

## THE LONDON BOROUGH OF CAMDEN

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

## ENFORCEMENT NOTICE

**OF SHOP AND PREMISES AT BASEMENT AND GROUND FLOOR  
46 BIRCHINGTON ROAD  
LONDON  
NW6 4LJ**

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 **SHOP AND PREMISES AT BASEMENT AND GROUND FLOOR, 46 BIRCHINGTON ROAD, LONDON, NW6 4LJ** ("the Property")  
as shown, for the purposes of identification only, outlined in black on the attached plan.
  
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
  
Unauthorised installation of timber decking and associated timber enclosure on front forecourt area.
  
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 timber decked area and associated enclosure due to its size, design and location is considered to be an incongruous addition, which has a detrimental impact on the character and appearance of the host building and the wider streetscene contrary to policy DP24 of the London Borough of Camden's Local Development Framework Development Policies

**Council reference: EN15/1152**

- c) The raised terrace area by reason its proximity to the windows of the residential dwellings above and hours of use, potentially until 23:30 hours Monday to Saturday and 22:30 Hours on Sunday and Bank Holidays, it is likely to result in noise nuisance to the detriment of the amenity of neighbouring occupiers and is thereby contrary to policy CS5 of Camden's Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden's Local Development Framework Development Polices

**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 two (2) months of the Notice taking effect:**

1. Completely remove the timber decking and associated enclosure located on the front forecourt area, and make the development comply with the planning permission granted on 12/02/2014 (ref: 2014/5696/P).
2. Make good any damage as a result of the above works.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **12<sup>th</sup> July 2016** unless an appeal is made against it beforehand.

**DATED: 31 May 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:

**Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE**

The fee is £172.00 for each new dwelling.

**The TOTAL FEE payable is £344.00 (i.e. £172.00 x 2)**

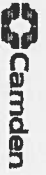
**ANNEX**

**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<sup>th</sup> July 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:

**Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE**



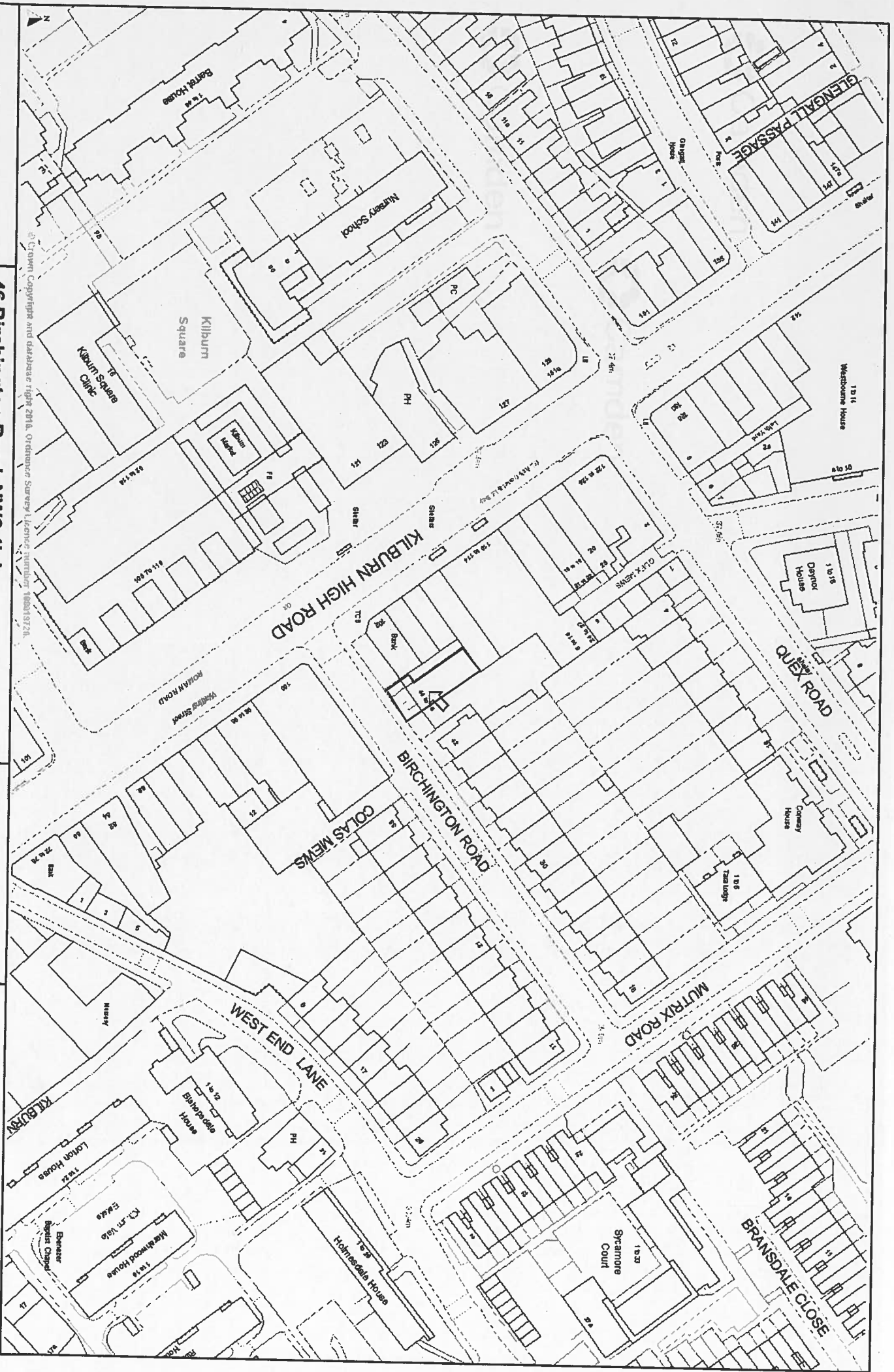
**46 Birchington Road, NW6 4LJ**

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Date 5/5/2016



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