

## The Planning Inspectorate

### ENFORCEMENT NOTICE APPEAL FORM (Online Version)

**WARNING:** The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

**Appeal Reference: APP/X5210/C/17/3178475**

#### A. APPELLANT DETAILS

Name Mr Adel Bentalib

Address 8 Manstone Road  
LONDON  
NW2 3XG

Preferred contact method

Email ☒ Post ☐

#### A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes ☐ No ☒

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes ☒ No ☐

Name Mr Christopher Wickham

Company/Group Name Christopher Wickham Associates

Address 35 Highgate High Street  
LONDON  
N6 5JT

Phone number 020 8340 7950

Email cmwickham@aol.com

Your reference 1318/E

Preferred contact method

Email ☒ Post ☐

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority London Borough of Camden

LPA reference number (if applicable)	EN17/0288
Date of issue of enforcement notice	26/05/2017
Effective date of enforcement notice	04/07/2017

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes ☒ No ☐

Address

8 Manstone Road  
LONDON  
NW2 3XG

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes ☐ No ☒

What is your/the appellant's interest in the land/building?

Owner ☒

Tenant ☐

Mortgagee ☐

None of the above ☐

#### E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ☐ No ☒

(a) That planning permission should be granted for what is alleged in the notice. ☒

The facts are set out in

☒ the box below

The side dormers, the subject of the enforcement notice, are subordinate additions to the appeal property which protect the character and appearance of the host building and the wider street-scene. Matching materials have been employed, and the dormers are set down from the roof ridge, and set well back from the front roof hip. The LPA has previously granted planning consent for smaller side dormers on the appeal property (2017/0343/P), and this is not therefore a location where the LPA has an in-principle objection to such development.

The LPA has also recently granted planning consents for the side dormers of a similar form and appearance (to those constructed on the appeal property) on identical properties in the immediate vicinity (at 5 Manstone Road & at 163 Fordwych Road), and the Appellant is entitled to expect a consistency of approach by the authority in its determination of similar planning applications. In both these cases, the side dormers are substantially wider than those at the appeal property, and are located closer to the front roof hip of the building. The approved development at 163 Fordwych Road has been completed.

The side dormers facilitate the beneficial use of the appeal property's loft for new residential accommodation by providing floorspace with a good standard of natural light and outlook. The quality of light and outlook provided by the side dormers, as constructed, is decisively better than that achieved by planning consent 2017/0343/P for two small side dormers on the appeal property.

The side dormers are therefore considered to constitute a sustainable form of development, compliant

with the NPPF, which accords fully with the development plan, including Camden Core Strategy Policy CS14 and Development Policy DP24, and with associated design guidance set out in CPG1.

The Inspector is therefore respectfully requested to allow this appeal and to grant planning permission for the deemed application.

- (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact. ☐
- (c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development"). ☐
- (d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. ☐
- (e) The notice was not properly served on everyone with an interest in the land. ☐
- (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. ☒

The facts are set out in

☒ the box below

The appeal on ground (f) is made without prejudice to the appeal on ground (a). The enforcement notice lays down alternative steps for compliance including the option of making the development comply with planning consent 2017/0343/P. A concurrent s.78 appeal seeks planning consent for larger side dormers than those approved under 2017/0343/P. If the s.78 appeal is allowed, it is requested that the enforcement notice be amended to allow the option of compliance with this scheme.

- (g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why. ☒

The facts are set out in

☒ the box below

Without prejudice to the appeals on grounds (a) and (f), an increased period of 6 months is requested. This is because the works would cause disruption to existing residents in the building, and notice will need to be given to them. In addition, it seems likely that the decision on this appeal will emerge during the autumn, and works would therefore need to be undertaken through the winter period. A 6 month compliance period would offer some flexibility on the precise timing of the works with regard to these matters.

## F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☒ No ☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☐ No ☒

2. Hearing ☐

3. Inquiry ☐

## G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☐ No ☒

2. Are there any planning reasons why a fee should not be paid for this appeal? Yes ☐ No ☒

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

## H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☒ No ☐

Please give details, including our reference number(s), if known.

S.78 appeal - REF: APP/X5210/W/17/3178409

## I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

☒ [see 'Appeal Documents' section](#)

02. Plan:

☒ [see 'Appeal Documents' section](#)

## J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

**Signature**

Mr Christopher Wickham

**Date**

21/06/2017 17:50:19

**Name**

Mr Christopher Wickham

**On behalf of**

Mr Adel Bentalib

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

## K. NOW SEND

### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>

- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

**You will not be sent any further reminders.**

Please ensure that anything you do send by post or email is clearly marked with the reference number.

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. The Enforcement Notice.
<b>File name:</b>	MANSTONE ROAD.enf notice.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	02. The Plan.
<b>File name:</b>	MANSTONE ROAD.enf notice plan.pdf

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

**Completed by** MR CHRISTOPHER WICKHAM

**Date** 21/06/2017 17:50:19