

Council reference: EN15/1247

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE
PLANNING AND COMPENSATION ACT 1991)**

ENFORCEMENT NOTICE

ISSUED BY: THE LONDON BOROUGH OF CAMDEN

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 TO WHICH THE NOTICE RELATES**

Land at: 16A Mackeson Road, London, NW3 2LT

as shown outlined in black on the attached plan ("the Property").

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

Without planning permission: The unauthorised replacement of timber windows with uPVC at ground floor level to the front elevation, the unauthorised replacement of timber windows and door with uPVC windows and door to the rear elevation at lower ground level, the unauthorised creation of a new window opening and fitting of uPVC window to the side elevation at lower ground floor level, the unauthorised replacement of a timber window to the existing lower ground side elevation with uPVC, the unauthorised removal of a timber window and installation of a uPVC door at upper ground floor level and installation of railings to create a roof terrace at rear upper ground floor level.

4. **REASONS FOR ISSUING THIS NOTICE:**

a) The unauthorised development has occurred within the last 4 years.

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- b) The replacement windows and doors, by reason of their material and detailed design, harm the character and appearance of the host building and the wider Mansfield Conservation Area, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Core Strategy; and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- c) The rear roof terrace, by reason of loss of privacy through direct overlooking, has a detrimental impact on the amenity of neighbouring occupiers including nos.14 and 16 Mackeson Road and 21 Lisburne Road, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development 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 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 **3 months** of the Notice taking effect:

- a) To the front elevation: remove the uPVC windows to bay at ground floor level and reinstate timber to match those previously removed;
- b) To the rear elevation: remove 2 uPVC windows and door at lower ground floor level and reinstate timber sliding sash windows and timber door to match those previously removed;
- c) To the rear elevation: replace uPVC door and frame at upper ground floor level with timber sliding sash window to match that previously removed and reinstate wall beneath and make good to match the existing rear wall finish;
- d) Remove the railings around the rear terrace at upper ground floor level and decking from the roof surface and make good any resulting damage;
- e) To the side elevation: Either, remove the newly created window at lower ground floor level and reinstate the wall OR replace the

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unauthorised uPVC window with a timber sliding sash window with obscure glazing and fixed shut (to be permanently maintained as such) to match the existing timber windows on the side elevation;

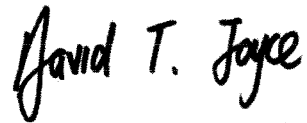
- f) Remove the uPVC window at lower ground floor level and reinstate timber sliding sash window.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **23 March 2017** unless an appeal is made against it beforehand.

DATED: 8 February 2017

Signed:



**Head of Service, Supporting Communities, Regeneration and
Planning on behalf of the London Borough of Camden, Town Hall,
Judd Street, London WC1H 8JE**

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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:

Appeals and Enforcement
Supporting Communities
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

The fee is £172.00

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

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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 Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 6 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

[link to <http://www.planningportal.gov.uk/uploads/pins/enfinfo sheet.pdf>]

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **23 March 2017**, 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.