



Appeal Decisions

Site visit made on 8 September 2026

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2026

Appeal A Ref: APP/X5210/C/25/3361256

Appeal B Ref: APP/X5210/C/25/3361257

Land at 3 Collard Place, London, NW1 8DU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Ms Natalie Yaffe (Appeal A) and Mr Jacob Yaffe (Appeal B) against an enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 13 January 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the installation of two air conditioning units located on the flat roof of the rear single storey extension.
 - The requirements of the notice are to: 1. Completely remove the two air conditioning units located on the flat roof of the rear single storey extension from the site; 2. Remove all constituent materials; and 3. Make good any damages caused.
 - The period for compliance with the requirements is two months.
 - The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The notice relates to two air conditioning units located on the flat roof of the single storey rear extension. Application 2023/4577/P sought planning permission for the retention of the units, but this was refused and subsequently dismissed on appeal on 27 December 2024¹. The Council's reason for refusal was on the grounds of sustainability and an adverse impact on the neighbours' living conditions as a result of noise and vibration from the units. The appeal was dismissed because of harm to the neighbours' living conditions, but not on sustainability grounds.

The appeals on ground (f)

3. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
4. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. S173(4) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition

¹ Appeal Ref: APP/X5210/D/24/3351577

before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach. The notice requires the removal of the two air conditioning units from the site which would suggest that its purpose is to remedy the breach of planning control, rather than any injury to amenity.

5. The appellants propose to mitigate the harm to the living conditions of neighbouring occupiers by erecting an acoustic enclosure designed to attenuate noise to an acceptable level. However, in the absence of an appeal on ground (a) and a deemed planning application I cannot consider whether planning permission should be granted for such an alternative scheme. It goes beyond the scope of the appeal on ground (f). The retention of the units, together with the addition of an acoustic enclosure, would not remedy the breach of planning control. Therefore, it does not represent an obvious alternative to the requirements of the notice. Even if such a solution could be considered, no substantive details have been provided. Consequently, it is unclear how effective the proposal would be in mitigating noise impacts or what its visual effects might be.
6. The Council refers to a further planning application² seeking planning permission for the reconfiguration of the air conditioning units. However, that scheme is not before me for consideration.
7. There are no obvious lesser steps to achieve the purpose of the notice with less cost and disruption. The requirements of the notice are not excessive as they do no more than remedy the breach of planning control. The appeals on ground (f) fail.

The appeals on ground (g)

8. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. The notice requires the removal of the units and all constituent materials and any damage caused to be made good within two months.
9. The appellants seek a longer compliance period of six months on the basis that the removal of the units will be disruptive to family life and will require work both to the exterior of the property and the internal ducting. There is no evidence before me to show that the removal of the units would be particularly complex. It is likely to be a relatively straightforward matter for a suitably qualified contractor and could be arranged and carried out within the two month compliance period. The works should result in minimal disruption if they are carefully planned and executed. Moreover, under the provisions of s173A(1)(b) of the 1990 Act, the Council may extend the compliance period should that be deemed appropriate.
10. I conclude that the stated compliance period is reasonable and proportionate to the breach of planning control. The appeals on ground (g) therefore fail.

Conclusion

11. For the reasons given, I conclude that the appeals should be dismissed and that the enforcement notice should be upheld.

M Ollerenshaw

INSPECTOR

² Council Ref. 2024/5232/P