

For official use only (Date received): 10/11/2019 16:33:50

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/19/3240885

A. APPELLANT DETAILS

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

Name	Mr Ahmed Miah
Address	<div></div>
Email	<div></div>
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name	Mr Adrian Betham
Company/Group Name	Betham Associates Architects
Address	105-111 Euston Street LONDON NW1 2EW
Phone number	02073870451
Fax number	02073870451
Email	betham@hotmail.com
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)	EN17/0998

Date of issue of enforcement notice	03/10/2019
Effective date of enforcement notice	14/11/2019

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Address	Flat 2 (First & second floor) 52 Stanhope Street LONDON NW1 3EX		
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	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
What is your/the appellant's interest in the building?			
Owner			<input checked="" type="checkbox"/>
Tenant			<input type="checkbox"/>
Mortgagee			<input type="checkbox"/>
None of the above			<input type="checkbox"/>

E. CHOICE OF PROCEDURE

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

1. Written Representations	<input checked="" type="checkbox"/>
(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Please explain.	
Interior of tenant occupied flat at 1st floor level	
2. Hearing	<input type="checkbox"/>
3. Inquiry	<input type="checkbox"/>

F. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
(a) That the building is not of special architectural or historic interest.			<input type="checkbox"/>
(b) That the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred.			<input type="checkbox"/>
(c) That those matters (if they occurred) do not constitute such a contravention.			<input type="checkbox"/>

(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. ☐

(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. ☒

The facts are set out in

☒ the box below

The appellant wishes to carry out the required works between tenancies next September, 2020.

(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

I had assured to enforcement officer John Sheehy on behalf of the appellant that in accordance with his email of 8th October 2018 the partition will be removed at the end of the residential tenancy. This is in September next year, 2020. The appellant wishes to remove the offending partition in September 2020 in any case.

To enable removal without disadvantaging the current tenants we ask that the effective date be amended from 14th November 2019 to 24th June 2020.

In the Delegated Report to application 2019/2983/L the Local Planning Authority states that "the unauthorised subdivision of the front room has adversely impacted on the spatial proportions of the room in which it has been installed.." but reports no other impact. Thus any disadvantage is suffered by the experience of the occupiers who would be more disadvantaged were the subdivision to be removed leading to reduction or loss of occupation before the lease ends in September.

We believe that removal in less than a year, next September rather than February 2020, does not set a precedent for different circumstances or limit any ability to enforce planning control.

(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 ☐

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

LB Camden ref 2019/2983/L "to regularise past internal alterations, to remove recent 1st floor partition and to provide instead two coherent 1st floor front rooms to improve housing accommodation in

accordance with policy" will soon be appealed.

H. BUILDING INFORMATION

Please indicate the grade of the building

Grade I ☐

Grade II* ☐

Grade II ☒

What date was the building first listed? 14/05/1974

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) ☒

☒ 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 Adrian Betham

Date 10/11/2019 16:33:50

Name Mr Adrian Betham

On behalf of Mr Ahmed Miah

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 2018. 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:	1802 enforcement notice.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. A list of the plans, drawings and documents sent to the LPA as part of the application they considered.
File name:	1802 03 1ST FLOOR EXG.pdf
File name:	email lpa 2019-10.pdf
File name:	email lpa 2018-10.pdf
Completed by	MR ADRIAN BETHAM
Date	10/11/2019 16:33:50