

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/X5210/C/16/3144543

Appeal By

MR T MOORE

Site Address

Flat 5 50 Belsize Square
LONDON
NW3 4HN

PART 1

- 1.a. Do you agree to the written representation procedure? Yes No
- Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*
- 2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes No
- 2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No
- 2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No
- Please describe:
- 2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes No

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes No
- Please provide our reference numbers:
- 3141456 & 3144544
- 4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes No
- 5.a. Is the appeal site within a conservation area? Yes No

Please give the name of the conservation area, provide a plan and indicate when the conservation area was designated.

Conservation area:

Belsize Park

Designated:

March 1973

Plan of the conservation area:

see 'Questionnaire Documents' section

5.b. Is the appeal site adjacent to a conservation area?

Yes

No

PART 3

6.a. Does the notice relate to building, engineering, mining or other operations?

Yes

No

6.b. Is the area of the alleged breach different from the above?

Yes

No

6.c. Does the alleged breach create any floor space?

Yes

No

Does the enforcement notice relate to a change of use of land to use for:

7.a. the disposal of refuse or waste materials?

Yes

No

7.b. the deposit of materials remaining after mineral extraction?

Yes

No

7.c. the storage of minerals in the open?

Yes

No

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))?

Yes

No

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012?

Yes

No

PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site?

Yes

No

11. Has any planning permission been granted previously in respect of the development?

Yes

No

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?

Yes

No

If YES, please provide

12.a. the date of the relevant application

07/07/2015

12.b. the date of the LPA's decision (if any)

10/12/2015

12.c. a copy of the decision (if any)

see 'Questionnaire Documents' section

12.d. the reference number

2015/3854/P

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|---|-----|-----------------------------|-------------------------------------|
| 13. Has a planning contravention notice been served? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.c. a STOP NOTICE has been served in addition to the enforcement notice? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.d. the appeal site is in or adjacent to or likely to affect a SSSI? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.e. any protected species are likely to be affected by the alleged development? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.f. the appeal site is in a Green Belt or AONB? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.g. any part of the site is subject to a Tree Preservation Order? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.h. the appeal site is within 400m of an area of underground or surface mineral interest? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.i. the appeal site is within 250m of a waste landfill site? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.j. does the development affect the setting of a listed building or ancient monument? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.k. has importation of waste materials been involved in the development? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

PART 5

- 16.a. Is the appeal site subject to an ARTICLE 4 Direction? Yes No

If YES, please send relevant Article 4 Direction.

see 'Questionnaire Documents' section

16.b. What permitted development rights are affected by the Direction?

The following development comprised within Class A of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class:

(a) The enlargement, improvement or other alteration to the principal elevation of a dwelling house or a side elevation of a dwelling house which fronts a public highway or private street or other publically accessible space.

The following development comprised within Class C of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class:

(b) Any other alteration to the roof on the principal elevation of a dwelling house or a side elevation of a dwelling house which fronts a public highway or private street or other publically accessible space

The following development comprised within Class D of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class:

(c) The erection or construction of a porch outside any external door on the principal elevation of a dwelling house or a side elevation of a dwelling house which fronts a public highway or private street or other publically accessible space

The following development comprised within Class F of Part 1 of Schedule 2 to the said Order and not being development comprised within any other Class:

(d) The provision within the curtilage at the front or side of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house as such, or the replacement in whole or part of such a surface, where any part of the hard surface would front a public highway or private street or other publically accessible space

The following development comprised within Class G of Part 1 of Schedule 2 to the said Order and not being development comprised with any other Class:

(e) The Installation, alteration, replacement or demolition of a chimney, flue or soil and vent pipe on a dwellinghouse which would be visible from a public highway or private street or other publically accessible space

The following development comprised within Class A of Part 2 of Schedule 2 to the said Order and not being development comprised within any other Class:

(f) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure at the front or side of a dwelling house or flat where any part of the means of enclosure would front a public highway or private street or other publically accessible space

The following development comprised within Class B of Part 2 of Schedule 2 to the said Order and not being development comprised within any other Class:

(g) The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

The following development comprised within Class C of Part 2 of Schedule 2 to the said Order and not being development comprised within any other Class:

(h) The painting of the exterior of the principal elevation of a dwelling house or flat or a side elevation of a dwelling house or flat which fronts a public highway or private street or other publically accessible space, except where a dwelling house or flat was painted as at the date of this order.

The following development comprised with Class B of Part 31 of Schedule 2 to the said Order and not being development comprised within any other Class:

(i) Any building operation consisting of the demolition of a gate, fence, wall or other means of enclosure at the front or side of a dwelling house or flat where any part of the means of enclosure would front a public highway or private street or other publically accessible space

The following development comprised within Class A of Part 40 of schedule 2 to the said order and not being development comprised in any other Class:

(j) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment on the roof of the principal elevation of a dwelling house or flat, or on the roof of a side elevation of a dwelling house or flat which fronts a public highway or private street or other publically accessible space

The following development comprised within Class B of Part 40 of Schedule 2 to the said order and not being development comprised in any other Class:

(k) The installation, alteration or replacement of stand alone solar at the front or side of a dwelling house or flat where any part of the stand alone solar would be visible from a public highway or private street or other publically accessible space

The following development comprised within Class C of Part 40 of schedule 2 to the said order and not being development comprised in any other Class:

(l) The installation, alteration or replacement of a flue forming part of a biomass heating system heat and power system on the principal elevation of a dwelling house or flat or a side elevation of a dwelling house or flat which fronts a public highway or private street or other publically accessible space

The following development comprised within Class F of Part 40 of Schedule 2 to the said order and not being development comprised in any other Class:

(m) The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on the principal elevation of a dwelling house or flat or a side elevation of a dwelling house or flat which fronts a public highway or private street or other publically accessible space

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| 17. Have any development rights been restricted by means of a planning condition? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

Environmental Impact Assessment - Schedule 1

- | | | | |
|---|-----|-----------------------------|-------------------------------------|
| 20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
|---|-----|-----------------------------|-------------------------------------|

Environmental Impact Assessment - Schedule 2

- | | | | |
|---|-----|-----------------------------|-------------------------------------|
| 20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
|---|-----|-----------------------------|-------------------------------------|

Environmental Impact Assessment - Environmental Statement (ES)

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| 20.e. Has the appellant supplied an environmental statement? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
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PART 6

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|---|-------------------------------------|
| 21.a. a copy of the letter with which you notified people about the appeal. | <input checked="" type="checkbox"/> |
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see 'Questionnaire Documents' section

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| 21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us. | <input checked="" type="checkbox"/> |
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see 'Questionnaire Documents' section

the deadline you gave for their comments to be sent to us.

30/03/2016

- | | |
|---|-------------------------------------|
| 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes. | <input checked="" type="checkbox"/> |
|---|-------------------------------------|

see 'Questionnaire Documents' section

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|---|--------------------------|
| 21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement. | <input type="checkbox"/> |
|---|--------------------------|

Policies/Planning Guidance

22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.



List of policies

CS1; CS5; CS14; DP24-26

[see 'Questionnaire Documents' section](#)

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.



22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.



List of supplementary planning guidance

CPG1 ch 5; CPG 6 ch 7

[see 'Questionnaire Documents' section](#)

22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.



22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;



22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;



22.g. your Authority's CIL charging schedule is being/has been examined;



22.h. your Authority's CIL charging schedule has been/is likely to be adopted.



22.i. any other relevant information or correspondence you consider we should know about.



PART 7

23. A true copy of the Enforcement Notice

[see 'Questionnaire Documents' section](#)

24. The Enforcement Notice Plan

[see 'Questionnaire Documents' section](#)

25. A list of those served with the Notice

[see 'Questionnaire Documents' section](#)

26. Do you wish to attach your statement of case?

Yes No



LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.



LPA's reference

EN14/0880

Completed by

Barry Dawson

On behalf of

London Borough of Camden

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Barry Dawson

Phone no (including dialling code)

020 7974 3560

Email

planning.appeals@camden.gov.uk

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/C/16/3144543

Appeal By MR T MOORE

Site Address
Flat 5 50 Belsize Square
LONDON
NW3 4HN

The documents listed below were uploaded with this form:

Relates to Section: PART 2

Document Description: 5.a. Plan of the Conservation Area.

File name: Belsize Conservation Area Plan.pdf

File name: Belsize Conservation Area Appraisal.pdf

Relates to Section: PART 4

Document Description: 12. A copy of the decision.

File name: Decision notice.pdf

File name: Officer's report.pdf

Relates to Section: PART 5

Document Description: 16.a. Relevant Article 4 Direction.

File name: Article 4 Direction Notice and Schedule - Belsize Conservation Area.pdf

File name: Belsize - Fact Sheet.pdf

File name: Belsize map.pdf

File name: Belsize_Conservation__Area_Design_Guide.pdf

Relates to Section: PART 6

Document Description: 21.a. A copy of the letter with which you notified people about the appeal.

File name: Notification letter.pdf

Relates to Section: PART 6

Document Description: 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.

File name: appealcorrespondence.pdf

Relates to Section: PART 6

Document Description: 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

File name: Officer's report.pdf

File name: Decision notice.pdf

Relates to Section: PART 6

Document Description: 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.

File name: CS1; CS5; CS14.pdf

File name: DP24-26.pdf

Relates to Section: PART 6

Document Description: 22.c. Extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.

File name: CPG1 (2015) ch 5.pdf
File name: CPG6 (2013) ch 7.pdf
Relates to Section: PART 7
Document Description: 23. A true copy of the Enforcement Notice.
File name: Enforcement Notice EN14-0880.PDF

The documents listed below were already attached elsewhere with this form:

Relates to Section: PART 7
Document Description: 24. The Enforcement Notice Plan.
File name: Enforcement notice

Relates to Section: PART 7
Document Description: 25. A list of those served with the Notice.
File name: Enforcement notice

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Completed by

Not Set

Date

18/02/2016 11:43:52

LPA

London Borough of Camden