

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**(as amended by the Planning and Compensation Act 1991)**

**BREACH OF CONDITION NOTICE**

**SERVED BY: LONDON BOROUGH OF CAMDEN ("the Council")**

**TO: JILL AUTERAC AND RICHARD HARRINGTON AUTERAC of Merton House, Merton Lane, London N6 6NA**

**1. THIS NOTICE** is served by the Council under section 187A of the above Act, because they consider that a conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have not been complied with. The Council consider that you should be required to comply with the conditions specified in this Notice. The Annex at the end of this notice contains important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land at: Merton House, Merton Lane, London N6 6NA being the land shown outlined in black on the attached plan.

**3. THE RELEVANT PLANNING PERMISSIONS**

The relevant Planning Permissions to which this Notice relate are:

**7 of September 2010** - Permission granted for excavation to create basement floor level, including provision of garage and associated ramped drive; remodelling of rear (north) elevation at ground floor level to provide additional residential accommodation, including erection of new single storey extension on side (east) elevation with glazed link to main house (following demolition of existing single storey outbuilding); erection of rear (north) elevation extension at first floor level; installation of new dormer on side (east) elevation and enlarged dormer on rear (north) elevation and associated alterations, all to single family dwellinghouse (Class C3), ref: 2010/2460/P; and

**5 July 2013** - Planning permission granted for submission of details pursuant to condition 3 (hard and soft landscaping and means of enclosure of all un-built, open areas) of planning permission dated 07/09/2010 (Ref: 2010/2460/P), ref. 2013/2999/P.

#### 4. THE BREACH OF CONDITION

The following conditions have not been complied with:

**Condition 3:** No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the Council. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies B1 (General design principles) and N8 (Ancient woodlands and trees) of the London Borough of Camden Replacement Unitary Development Plan 2006.

**Condition 4:** All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details, by no later than the end of the planting season following completion of the development or any phase of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policies B1 (General design principles) and N8 (Ancient woodlands and trees) of the London Borough of Camden Replacement Unitary Development Plan 2006.

**Condition 5:** All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council. Details shall be submitted to and approved by the Council before works commence on site to demonstrate how trees to be retained shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837:2005 "Trees in Relation to Construction"

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy N8 (Ancient woodlands and trees) of the London Borough of Camden Replacement Unitary Development Plan 2006.

**The conditions have been breached in that:**

Works are not in accordance with the landscape plan approved pursuant to condition 3 of application ref. 2010/2460/P.

## 5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach(es) of condition specified in Paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps:-

In particular you are required to fully implement the landscape details approved by the Council under application ref. 2013/2999/P and shown on drawing 93-014, dated February 2012.

Within a period of **4 months**, you are required to comply with the conditions by taking the following steps:

(1) Front Garden: plant one hawthorn tree near the entrance gate in the position occupied by the removed hawthorn. This shall be planted as a Heavy Standard with a girth size of 12-14 cm, and the planting process should take into account the standards set out in BS5236:1975 and BS8545:2014;

(2) Front Garden: plant two apple trees near the front corner of Highgate West Hill in the position occupied by the removed apple trees. These shall be planted as Heavy Standards with a girth size of 12-14 cm, and the planting process should take into account the standards set out in BS5236:1975 and BS8545:2014;

(3) Front Garden: plant one walnut tree near the front corner of Highgate West Hill in the position occupied by the removed walnut tree. This shall be planted as a Heavy Standard with a girth size of 12-14 cm, and the planting process should take into account the standards set out in BS5236:1975 and BS8545:2014;

(4) Front Garden: plant one cherry tree along Highgate West Hill in the position occupied by the removed cherry tree. This shall be planted as a Heavy Standard with a girth size of 12-14 cm, and the planting process should take into account the standards set out in BS5236:1975 and BS8545:2014;

(5) Front Garden: plant one holly tree along Highgate West Hill in the position occupied by the removed holly tree. This shall be planted as a Heavy Standard with a girth size of 12-14 cm, and the planting process should take into account the standards set out in BS5236:1975 and BS8545:2014;

(6) Front Garden: completely remove the artificial grass covering to the front garden and replace with a natural turf lawn;

(7) Rear Garden: plant three silver birches in the rear garden in place of the apple, the loss of which was approved under 2010/2460/P. These shall be planted as a Heavy Standard with a girth size of 12-14 cm, and the planting process should take into account the standards set out in BS5236:1975 and BS8545:2014;

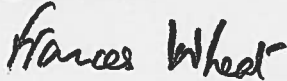
(8) Rear Garden: plant four apple trees near the single storey out building in the positions occupied by the removed apple trees. These shall be planted as Heavy Standards with a girth size of 12-14 cm, and the planting process should take into account the standards set out in BS5236:1975 and BS8545:2014.

Following their completion, the above measures shall be permanently maintained and retained thereafter.

**6. WHEN THIS NOTICE TAKES EFFECT.**

**This notice takes effect immediately** it is served on you or you receive it by postal delivery.

**Dated: 4 August 2015**



(Signed).....

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

**ANNEX**

**WARNING**

**THIS NOTICE TAKES IMMEDIATE EFFECT ONCE IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.**

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

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in doubt about what this notice requires you to do, you should get in touch immediately with the Council's nominated office to deal with enquiries:

Case Officer: ***John Sheehy***  
Phone no: **0207 974 5649**

Development Control  
Planning Services,  
London Borough of Camden,  
Town Hall  
Argyle Street,  
London WC1H 8ND

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.

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE.**





