

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

**OF 21 ABERDARE GARDENS
LONDON
NW6 3AJ**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to it that there has been a breach of planning control, under Section 171 A (1) (a) of the above Act, at the land described below. It considers 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 **21 Aberdare Gardens London NW6 3AJ** ("the Property") as shown, for the purposes of identification only, outlined in black on the attached plan.

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

The unauthorised creation of a roof terrace with associated installation of metal railings and decking on the rear ground floor extension flat roof.

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 metal railings and decking, by reason of their visual prominence and incongruous addition to the flat roof of the rear ground floor extension, would harm the character and appearance of the host building and the wider South Hampstead Conservation Area, contrary to policies CS14 (promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (securing high quality design) and DP25 (conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- c) The roof terrace by reason of its size, position and proximity to neighbouring properties results in a detrimental impact on neighbouring amenity in terms of overlooking into adjacent properties and potential for noise and disturbance to nos. 19 and 23 Aberdare Gardens and surrounding residential units, thereby contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies

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

5. WHAT YOU ARE REQUIRED TO DO

Within a period of three (3) months of the Notice taking effect:

- 1) Cease the use of the rear ground floor extension flat roof as a terrace; and
- 2) Completely remove the metal railings and decking; and
- 3) Make good any damage to the building as a result of the works.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **12th May 2016** unless an appeal is made against it beforehand.

DATED: 31 March 2016 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 for each new dwelling.

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 **12 May 2016**.

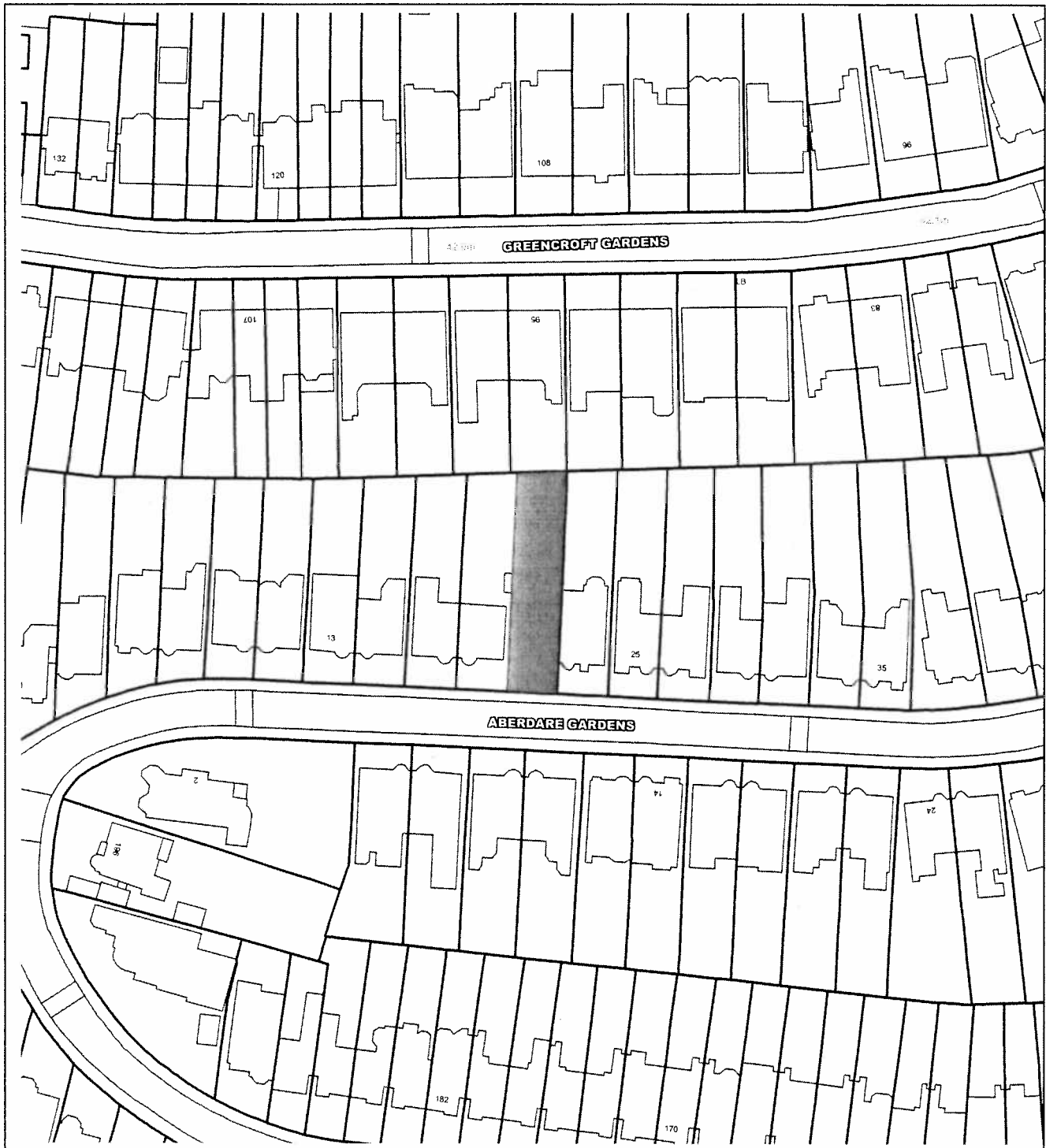
- (a) Send a copy of your appeal to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) Send a second copy of the appeal form and notice to the Council at:

**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 **12 May 2016**, 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

21 Aberdare Gardens London NW6 3AJ



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