


Enforcement Delegated Report			Receipt date:
Officer		Enforcement Case	
Gary Bakall		EN21/1029	
Breach Address		Photos & Other material	
Lyncroft Studios, 282 Finchley Road, London, NW3 7AD		See attachments	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
			 15/09/2022
Alleged Breach			
Erection of outbuilding in rear garden			
Recommendation(s):		<p>That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to demolish the outbuilding and restore the garden to its former state, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.</p>	
Priority:	P3		

This report is an addendum to the officer's delegated report refusing planning permission for the retention of the outbuilding and recommending enforcement action (Ref: 2021/6220/P). A copy of this report and final decision notice are attached.

This addendum just details the requirements of the relevant enforcement notice and should be read in conjunction with the attached delegated report that explains the reasons for issuing the notice.

Investigation History

The case was opened in October 2021 and a site visit carried out. A retrospective planning application (2021/6220/P) to retain the outbuilding was submitted in December 2021 and refused in July 2022.

Recommendation:

1.1 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to demolish the outbuilding and restore the garden to its former state, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

1.2 The notice shall allege the following breaches of planning control:

Erection of outbuilding in rear garden.

1.3 What are you required to do

1.3.1 Permanently remove the outbuilding including foundations; make good any resulting damage and restore the garden to its previous condition

1.4 Period of Compliance: 1 month

2 REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

2.1 The outbuilding, by virtue of its size, design and siting, detracts from the nature conservation, biodiversity and amenity value of the rear garden and also fails to reduce the risk of flooding at the site, contrary to the aims of policies A1, A2, A3, CC2, CC3 and D1 of the Local Plan and SD2, SD4, SD5 and BGI 1 of the Neighbourhood Plan.

2.2 The outbuilding, by virtue of its size, design and siting, detracts from the character and appearance of the application site and the wider area, including the Redington Frogmal Conservation Area, contrary to the aims of policies D1 and D2 of the Local Plan and SD4 of the Neighbourhood Plan.

2.3 In the absence of an adequate Tree Survey and Arboricultural Impact Assessment, the applicant has failed to demonstrate the development does not cause unacceptable harm to trees, contrary to the aims of policies A3 of the Local Plan and BGI 2 of the Neighbourhood Plan.

2.4 In the absence of an adequate noise and vibration assessment, the applicant has failed to demonstrate the development does not generate unacceptable noise and vibration impacts contrary to the aims of policies A1 and A4 of the Local Plan.

2.5 The outbuilding, by virtue of its size, design and siting causes unacceptable harm to the amenity of surrounding residential occupiers by way of loss of visual privacy, overlooking and loss of outlook, contrary to the aims of policies A1 and A4 of the Local Plan and SD4 and SD5 of the Neighbourhood Plan.

2.6 Failure to justify the need for active cooling by reducing and mitigating the impact of overheating through the application of the cooling hierarchy, thereby failing to minimise carbon dioxide emissions, contrary to policies CC1 and CC2 of the Local Plan and Neighbourhood Plan policy SD1.