

Council reference: EN22/0480

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: 122A FINCHLEY ROAD, LONDON NW3 5HT as shown outlined in black on the attached plan (“the Property”).

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

Without planning permission: the change of use of the mezzanine floor from beauty clinic (Use Class E) to 3 x residential units (Use Class C3) and removal of part of the front façade to create recessed balconies

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

- a) The change of use has occurred within the last 4 years;
- b) The unauthorised residential units by reason of their size, outlook and access to daylight results in substandard quality of accommodation, contrary to policies H7 of the Camden Local Plan 2017 and Camden Planning Guidance Housing 2021;
- c) The removal of part of the front façade and a section of shopfront to create a recessed double balcony, by reason of its siting, design, size, form and scale of the external change its considered to create an incongruous feature which negatively impacts on the host

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property and the wider streetscene and would therefore be unacceptable and contrary to Policy D1 of the Camden Local Plan 2017;

- d) The development, in absence of a S106 legal agreement to secure the development as car free, the development contributes unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking), A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017; and
- e) The development, in the absence of a legal agreement to secure a financial contribution towards affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the London Borough of Camden Local Plan 2017, policies H6 and H7 of the London Plan 2021, and of the National Planning Policy Framework 2021.

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

Within a period of **THREE (3) months** of the Notice taking effect:

- 1. Cease the use of the mezzanine floor as 3 residential units (Use Class C3);
- 2. Remove all kitchens, bathrooms and return the mezzanine floor to its former layout; and
- 3. Completely remove the recessed balconies by reinstating the front elevation to match the position, materials, design and proportions of the pre-existing façade.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **27 January 2023** unless an appeal is made against it beforehand.



DATED: 15 December 2022 Signed:

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

**Explanatory Note Pursuant to Regulation 5 of the Town and Country
(Enforcement Notices and Appeals) (England) Regulations 2002**

An appeal may be brought on any of the following grounds—

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

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 be submitted at the same time as the appeal form is submitted. The fee is payable:

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By credit/debit card by phone: call 020 7974 4444 or by BACS transfer to:

London Borough of Camden NatWest Account.

Sort code: 50-30-03

Account number: 24299480

You must use the Council's reference EN22/0480.

The fee is £1,386.00

The TOTAL FEE payable is £1,386.00 (i.e. £462.00 x 3)

STATEMENT ON GROUNDS OF APPEAL

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

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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 **27 January 2023**, 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.

The information contained within this notice is a summary of sections 171A, 171B and 172-177 of the Town and Country Planning Act, 1990.

For the full sections of the act please see:

<http://www.legislation.gov.uk/ukpga/1990/8/part/VII>

