
Appeal Decision

Site visit made on 2 September 2014

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 November 2014

Appeal Ref: APP/X5210/A/14/2219998
5 and 6 Cliff Villas, London, NW1 9AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 31, Class A of the Town and Country Planning General Permitted Development Order 1995 (as amended).
 - The appeal is made by Mr Charles Herman (Camden Development Company Limited) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/2986/P, dated 28 April 2014, was refused by notice dated 16 May 2014.
 - The development proposed is the demolition of 5 and 6 Cliff Villas.
-

Decision

1. For the reasons set out below, I can take no further action on this appeal.

Procedural Matters

2. An application for costs was made by Mr Charles Herman (Camden Development Company Limited) against the Council of the London Borough of Camden. The costs application is the subject of a separate Decision.
3. Of relevance to this appeal is an earlier allowed appeal decision¹ relating to the same site which was issued on 16 September 2014. It granted planning permission for the demolition of the existing 3 storey plus basement buildings at 5 and 6 Cliff Villas and the erection of a new six storey building, comprising 12 residential units.
4. This appeal was submitted to the Planning Inspectorate on 4 June 2014. It relates to an application made for a determination as to whether the Council's prior approval would be required for the method of demolition and any proposed restoration of the site in accordance with the permission granted by Class A of Part 31 to the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (GPD0).
5. Any building operation consisting of the demolition of a building is permitted development under Class A, unless the demolition falls within paragraph A.1 which says that development is not permitted by Class A where:
 - (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support; or

¹ APP/X5210/A/14/2216978.

- (b) the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area).
6. The proposed demolition does not fall within A.1 (a) or (b) above and therefore planning permission is granted by Class A, subject to conditions set out at paragraph A.2 (a) and (b).
 7. The demolition is not urgently necessary and hence condition A.2 (a) is met.
 8. The conditions set out at paragraph A.2 (b) (i to vii) require the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the method of demolition and any proposed restoration of the site. However, paragraph A.2 (b) makes it clear that any demolition which is "excluded demolition" is not subject to those conditions.
 9. Excluded demolition is defined at paragraph A.3 (a) of Class A to include demolition on land which is the subject of a planning permission, for the redevelopment of the land, granted on an application or deemed to be granted under Part III of the Act (control over development).
 10. Given that the earlier appeal granted planning permission for the demolition and redevelopment of the land, the demolition subject of this appeal is now "excluded demolition". Consequently, the proposed demolition is not subject to the conditions at paragraph A.2 (b) (i to vii) in respect of prior approval to the method of demolition and restoration of the site.

Conclusion

11. For the above reasons I conclude that I can take no further action on this appeal.

Thomas Shields

INSPECTOR