

Council reference: EN18/0621

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: Basement Flat, 123 King's Cross Road, London, WC1X 9NH as shown shaded grey on the attached plan ("the Property").

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

Without planning permission: *The creation of a self-contained flat (use class C3) at basement and ground floor level and the unauthorised creation of a front lightwell and associated railings.*

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

- a) The unauthorised development has occurred within the last 4 years.
- b) The ground and basement unit, by reason its contrived layout and inadequate level of outlook and natural light; results in a sub-standard quality of living accommodation which fails to provide an acceptable level of residential amenity for the prospective/current occupiers or promote health and wellbeing objectives, contrary to policies C1, A1 and D1 of the London Borough of Camden Local Plan 2017.
- c) The front lightwell and associated railings formed, due to their siting, scale and design, are considered to appear as incongruous

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elements which visually clutter the frontage and detract from the character and appearance of the application building, the terrace of buildings that it forms part of and the wider conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

- d) In the absence of a legal agreement to secure car free housing in this highly accessible location, the development would fail to encourage car free lifestyles, promote sustainable ways of travelling, help to reduce the impact of traffic and would increase the demand for on-street parking in the CPZ, contrary to policies T1, T2 and CC4 of the London Borough of Camden Local Plan 2017.

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

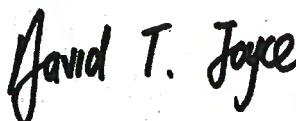
Within a period of **6 (six) months** of the Notice taking effect:

1. *Cease the use of the self-contained flat (Use class C3) at basement and ground floor level;*
2. *Remove the kitchen and bathroom;*
3. *Infill the opening created for the front lightwell by restoration of the front platform slab and remove the black metal painted railings;*
4. *Making good of any damage caused as a result of the above works.*

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **24 April 2019** unless an appeal is made against it beforehand.

DATED: 13 March 2019 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 £462.00

The TOTAL FEE payable is £924.00 (i.e. £462.00 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.

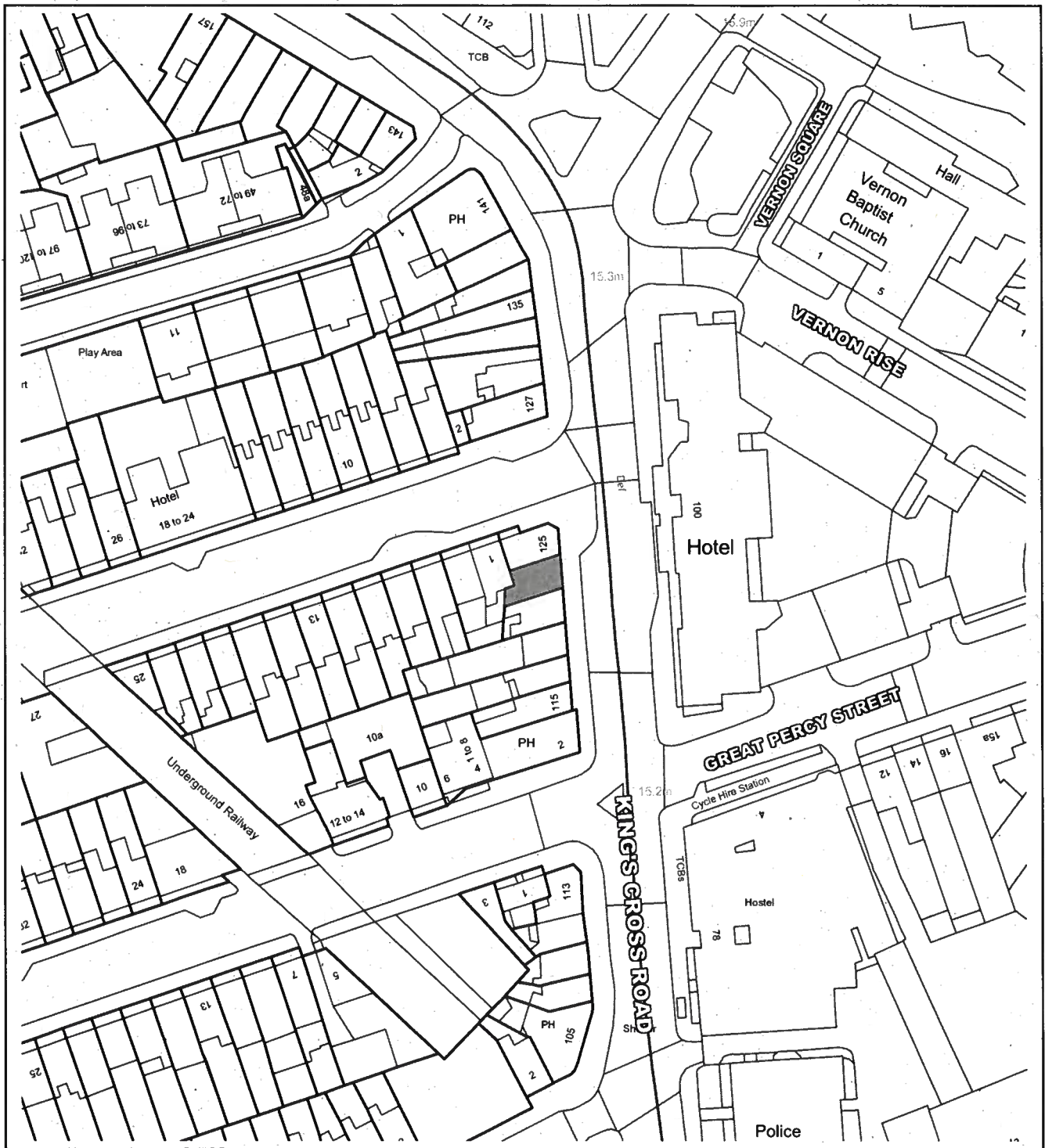
The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

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

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **24 April 2019**, 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.

NORTHGATE SE GIS Print Template



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