

Enforcement Notice: EN22/0801
Officer: Ramesh Depala
Date: 22/03/2024



Development Management
Regeneration and Planning
London Borough of Camden
5 Pancras Square
N1C 4AG

Switchboard: 020 7974 4444

Email: PlanningAppeals@camden.gov.uk

camden.gov.uk/planning

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)
NOTIFICATION OF AN APPEAL

The Council has been notified of Anthony & Susanne Bandak's appeal against the Council's enforcement notice EN22/0801, which has been made to the Planning Inspectorate. The appeal concerns property at:

40 Hillway

London

N6 6HH

and the breach of planning control alleged in the enforcement notice is:

Without planning permission: Installation of 3 x air condenser units to the rear roof of the single storey ground floor extension.

and the reasons for issuing the notice are:

- The development has occurred within the last 4 years;
- In the absence of justification for the need for active cooling by reducing and mitigating the impact of dwelling overheating through the application of the cooling hierarchy, the units fail to minimise carbon dioxide emissions, contrary to policies CC1 (Climate change mitigation) CC2 (Climate change adaptation measures) of the Camden Local Plan 2017; and
- The 3 air conditioning units, by virtue of their size, design and location cause harm to the character and appearance of the host building and the wider Holly Lodge Conservation Area, contrary to Policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and Policy DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

Grounds of Appeal

The appellant/s have appealed on grounds **(a), (c), (f), (g)** as set out at Section 174(2) of the 1990 Act:

- a) That planning permission should be granted for what is alleged in the notice. **(x)**
- b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact ()
- c) That there has not been a breach of planning control. **(x)**
- d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. ()
- e) Copies of the enforcement notice were not served on everyone who has an interest in the land. ()
- f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. **(x)**
- g) The time given to comply with the notice is too short. **(x)**

The appeal is to be decided by an Inspector from the Planning Inspectorate on the basis of an exchange of **written statements** between the people who have made the appeal and the Council, followed by a site visit.

You can look at this case through GOV.UK <https://www.gov.uk/appeal-planning-inspectorate> by typing in the appeal reference number and clicking on "Search for Cases".

Your representation should be made **by 02 May 2024**.

Online

Search case **3340242** at <https://acp.planninginspectorate.gov.uk/> to submit comments.

The appeal decision will be published here, too.

Direct link: <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3340242>

By post

Where possible, send 3 copies of your letter, quoting case number **3340242** on each copy, to:

Paul Eland

The Planning Inspectorate

Room 3B, Temple Quay House

Bristol

BS1 6PN

From 1 April 2024 any comments submitted by email will not be considered and will be returned. Comments from interested parties on appeals will only be accepted electronically and via post.

Electronically

Comments from interested parties on appeals will be accepted through the Appeals Casework Portal

<https://acp.planninginspectorate.gov.uk/>

Guidance on communicating with the Planning Inspectorate electronically can be found at:

<https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>

By post

Comments from interested parties on appeals will be accepted via letter to Temple Quay House, Bristol, BS1 6PN. Please make sure that your letters sent to the Planning Inspectorate quote the appeal case number/s.

You can get a copy of our guidance booklet free of charge from you, or on your website, or on GOV.UK <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

The documents concerning this Enforcement and the appeal are available here:

<http://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:EN22/0801>

Supporting Communities Directorate
London Borough of Camden