

For official use only (date received): 16/04/2018 11:39:46

## 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/18/3200487**

#### A. APPELLANT DETAILS

Name	<input type="text" value="Mr Richard Kaffel"/>
Company/Group Name	<input type="text" value="REDACTED"/>
Address	<input type="text" value="REDACTED"/>
Preferred contact method	Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>

#### 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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name	<input type="text" value="Mr Michael Maan"/>
Company/Group Name	<input type="text" value="Planning Consultant"/>
Address	<input type="text" value="REDACTED"/>
Phone number	<input type="text" value="REDACTED"/>
Email	<input type="text" value="REDACTED"/>
Your reference	<input type="text" value="MM/527/18"/>
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

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

Name of the Local Planning Authority	London Borough of Camden
LPA reference number (if applicable)	EN17/0067
Date of issue of enforcement notice	09/03/2018
Effective date of enforcement notice	20/04/2018

#### D. APPEAL SITE ADDRESS

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

Does the appeal relate to an existing property? Yes  No

Address

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 appeal site comprises a prominent four storey building with a mansard roof located on the corner of Jamestown Road and Oval Road. The original building is early 20th Century that has been recently extended under cover of a planning approval granted on appeal. The local authority planning reference is 2014/4058/P and the appeal reference is APP/X5210/W/14/3000701. This permission enabled the provision of a modern designed four storey high infill on the Jamestown Road frontage and a new mansard roof.

The new infill has modern styled windows on the upper floors as does the third floor of the original building and the mansard at roof level. In the infill, the modern windows are contained with a black coated aluminium frame that divides the glazing into three panels. Within the main building the new windows at third floor level and in the mansard have a single pane contained within a very thin aluminium frame. The frame is barely visible from street level and as part of the overall visual composition of the building, the modern single paned windows give a pleasing, simple and lightweight feel to the upper part of this building.

A key feature to the front elevations of the original building is the prominent heavy set cornice that is positioned just below the third floor. This is at the same height as the top of the parapet of the lower

adjacent buildings in the terrace along Jamestown Road beyond the modern infill on the appeal site and also the adjoining lower terraced block along Oval Road. Consequently

This cornice provides an appropriate visual break between the lower and upper floors of the original building to the extent of allowing the opportunity for a variation in the design of the type of windows installed. In this instance the presence of the single pane windows at third floor level and above reflect a visually interesting and acceptable alternative to sash windows without either detracting from its appearance or its setting in relation to the general street scene. Within the context of the general street scene it is to be noted that there are a variety of window types with mostly modern casement type windows in the commercial and residential building blocks located on the opposite side to the appeal site on both Jamestown Road and Oval Road. For this reason the windows the subjects of this appeal do not look out of place in relation to its immediate surroundings. It is also to be noted that prior to the implementation of planning permission 2014/4058/P[appeal ref: APP/X5210W/14/3000701] the windows that did exist at the topmost floor, the third floor, contained casement type windows and not sash windows. The presence on non sash windows at this level have therefore formed part of the established street scene without any demonstrable detriment to the building as a whole or the adjoining terraces and this has not changed with the installation of additional non sash type windows at third floor level and above.

It is also to be noted that the window openings at 3rd floor are a square format and would need to be broken down into several small panes if they were to be sash windows in order to look proportionately correct. In doing so the sash windows would provide overly fussy fenestration which would take away from the overall appearance of the building which is quite restrained. One of these windows, that is the one facing onto Jamestown Road, is a smoke vent and would not work as a sash because it would not provide adequate opening area with a sash type structure and opening.

Overall the installation of the plain glass aluminium framed windows is considered to be an appropriate form of development that does not merit removal from the building. Such action would be considered therefore disproportionate to the alleged breach of planning control as set out in the enforcement notice

- (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").

The facts are set out in

the box below

This ground of appeal, under Ground (c) relates only to the two windows at third floor level in the front elevation facing Oval Road.

No breach of planning control has occurred in relation to the replacement of these two windows. This is because the two windows that did exist here were of a modern style comprising two metal framed 'Crittall' style casement windows. Their replacement with the single pane windows the subject of this notice has not materially affected the external appearance of the building. The installation of these two windows therefore are considered not to be development within the meaning of Section 55(2)(a)(ii) of the Town & Country Planning Act (As Amended).

- (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.
- (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.

## 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

a) the date of the relevant application

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

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

## I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

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

Date

Name

**On behalf of**

Mr Richard Kaffel

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:

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 01. The Enforcement Notice.  
**File name:** CamdenEnf Notice March 2018[3].pdf

**Completed by** MR MICHAEL MAAN

**Date** 16/04/2018 11:41:33