

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

OF 76 Canfield Gardens
London
NW6 3ED

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: 76 Canfield Gardens, London NW6 3ED
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: Erection of two storey outbuilding with basement and mezzanine levels, within rear garden.

4. **REASONS FOR ISSUING THIS NOTICE:**
 - a) The two storey self-contained unit, by reason of its detailed design, is detrimental to the character and appearance of the conservation area contrary to policies DP24 [Securing high quality design], DP25 [Conserving Camden's heritage] and core strategy policy CS14 of the London Borough of Camden Local Development Framework

 - b) The two storey self-contained unit, by reason of its increased noise and activity and light spillage resulting in intensification of use and detrimental impact on the outlook of adjoining residents, is detrimental to the amenity of neighbouring occupiers contrary to policy DP26 [Managing the impact of development on occupiers

and neighbours] of the London Borough of Camden Local Development Framework Development Policies.

- c) The development, in the absence of a Section 106 legal agreement to secure the new development as car-free, contributes unacceptably to parking stress and congestion in the surrounding area contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy; and to policy DP18 (Parking standards and limiting the availability of parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.
- d) The development, in the absence of the provision of cycle storage, fails to contribute alternative transport modes contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy; and to policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.
- e) The applicant has failed to submit information to demonstrate, by way of a sufficient design stage Code for Sustainable Homes Assessment report, the impact of the development on the site and its surroundings and thereby fails to provide a sustainable development, contrary to policies CS13 (tackling climate change through promoting higher environmental standards) and CS16 (improving Camden's health and well being) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's clear zone) of the London Borough of Camden Local Development Framework Development Policies.
- f) The applicant has failed to submit information to demonstrate, by way of a lifetime homes statement, the adaptability of the residential unit for the changing needs of a family's lifecycle, contrary to policy CS6 [Providing quality homes] of the London Borough of Camden Core Strategy and policy DP6 (Lifetime homes) of the London Borough of Camden Local Development Framework Development Policies.
- g) The proposed development fails to meet the minimum residential accommodation standards as set out in Camden's guidance notes, in particular with regards to natural light levels and internal access and arrangement. As such it is contrary to policies CS6 (Providing quality homes) and CS16 (improving Camden's health and well being) of the London Borough of Camden Local Development Framework Core Strategy and policy DP2 [Making full use of

Council reference: EN11/1109

Camden's capacity for housing] 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 **6 months** of the Notice taking effect:

Either completely remove the outbuilding and make good any damage to the site or re-build in accordance with drawings approved under planning permission ref. 2008/0371/P (drawing nos.: P02/rev 1, P03/rev1, P04/rev1 and P05/rev 1).

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **18 September 2013** unless an appeal is made against it beforehand.

DATED: 7 August 2013

Signed.....



Head of Legal Services, on behalf of the London Borough of
Camden, Town Hall, Judd Street, London WC1H 9LP.

Council reference: EN11/1109

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 £385.00.

The TOTAL FEE payable is £770.00 (i.e. £385.00 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 **18 September 2013**.

- (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 **18 September 2013**, 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. The Owner/Occupier
76 Canfield Gardens
London NW6 3ED
2. 76 Canfield Gardens Limited
76 Canfield Gardens
Hampstead
London NW6 3ED
3. 76 Canfield Gardens Limited
Ringley House 349
Royal College Street
London NW1 9QS
4. Austin Patrick Higgins
Flat 3, 76 Canfield Gardens
London NW6 3ED
5. Santander UK Plc
Mortgage Customer Services
Customer Service Centre
Narborough
Leicester LE19 0AL
6. Joanna Clare Sherlock
Flat 6, 76 Canfield Gardens
London
NW6 3ED
7. Bank of Scotland Plc
Birmingham Midlands Division
Pendeford Business Park
Wobaston Road
Wolverhampton WV9 5HZ
8. Leonid Rom
Flat 4, 76 Canfield Gardens
London NW6 3ED
9. HSBC Bank Plc
40 Wakefield Road,
Leeds LS98 1FD
10. Stephen Robert Cristy and Ow Toong Hoy
Flat 5, 76 Canfield Gardens
London NW6 3ED
11. Hawthorne Limited
Flat 1, 76 Canfield Gardens
London NW6 3ED
12. Hawthorne Limited
Suite 1, 2nd Floor
International House
16 Bell Lane, PO Box 872
Gibraltar
13. FBN Bank (UK) Limited
28 Finsbury Circus
London EC2M 7DT
14. Yann M. Hurstel and Christel v. Hurstel
Flat 1, 76 Canfield Gardens
London NW6 3ED

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.

76 CANFIELD GARDENS, LONDON NW6 3ED NORTHGATE SE GIS Print Template



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Punjabi
ਜ਼ਰੂਰੀ: ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਭੇਜਣ ਲਈ ਖਾਸ ਮਿਆਦ ਹੈ। ਇਸ ਮਿਆਦ ਦਾ ਸਮਾਂ ਪੂਰਾ ਹੋ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਲਾਜ਼ਮੀ ਤੌਰ ਤੇ ਪਹੁੰਚ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਫਾਰਮ ਭਰਨ ਲਈ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਸੁਝਾਉ ਦਿੰਦੇ ਹਾਂ ਕਿ ਤੁਸੀਂ ਇਹਦੇ ਬਾਰੇ ਕਿਸੇ ਤੋਂ ਸਲਾਹ ਲਓ।

Gujarati
મહત્વનું : અમને આ ફોર્મ મોકલવા માટે સમય મર્યાદા છે. આ સમય મર્યાદા પૂરી થાય તે પહેલાં અમને તે મળી જવું જ જોઈએ. જો તમને આ ફોર્મ ભરવા માટે મદદની જરૂર હોય તો અમે તમને સલાહ મેળવવાનું સૂચન કરીએ છીએ.

Hindi
आवश्यक : इस फॉर्म को हमारे पास भिजवाने की एक समय-सीमा है। उस समय-सीमा के बीतने से पहले हमें यह फॉर्म अवश्य मिल जाना चाहिए। यदि आपको इस फॉर्म को भरने में सहायता चाहिए, तो हमारा सुझाव है कि आप किसी की सलाह लें। -

Urdu
اجمہ: اس فارم کو ہمیں بھیجنے کے لئے وقت کی ایک سیما ہے۔ اس سیما کے گزرنے سے پہلے پہلے ہمیں یہ لازمی طور پر مل جانا چاہیے۔ اگر اس فارم کو بھرنے میں آپ کو مدد کی ضرورت ہے تو ہماری رائے ہے کہ آپ مشورہ حاصل کریں۔

Bengali
জরুরী: এই ফর্ম আমাদের কাছে পাঠানোর একটা সময়সীমা আছে। এই সময়সীমা শেষ হবার আগেই এটা অবশ্যই আমাদের কাছে পৌঁছাতে হবে। এই ফর্ম পূরণ করায় যদি আপনার সাহায্যের দরকার হয় তাহলে আমাদের পুস্তাব, কারো পরামর্শ নিন।

Chinese
重要通知: 把這份表格寄回給我們是有時間限制的。我們必須在時限過期之前收到這份表格。假若你需要別人幫助你填寫這份表格, 我們建議你尋求指導。

English
IMPORTANT: There is a time limit for sending this form to us. We must receive it before the time expires. If you need help filling in this form, we suggest you get advice.

