

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

OF **Ground floor unit**
 98 Queen's Crescent
 London
 NW5 4DY

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: Ground floor Unit, 98 Queen's Crescent London NW5 4DY
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: The unauthorised installation of a flue extractor on the rear elevation of the building

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) In the absence of sufficient information to demonstrate that the flue meets the Council's noise standards, and in the absence of any programme of maintenance to ensure that the flue is maintained to prevent noise nuisance in the future given that noise levels in unmaintained flues or structural failures particularly when it has not been designed to meet noise reduction requirements can increase over time, may therefore create the potential for noise nuisance

Council reference: EN15/0037

due to its location in close proximity to residential development contrary policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy; and policies 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 **two months** of the Notice taking effect:

1. Either completely remove the flue extractor from its current position on the rear elevation and make good any damage; **and/or**
2. Make the development comply with the planning permission granted on 21st march 2000 reference PEX0000066.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **08 October 2015** unless an appeal is made against it beforehand.

DATED: 02 September 2015

Signed.....

Frances Wheat

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

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 £172.00.

The TOTAL FEE payable is £344.00 (i.e. £172.00 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 **08 October 2015**.

- (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 **08 October 2015**, 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.

98 Queen's Crescent

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Scale 1/11740

Centre = 528296 E 185080 N

Date 20/5/2015

