

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**(as amended by the Planning and Compensation Act 1991)**

**BREACH OF CONDITION NOTICE**

**SERVED BY: LONDON BOROUGH OF CAMDEN ("the Council")**

**TO: *Mr Anthony Freedman & Ms Sophie Lee***  
**28 MARESFIELD GARDENS**  
**LONDON**  
**NW3 5SX**

**1. THIS NOTICE** is served by the Council under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the conditions specified in this Notice. The Annex at the end of this notice contains important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land at: **28 MARESFIELD GARDENS LONDON NW3 5SX** shown edged black on the attached plan.

**3. THE RELEVANT PLANNING PERMISSION**

The relevant Planning Permission to which this Notice relates is the planning permission Ref: 2016/5374/P Excavation of single storey basement with rear lightwell; erection of rear extension at lower ground floor level; erection of front dormer; alterations to front and rear elevations including hard and soft landscaping works.

**4. THE BREACH OF CONDITION**

The following condition has not been complied with:

**Condition 3** The development hereby permitted shall be carried out in accordance with the following approved plans: OSMAP; EP-100; EP-002; EP-003; EP-004; EP-005; EP-006; EP-013; EE-007; EE-008; EE-009; ES-010; ES-012; ES-011; AP-100 (Rev A); AP-102; AP-103 (Rev A); AP-104 Rev A; AP-105 (Rev A); AP-106 (Rev A); AP-107 (Rev A); AP-114 (Rev A); AE-108; AE-109 (Rev A); AE-110 (Rev A); AS-111 (Rev A) AS-112 (Rev A); AS-113 (Rev A); Planning and Design & Access Statement prepared by Martin Robeson Planning Consultants (dated September 2016); Ground Investigation and Basement Impact Assessment Report prepared by Ground and Water Limited (ref. GWPR1761/GIR/February 2017); Arboricultural Report prepared by Adam Hollis (dated 12 September 2016).

**The condition has been breached in that:**

1. The hard and soft landscaping at the front of the site has not been implemented in accordance with the approved plans.

**5. WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach(es) of condition specified in Paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps:-

1. Make the development and hard and soft landscaping scheme at the front of the site comply with the planning permission that was granted on 10/05/2017 (Ref: 2016/5374/P) and in particular drawing nos: 1931/AP- 100 Rev A and 1931/AP-103 Rev A (appended to this notice); or
2. Reduce the area of hardstanding to 5m<sup>2</sup> in area to make the development comply with the permitted development regulations as defined in Schedule 2, class F of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
3. Make good any damage caused as a result of the above works

**Period for compliance:-**

One (1) months from the receipt of this notice.

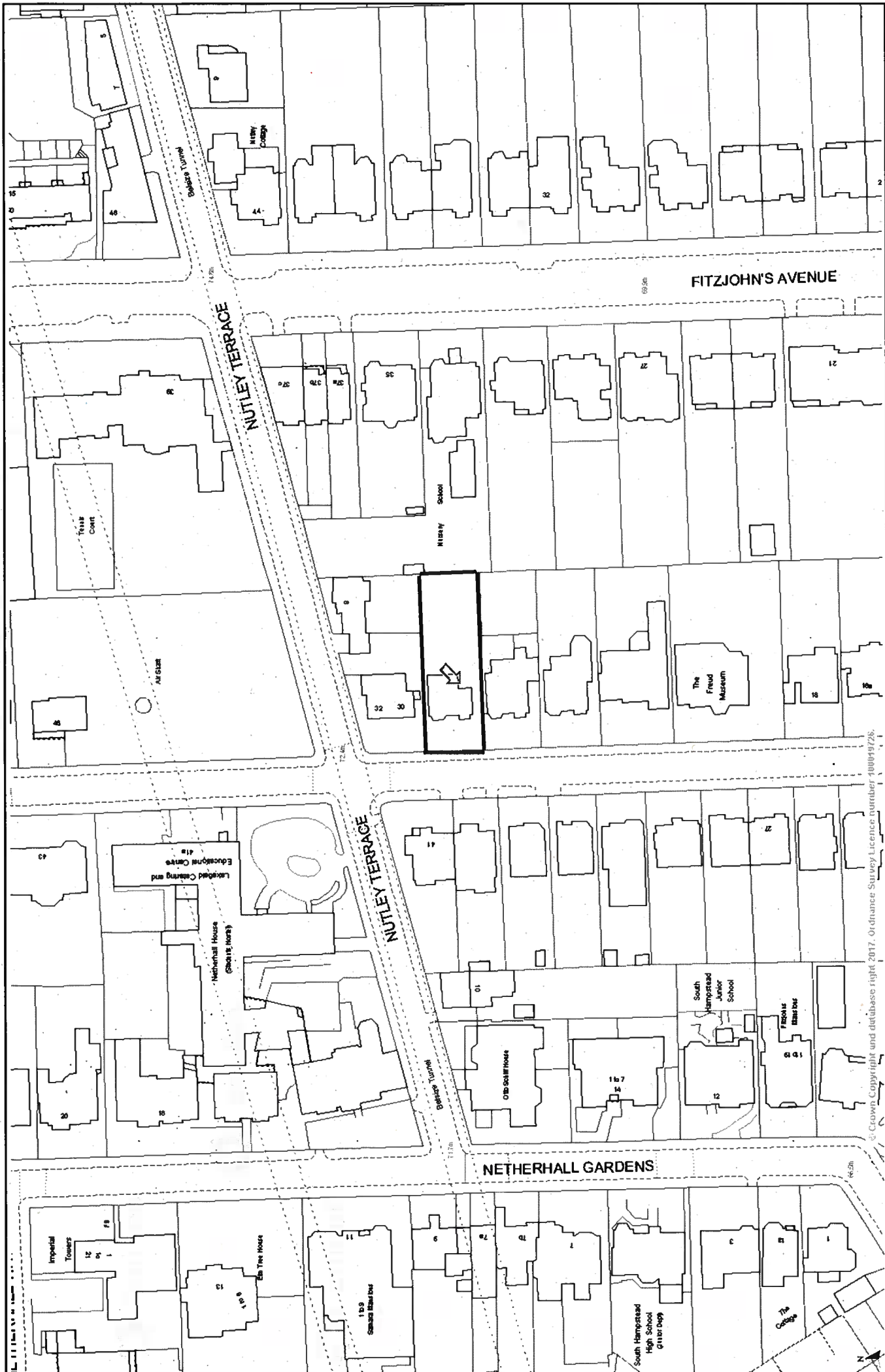
**6. WHEN THIS NOTICE TAKES EFFECT.**

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 08 August 2019



(Signed).....  
**Chief Planning Officer, Supporting Communities on behalf of the London Borough of Camden, Town Hall, Judd Street, London WC1H 8JE**



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**28 Maresfield Gardens, NW3 5SX**

Scale 1/1250

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Centre = 526472 E 184917 N

Date 2/8/2019





No.	Revision	Date
A.	Revised from extension design	07/12/16



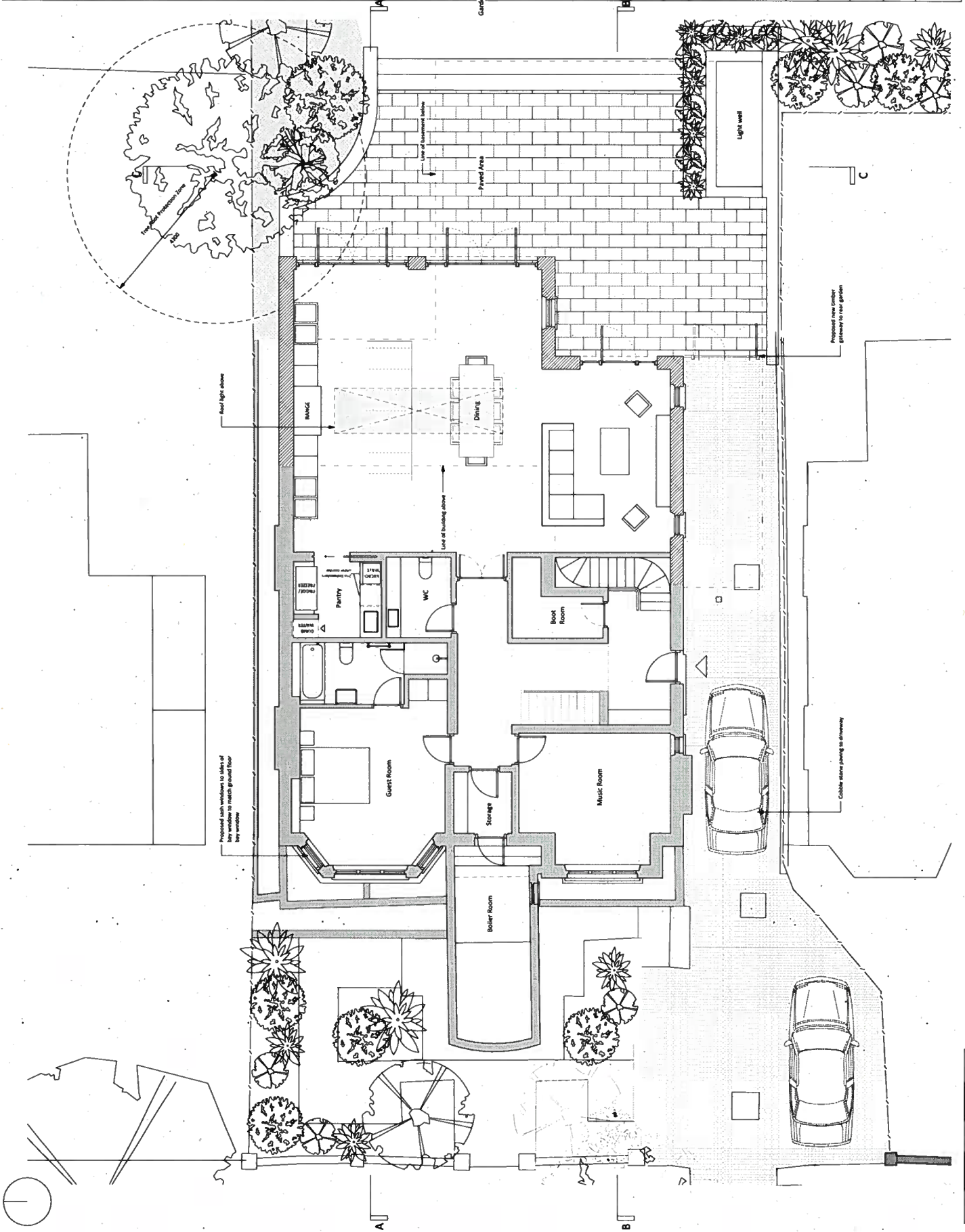
**PLANNING ISSUE**

All dimensions must be confirmed on site and verified with the Architect. Any discrepancies on the drawing must be highlighted by any works being carried out on site.

**DO NOT SCALE OFF THIS DRAWING.** Only use stated dimensions for setting out purposes.

The copyright of this schedule drawing remains with the Architect. No part of this schedule drawing may be reproduced in any form or by any means without the written permission of Greenway Architects.

Project:		28 Maresfield Gardens, NW3 5SX
Drawing Title:		Proposed Lower Ground Floor Plan
Drawing No.:		1931/AP - 103
Date:	06/08/2016	Scale: 1:50 @ A1 1:100 @ A3
<b>greenwayarchitects</b> Brunel Way, London NW3 5SX Tel: 020 7435 5800 www.greenwayarchitects.co.uk		



Proposed sash windows to sides of new extension to match ground floor bay windows.

Roof light above

WC

Pantry

FRIDGE

STOVE

SINK

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

WC

Used as building above

Proposed new timber gateway to rear garden

Cobble stone paving to driveway

Light Well

New Extension

A

B

Scale  
0 5m



No.	Revision	Date
A	Revised floor submission design	01/12/16

**PLANNING ISSUE**

All dimensions must be confirmed on site and verified with the relevant authorities. Dimensions shown on this drawing must be repeated in the schedule prior to any works being carried out on site.

**DO NOT SCALE OFF THIS DRAWING.** Only use stated dimensions for setting out purposes.

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Project: 28 Maresfield Gardens, NW3 5SX

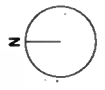
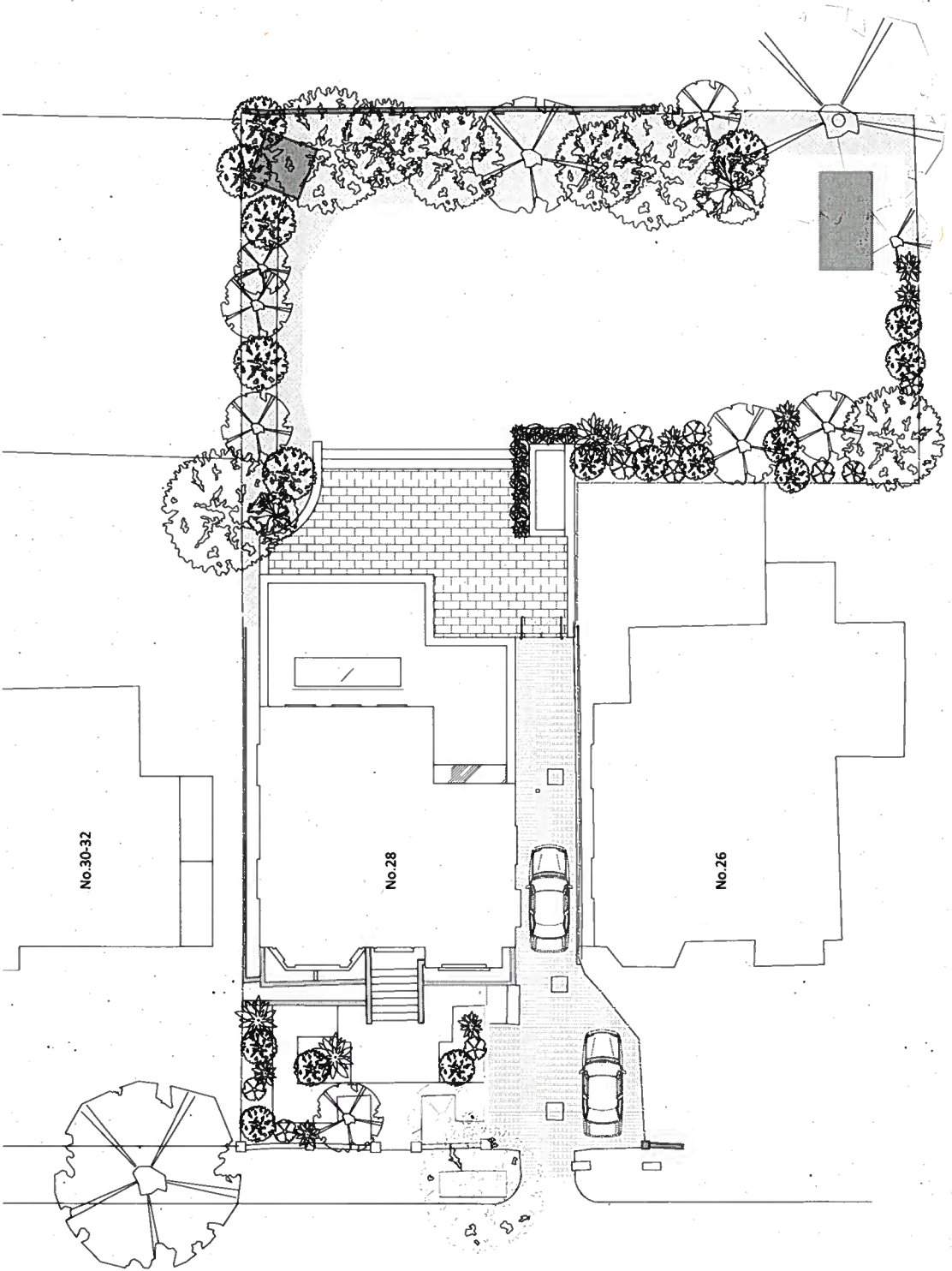
Drawing Title: Proposed Site Plan

Drawing No.: 1931/AP - 100

Client: 05/09/2016

Scale: 1:100 @ A1  
1:200 @ A3

**greenwayarchitects**  
Greenway Architects Ltd, London NW3 7LT  
Tel: +44 (0)20 7438 8091  
www.greenwayarchitects.co.uk







**ANNEX****WARNING**

**THIS NOTICE TAKES IMMEDIATE EFFECT ONCE IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.**

**THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in doubt about what this notice requires you to do, you should get in touch immediately with the Council's nominated office to deal with enquiries:

Angela Ryan  
angela.ryan@camden.gov.uk  
0207-974-3236

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

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE.**

## Explanatory Note

Section 187A of the Town & Country Planning Act 1990 Breach of Condition Notices states:

"Section 187A. Enforcement of Conditions.

(1) This section applies where planning permission for carrying out any development of land has been granted subject to conditions.

(2) The local planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a 'breach of condition notice' on -

(a) any person who is carrying out or has carried out the development ; or

(b) any person having control of the land,

requiring him to secure compliance with such of the conditions as are specified in the notice.

(3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.

(4) The conditions which may be specified in a notice served by virtue of subsection (2) () are any of the conditions regulating the use of the land.

(5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.

(6) The authority may be notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.

(7) The period allowed for compliance with the notice is -

(a) such period of not less than twenty-eight days beginning with the date of service of the notice as may be specified in the notice ; or

(b) the period as extended by a further notice served by the local planning authority on the person responsible.

(8) If, at any time after the end of the period allowed for compliance with the notice

(a) any of the conditions specified in the notice is not complied with; and

(b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased,

the person responsible is in breach of the notice.

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(11) It shall be a defence for a person charged with an offence under subsection (9) to prove -

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice ; or

(b) where the notice was served on him by virtue of subsection (2) (), that he no longer had control of the land.

(12) A person who is guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In this section -

(a) 'conditions' includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so).

