

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**TOWN AND COUNTRY PLANNING ACT 1990****(As amended by the Planning and Compulsory Purchase Act 2004)****TEMPORARY STOP NOTICE**

SERVED BY: The London Borough of Camden herein after referred to as “the Council”.

To: THE SUSHI CO

Ground Floor Flat and Basement

64 Rossllyn Hill

London

NW3 1ND

1. The Council considers that there has been a breach of planning control on the land described in paragraph 3 below. The breach of planning control is:- without consent, the erection of:

- (i) a single storey extension
- (ii) an air intake extract system;
- (iii) a low-level flue and ancillary plant equipment partly within a timber enclosure; and
- (iv) two air conditioning units to the rear garden.

2. This Temporary Stop Notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in paragraphs 1(ii) and 1(iii) of this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activities specified in paragraphs 1(ii) and 1(iii) of this notice. Important additional information is given in the Annex to this notice.

3. THE REASONS FOR ISSUING THIS NOTICE

The unauthorised rear extension, timber enclosure and 2x air conditioning units mentioned in paragraphs 1(i) (iii) and 1(iv) are being dealt with separately. This Temporary Stop Notice is only addressing the flue and extract equipment mentioned in paragraphs 1(ii) and 1(iii).

Despite the installation of an unauthorised timber enclosure, the noise nuisance from the unauthorised low-level flue and ancillary plant equipment is continuing to disturb neighbouring residential occupiers. Environmental Health have determined that the

noise is so harmful that it is a statutory nuisance. An unauthorised air intake extract system has also been installed that terminates above the unauthorised rear extension. It creates structural vibrations and a loud humming noise and considered to contribute toward the verified statutory nuisance imposed on surrounding residential occupiers. The restaurant has submitted an application to regularise the low-level flue, however it has been made invalid for a number of reasons. Accordingly, it will take at least 8-12 weeks to validate and determine this application, which, as the enforcement officer advised the offender in late 2024, is likely to be looked upon unfavourably.

It has been confirmed that three silencers are necessary to make the noise levels policy compliant and there is only one in place, resulting in significant noise disturbance.

Given the length of time and the unacceptable nature of this nuisance, the Council considers that nuisance caused by these unauthorised works cannot reasonably continue for the next 8-12 weeks and thus it is expedient to serve a Temporary Stop Notice. The owner has had plenty of opportunity to seek to mitigate the impact caused whilst the planning application is determined but to date has declined to do so.

4. THE LAND TO WHICH THIS NOTICE RELATES

Land at **64 Rosslyn Hill, London, NW3 1ND**, shown edged in a distinctive colour on the attached plan.

5. ACTIVITY TO WHICH THIS NOTICE RELATES

The use of the unauthorised air intake extract system and low-level flue and ancillary plant equipment described in paragraphs 1(ii) and 1(iii) above, and any activity carried out as part of those activities or associated with it.

6. WHAT YOU ARE REQUIRED TO DO

Cease all the activity specified in this notice.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 28 March 2025 when all the activity specified in this notice must cease. This notice will cease to have effect on 24 May 2025.

Dated: 28 March 2025



Signed:

Chief Planning Officer, Supporting Communities on behalf of London Borough of Camden, Town Hall, Judd Street, London WC1H 8JE

Nominated Officer **Joshua Cheung**

Telephone Number **020 7974 3383**

ANNEX

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE AGAINST THIS NOTICE.

It is an offence to contravene a Temporary Stop Notice after a site notice has been displayed or the Temporary Stop Notice has been served on you (section 171G(1) of the 1990 Act). If you then fail to comply with the Temporary Stop Notice you will be at risk of **prosecution**, for which the maximum penalty on conviction is an unlimited fine. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with Mr Joshua Cheung (020 7974 3383 or Joshua.Cheung@camden.gov.uk). If you need independent advice about this Notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.



64 Rosslyn Hill, London, NW3 1ND

Explanatory Note

Section 171G of the Town & Country Planning Act 1990 Temporary stop notice states:

“Section 171G Temporary stop notice: offences.

- (1) A person commits an offence if he contravenes a temporary stop notice—
 - (a) which has been served on him, or
 - (b) a copy of which has been displayed in accordance with [section 171E\(5\)](#).
- (2) Contravention of a temporary stop notice includes causing or permitting the contravention of the notice.
- (3) An offence under this section may be charged by reference to a day or a longer period of time.
- (4) A person may be convicted of more than one such offence in relation to the same temporary stop notice by reference to different days or periods of time.
- (5) A person does not commit an offence under this section if he proves—
 - (a) that the temporary stop notice was not served on him, and
 - (b) that he did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person convicted of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.
- (7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.