

THE LONDON BOROUGH OF CAMDEN
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
ENFORCEMENT NOTICE

OF Flat 8
49 Greencroft Gardens
London
NW6 3LL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171 A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land at: Flat 8, 49 Greencroft Gardens, London NW6 3LL
as shown, for the purposes of identification only, outlined in black on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without Planning Permission: Unauthorised installation of air conditioning unit at roof level.

4. **REASONS FOR ISSUING THIS NOTICE:**

- a) It appears to the Council that the above breach of planning control has occurred within the last 4 years.
- b) The unauthorised installation of the air conditioning unit, by reason of the inappropriate siting, visual bulk and design is detrimental to the character and appearance of the host building and the wider South Hampstead Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP24 (Securing high quality design) and

DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- c) The unauthorised installation of the air conditioning unit, in the absence of sufficient information in to confirm the plant would operate within the Council's noise criterion, is likely to have a detrimental impact on the amenity of neighbouring occupiers, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy; DP26 Managing the impact of development on occupiers and neighbours and DP28 Noise and vibration of the London Borough of Camden Local Development Framework Development Policies.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

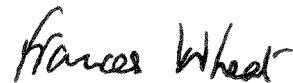
5. **WHAT YOU ARE REQUIRED TO DO**

Within a period of **one month** of the Notice taking effect:

1. Remove the air conditioning unit at roof level; and
2. Make good any damage.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **2 July 2014** unless an appeal is made against it beforehand.



DATED: 21 May 2014

Signed.....

Head of service, Development Management, Culture and Environment on behalf of the London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP

Council reference: EN14/0227

Note Pursuant to Regulation 5 of the Town and Country (Enforcement Notices and Appeals) (England) Regulations 2002

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged" there is a fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/No.2920 for the deemed application for the planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The fee is payable twice to the "London Borough of Camden", as the Local Planning Authority.

If you wish to appeal under Ground (a), the fee payable to the "London Borough of Camden" should accompany the copy of the appeal form sent to the Council at the following address:

Culture and Environment Department, Planning Services, London Borough of Camden, Argyle Street, London WC1H 8EQ.

The fee is £335.00.

The TOTAL FEE payable is £670.00 (i.e. £335.00 x 2)

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received or posted in time to be received by the Secretary of State before **2 July 2014**.

- (a) Send a copy of your appeal to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) Send a second copy of the appeal form and notice to the Council at:

**Planning Services
Culture and Environment Department
London Borough of Camden
Town hall
Argyle Street
London WC1H 8EQ**

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **2 July 2014**, and you must then ensure that the required steps for complying with it, for which you may held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

THIS ENFORCEMENT NOTICE HAS BEEN SERVED ON:

1.	BRIAN JOSEPH BERKERY 9 Greencroft Gardens, London NW6 9LD
2.	NATIONAL WESTMINSTER BANK PLC Manchester Securities Centre, P.O. Box 339, Floors 14 & 15, Lowry House, 17 Marble Street, Manchester, M60 2AH
3.	The Owner/Occupier Flat 8, 49 Greencroft Gardens London NW6 3LL
4.	Mr Brian Berkery 17 Greencroft Gardens London NW6 3LP

If you believe that there is someone else who should be served or any of those listed above has not received a copy of the notice or any other document please let that person and the Council know of this omission as soon as possible.

Flat 8, 49 Greencroft Gardens, London NW6 3LL



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.