

## The Planning Inspectorate

### QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/X5210/W/23/3322805

Appeal By

MR MARTIN VANDER WEYER

Site Address

Flat A  
40 Earlham Street  
LONDON  
WC2H 9LH

#### PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes ☒ No ☐

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes ☒ No ☐

Please explain

To assess impact on the character and appearance of the host building; to assess impact on the CA.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes ☐ No ☒

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes ☒ No ☐

Please give our reference number(s) and if necessary attach details

APP/X5210/Y/23/3322808

Please attach details


☒ see 'Questionnaire Documents' section











3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes ☒ No ☐

Please give our reference number(s)






APP/X5210/W/23/3329049 & APP/X5210/Y/23/3329050

Please attach details

 [see 'Questionnaire Documents' section](#)**PART 2**

|  |     |  |   |
|--|-----|--|---|
| 4. Does the appeal relate to an application for approval of reserved matters?  | Yes | <input type="checkbox"/> No  |    |
| 5. Was a site ownership certificate submitted with the application?  | Yes | <input type="checkbox"/> No  |    |
| 6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990? | Yes |  No | <input type="checkbox"/>  |
| 6.a. If a press advert notice was published, please upload a copy  |     |  |   |
|  <a href="#">see 'Questionnaire Documents' section</a>  |     |  |   |
| 7. Does the appeal relate to a county matter?  | Yes | <input type="checkbox"/> No  |    |
| <b>8. Please indicate the development type for the application to which the appeal relates.</b>  |     |  |   |
| Major Developments   |     |  | <input type="checkbox"/>  |
| Minor Developments   |     |  |    |
| Other Developments   |     |  | <input type="checkbox"/>  |
| <b>8.b. Minor Developments</b>   |     |  |   |
| Dwellings  |     |  |  |
| Offices/R and D/light industry   |     |  | <input type="checkbox"/>  |
| General industry/storage/warehousing   |     |  | <input type="checkbox"/>  |
| Retail and services  |     |  | <input type="checkbox"/>  |
| Traveller caravan pitches  |     |  | <input type="checkbox"/>  |
| All other minor developments   |     |  | <input type="checkbox"/>  |
| <b>Is the appeal site within:</b>  |     |  |   |
| 9.a. A Green Belt?   | Yes | <input type="checkbox"/> No  |  |
| 9.b. An Area of Outstanding Natural Beauty?  | Yes | <input type="checkbox"/> No  |  |
| 10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal?  | Yes | <input type="checkbox"/> No  |  |

**PART 3**

|   |     |  |   |
|---|-----|--|---|
| 11. Would the development require the stopping up or diverting of a public right of way?  | Yes | <input type="checkbox"/> No  |  |
| 12.a. Is the site in a Conservation Area?   | Yes |  No | <input type="checkbox"/>  |
| Please attach a plan of the Conservation Area   |     |  |   |
|  <a href="#">see 'Questionnaire Documents' section</a> |     |  |   |
| 12.b. Is the site adjacent to a Conservation Area?  | Yes | <input type="checkbox"/> No  |  |
| 12.c. Does the appeal proposal include the demolition of a non-listed building  | Yes | <input type="checkbox"/> No  |  |

|   |            |  |                                     |
|---|------------|--|-------------------------------------|
| within a conservation area?   |            |  |                                     |
| 13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?  | Yes        | <input checked="" type="checkbox"/> No | <input type="checkbox"/>            |
| <input type="checkbox"/> Grade I  |            |  |                                     |
| <input type="checkbox"/> Grade II*  |            |  |                                     |
| <input checked="" type="checkbox"/> Grade II  |            |  |                                     |
| Date of the listing   | 15/01/1973 |  |                                     |
| Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest   |            |  |                                     |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section   |            |  |                                     |
| 13.b. Would the proposed development affect the setting of a listed building?   | Yes        | <input checked="" type="checkbox"/> No | <input type="checkbox"/>            |
| Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest   |            |  |                                     |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section   |            |  |                                     |
| 13.c. If YES to 13.a or 13.b, was Historic England consulted?   | Yes        | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?   | Yes        | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?  | Yes        | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 16. Is any part of the site subject to a Tree Preservation Order?   | Yes        | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site? | Yes        | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?   | Yes        | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?   | Yes        | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |
| 19.b. Are any protected species likely to be affected by the proposals?   | Yes        | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> |

|  |     |                             |                                     |
|--|-----|-----------------------------|-------------------------------------|
| <b>PART 4</b>  |     |                             |                                     |
| <b>Environmental Impact Assessment - Schedule 1</b>  |     |                             |                                     |
| 20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?           | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| <b>Environmental Impact Assessment - Schedule 2</b>  |     |                             |                                     |
| 20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 20.c.i. Have you issued a screening opinion (SO)   | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| <b>Environmental Impact Assessment - Environmental Statement (ES)</b>  |     |                             |                                     |

|  |         |   |                                     |
|--|---------|---|-------------------------------------|
| 20.d. Has the appellant supplied an environmental statement?   | Yes     | <input type="checkbox"/> No             | <input checked="" type="checkbox"/> |
| <b>Environmental Impact Assessment - Publicity</b>   |         |   |                                     |
| 20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.<br><input checked="" type="checkbox"/> see 'Questionnaire Documents' section | Applies | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/>            |
| 21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?  | Yes     | <input type="checkbox"/> No             | <input checked="" type="checkbox"/> |
| <b>Please inform the appropriate bodies of the appeal now and ask for any comments to be sent to us by the date your statement is due.</b>   |         |   |                                     |

|   |   |
|---|---|
| <b>PART 5</b>   |   |
| 22. Do you wish to attach your statement of case?   | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| <b>For appeals dealt with by written representations only</b>   |   |
| 23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal?   | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| <b>Copies of the following documents must, if appropriate, be attached to this questionnaire</b>  |   |
| 24.a. a copy of the letter with which you notified people about the appeal;<br><input checked="" type="checkbox"/> see 'Questionnaire Documents' section  | <input checked="" type="checkbox"/>                                 |
| 24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;<br><input checked="" type="checkbox"/> see 'Questionnaire Documents' section   | <input checked="" type="checkbox"/>                                 |
| Deadline  | 18/12/2023  |
| 24.c. all representations received from interested parties about the original application;  | <input type="checkbox"/>  |
| 24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;<br><input checked="" type="checkbox"/> see 'Questionnaire Documents' section  | <input checked="" type="checkbox"/>                                 |
| 24.e. any representations received as a result of a service of a site ownership notification;   | <input type="checkbox"/>  |
| 24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);<br><br><i>You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.</i> | <input checked="" type="checkbox"/>                                 |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section<br><input checked="" type="checkbox"/> see 'Questionnaire Documents' section  |   |
| List of policies  | A1 - Managing the impact of development D1 - Design D2 - Heritage   |
| 24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;  | <input type="checkbox"/>  |
| 24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;<br><input checked="" type="checkbox"/> see 'Questionnaire Documents' section  | <input checked="" type="checkbox"/>                                 |

24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption; ☐

*In the case of emerging documents, please state what stage they have reached.*

24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted; ☐

*Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.*

24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded; ☐

24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued; ☐

24.m. your Authority's CIL charging schedule is being/has been examined; ☐

24.n. your Authority's CIL charging schedule has been/is likely to be adopted; ☐

24.o. any other relevant information or correspondence you consider we should know about. ☐

#### For the Mayor of London cases only

25.a. Was it necessary to notify the Mayor of London about the application? Yes ☐ No ☒

25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes ☐ No ☒

#### LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today. ☒

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/W/23/3322805

Appeal By MR MARTIN VANDER WEYER

Site Address  
Flat A  
40 Earlham Street  
LONDON  
WC2H 9LH

### The documents listed below were uploaded with this form:

**Relates to Section:** PART 1

**Document Description:** 3.a. Copies of any other appeals or matters, including our reference number(s) relating to the same site still being considered by us or the Secretary of State.

**File name:** Start letter 3322805 & 3322808.pdf

**Relates to Section:** PART 1

**Document Description:** 3.b. Copies of any other appeals or matters, including our reference number(s) which are adjacent or close to the site still being considered by us or the Secretary of State.

**File name:** APPEAL FORM 3329049.pdf

**File name:** APPEAL FORM 3329050.pdf

**File name:** APPEAL FORM 3331072.pdf

**File name:** APPEAL FORM 3331076.pdf

**Relates to Section:** PART 2

**Document Description:** 6.a. A copy of the notice published.

**File name:** Press notice - CNJ - 23.06.2022.doc

**Relates to Section:** PART 3

**Document Description:** 12.a. A plan of the Conservation Area.

**File name:** Seven Dials Estate.pdf

**Relates to Section:** PART 3

**Document Description:** 13.a. A copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.

**File name:** 36, 38, 40 EARLHAM ST - listing 1342095 Historic England.pdf

**Relates to Section:** PART 3

**Document Description:** 13.b. A copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.

**File name:** CAMBRIDGE THEATRE - listing 1342096 Historic England.pdf

**File name:** SEVEN DIALS WAREHOUSE - listing 1061403 Historic England.pdf

**File name:** THE CRAFTS CENTRE - listing 1342094 Historic England.pdf

**Relates to Section:** PART 4

**Document Description:** 20.e. A copy of the site notice and local advertisement published as required for EIA development.

**File name:** 2022.0560.P & 2022.2098.L - 33-55 Earlham St WC2H.jpeg

**Relates to Section:** PART 5

**Document Description:** 24.a. A copy of the letter with which you notified people about the appeal.

|                              |   |
|------------------------------|---|
| <b>File name:</b>            | Notification - site notice (40 Earlham St & 25 Shelton St).pdf  |
| <b>File name:</b>            | Notification letter (WR) 40 A Earlham Street.pdf  |
| <b>Relates to Section:</b>   | PART 5  |
| <b>Document Description:</b> | 24.b. A document containing a list of the people you notified of the appeal.  |
| <b>File name:</b>            | Seven Dials Trust.pdf   |
| <b>File name:</b>            | Seven Dials CAAC.pdf  |
| <b>File name:</b>            | Notification distribution list.pdf  |
| <b>Relates to Section:</b>   | PART 5  |
| <b>Document Description:</b> | 24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.   |
| <b>File name:</b>            | Report 2022 0560 P & 2098 L.pdf   |
| <b>Relates to Section:</b>   | PART 5  |
| <b>Document Description:</b> | 24.f. Copies of extracts from any relevant statutory development plan policies.   |
| <b>File name:</b>            | Camden Local Plan - cover and introduction.pdf  |
| <b>Relates to Section:</b>   | PART 5  |
| <b>Document Description:</b> | 24.f. Copies of extracts from any relevant statutory development plan policies.   |
| <b>File name:</b>            | A1 - Managing the Impact of Development.pdf   |
| <b>File name:</b>            | D1 - Design.pdf   |
| <b>File name:</b>            | D2 - Heritage.pdf   |
| <b>Relates to Section:</b>   | PART 5  |
| <b>Document Description:</b> | 24.h. Copies of extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when. |
| <b>File name:</b>            | Amenity CPG January 2021.pdf  |
| <b>File name:</b>            | Pages from Design CPG January 2021 - Chapter 1.pdf  |
| <b>File name:</b>            | Pages from Design CPG January 2021 - Cover.pdf  |
| <b>File name:</b>            | Pages from Design CPG January 2021 - Chapter 2.pdf  |
| <b>File name:</b>            | Pages from Design CPG January 2021 - Chapter 3.pdf  |
| <b>File name:</b>            | Pages from Pages from Home Improvements CPG Jan 2021 - Cover.pdf  |
| <b>File name:</b>            | Pages from Pages from Home Improvements CPG Jan 2021 - Introduction.pdf   |
| <b>File name:</b>            | Pages from Pages from Home Improvements CPG Jan 2021 - Key Principles.pdf   |
| <b>File name:</b>            | Pages from Pages from Home Improvements CPG Jan 2021 - Materials.pdf  |
| <b>File name:</b>            | Pages from Pages from Home Improvements CPG Jan 2021 - Rear Extensions.pdf  |
| <b>File name:</b>            | Pages from Pages from Home Improvements CPG Jan 2021 - Balconies and terraces.pdf   |
| <b>Completed by</b>          | Not Set   |
| <b>Date</b>                  | 14/11/2023 13:57:57   |
| <b>LPA</b>                   | London Borough of Camden  |