

For official use only (Date received): 25/04/2018 20:54:05

The Planning Inspectorate

LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT 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/F/18/3201240

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	<input type="text" value="Mr A Moussaioff"/>
Address	<input type="text" value="[REDACTED]"/>
Preferred contact method	Email <input type="checkbox"/> Post <input checked="" type="checkbox"/>

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 Chris Sawden"/>
Company/Group Name	<input type="text" value="S.T.P.C."/>
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="CMS/2018/589"/>
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	<input type="text" value="London Borough of Camden"/>
LPA reference number (if applicable)	<input type="text" value="EN17/0266"/>

Date of issue of enforcement notice	15/03/2018
Effective date of enforcement notice	26/04/2018

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 building?

Owner

Tenant

Mortgagee

None of the above

E. 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

Please explain.

2. Hearing

3. Inquiry

F. 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 the building is not of special architectural or historic interest.

(b) That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred.

(c) That those matters (if they occurred) do not constitute such a contravention.

The facts are set out in

the box below

Given the listing description on the Historic England's website and the features listed and the fact that the interiors were not inspected as part of the listing process, it is considered that the limited internal works do not affect the character of the listed building.

(d) That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary.

(e) That listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.

The facts are set out in

the box below

It is noted that the Council's reason "b" for issuing the Listed Building Enforcement Notice specifies that the alleged breach is contrary to policies, however, only one is cited. It is therefore essential for the Council to clarify its position to the appellant on which other policies it is seeking to rely for issuing the Enforcement Notice.

The minimalist works undertaken internally, relate to an extremely small section of stud partition walling to create a more contemporary 21st century living environment, whilst leaving the original walls of the dwelling intact.

The original form of the dwelling has not been altered as such as the works are completely reversible. These works do not cause harm to the Grade II* Listed Building. There is no mention of the significance nor any description of the internal layout of any of the dwellings/buildings within the estate contained within the Historic England listing description.

The proposal complies with policy D2 of the London Borough of Camden Local Plan 2017.

It is noted that the Council's reason "c" for issuing the Listed Building Enforcement Notice specifies that the alleged breach is contrary to policies, however, only one is cited. It is therefore essential for the Council to clarify its position to the appellant on which other policies it is seeking to rely for issuing the Enforcement Notice.

The appearance of the terrace and estate has been altered with the ranging from inter alia the addition of satellite dishes, the complete enclosure of balcony areas, the erection of fencing to balconies, the addition of bamboo pergola and the painting of these areas, including one which is a turquoise/sea green colour.

In light of the above it is difficult to see how it results in an incongruous appearance or how it has a detrimental impact on the balance of the larger terrace and the estate.

The proposal complies with policy D2 of the London Borough of Camden Local Plan 2017.

(f) That copies of the notice were not served as required by section 38(4).

(g) Except in relation to such a requirement as is mentioned in section 38(2)(b) or (c), that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.

(h) That the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed.

The facts are set out in

the box below

A three month compliance period is too short and six months is a more appropriate time given the requirement to remove the paint from the balcony, as it is likely that an appropriate cleaning method will need to be agreed with the Council to ensure no damage to the walls. Furthermore the property is occupied by tenants and the tenancy agreement relates to the existing layout of the dwelling and it would require an existing tenant to be rehoused/find alternative accommodation.

(i) That the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose.

(j) That steps required to be taken by virtue of section 38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building.

(k) That steps required to be taken by virtue of section 38(2)(c) exceed what is necessary to bring the building to the state in which it would have been if the terms and conditions of the listed building consent had been complied with.

G. OTHER APPEALS

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

H. BUILDING INFORMATION

Please indicate the grade of the building

Grade I

Grade II*

Grade II

What date was the building first listed?

Has a grant been made under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

see 'Appeal Documents' section

02. Plan (if applicable and not already attached)

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

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: Enforcement Notice.pdf

Completed by MR CHRIS SAWDEN

Date 25/04/2018 20:54:05