original window to be reinstated, would negate the need for any temporary installation to protect our property from unauthorized access and use;
- The installation at 17a Nassington Road (i.e., the temporary works) is a civil matter and outside the Council’s purview;
- In the event Camden Council requires retroactive planning permission for these temporary works, it shall be granted and any additional refinements can be accommodated into the final design to ensure it does not harm the character and appearance of the host building;
- The speed at which Camden Council responds to concerns raised by the owners of 17b and 19b Nassington Road – as compared to our own months-long wait and need for constant chasing and follow-up – raises serious questions about the integrity of the process and the conduct of certain officers.

- Knowingly, Camden Council is participating in and amplifying a sustained campaign to cause distress and anxiety – a point which has been made repeatedly in our communications. This is now under review by our legal representatives.
- We remain confused and perplexed by the incoherence of Camden Council’s position regarding our original request to withdraw Condition 4 from our original planning application. And we remain deeply concerned by Camden Council’s seeming unwillingness to take action against those who have constructed an unauthorized door onto our property without any planning permission having been granted.
- We note, again, the speed at which Camden Council reacts to complaints made by the owners of 17b/19b Nassington Road. The latter complained, yet again, to the Council in the afternoon of Sunday, 03 December. Camden Council had already written to us in that regard by 08h17 on Monday, 04 December. The substance of that most recent complaint was to complain that the living roof infrastructure – the visibility of which had been alleged to be offensive – was now covered, preventing it from being visible to all parties, including the complainants. On that basis alone, it would suggest the issue is not the ‘obtrusive and incongruous design’ which allegedly ‘harms the character and appearance of the host building’, it is our commitment to protect our property which is the central issue.

We remain committed to working with Camden Council to help them remedy this situation in a way that applies rules and policies consistently and fairly; and which allows us to protect our property while enhancing the character and appearance of the host property.

We remain deeply offended by the unsubstantiated allegation that, during the works, local residents were reminded of the holocaust. This is preposterous. My own Irish heritage is well known to local residents and the complainants. Not only does this deeply offensive unsubstantiated allegation seek to cause yet further stress and anxiety, it also fails to acknowledge the trauma inflicted upon Irish nationals and, cast in a particular light, could be deemed hibernophobic on the part of the Council.

Pending the outcome of the appeal of Enforcement Notice EN23/0772, no additional works shall be carried out to the temporary works installation.

We stand ready to provide additional information in support of this Appeal and work with the Secretary of State to bring the matter to a conclusion.

Regards,

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