

Enforcement Notice: EN23/0778
Officer: Angela Ryan
Date: 16 September 2024



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

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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 an appeal against the Council's enforcement notice, which has been made to the Planning Inspectorate. The appeal concerns property at:

Akenside Court
26 Belsize Crescent
London
NW3 5QT

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

Without planning permission: Erection of glass balustrade around roof.

This concerns the glass balustrade encompassing the entire frontage (not part).

and the reasons for issuing the enforcement notice are:

1. The development has occurred within the last 4 years;
2. The glass balustrade by reason of its size and prominent location is considered to detract from the character and appearance of the host building and this part of the Fitzjohn's/Netherhall conservation area and as such, the development is contrary to policies D1(Design) and D2 (Heritage) of Camden's Local Plan 2017;
3. The development enables the formal use of the roof for amenity space thus providing the potential for sustained activity at roof level resulting in unacceptable levels of overlooking to the detriment of existing residential amenity and is thereby contrary to policy A1(Managing the impact of development) of Camden's Local Plan 2017.

and the requirements are:

Within a period of ONE (1) month of the Notice taking effect:

1. Permanently remove the glass balustrade that has been installed at roof level;
2. Remove any resultant debris from the site and repair any damage caused as a result of the above works.

Grounds of Appeal

The appellant/s have appealed on grounds (a) and (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. ()
- 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. ()
- 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".

Make representation ONLINE (not email):

Search for case **3344524** at <https://acp.planninginspectorate.gov.uk>

This will open this appeal's page and allow you to make representation.

The appeal decision will be published here, too.

Make representation BY POST:

Send your letter, 3 copies if possible, quoting **3344524**, to:

The Planning Inspectorate
Temple Quay House, 3C Hawk
Bristol BS1 6PN

All representations must be received by 15 October 2024.

Any representations submitted after the deadline will not usually be considered and will be returned. PINs does not acknowledge receipt of representations. All representations made to PINs must quote the appeal case number. **Please do not email PINs - use the online or postal option to make representation.**

Please ensure that all comments/documents submitted are GDPR compliant. There is guidance on what GDPR is available on gov.uk - principally it is about not revealing *sensitive* information about yourself or others in your representation, such as personal telephone numbers, email addresses, background, religion, health, sheltered address, etc. This is because your representation to PINs will be shared with the Appellant and this LPA - Local Planning Authority.

Your representation will be considered by the Inspector when determining the appeal. However, receipt of your representation will not be acknowledged. 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>

How to view the planning and the appeal documents:

The appeals documents are available on our website under enforcement notice **EN23/0778** at <https://www.camden.gov.uk/planning-enforcement>

Direct link:

<http://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:EN23/0778>

Supporting Communities Directorate