



MAREK WOJCIECHOWSKI ARCHITECTS
LONDON

Supporting Statement
Application for Certificate Of Lawfulness for Existing Use Or Development (CLEUD)

34 Crediton Hill, West Hampstead, London, NW6 1HP

Basis of this application

This is an application under section 192 of the Town and Country Planning Act 1990 (“the 1990 Act”), as amended, for a Certificate of Lawfulness for the proposed carrying out of the balance of the operational works permitted by Planning Permission dated 20 August 2014 (Camden Reference: 2013/8243/P) (“the 2014 permission”).

The basis of the application is that material operations as defined by section 56 (4) (a) of the 1990 Act have been carried out in lawful commencement of the development, the relevant conditions in the 2014 permissions having been complied with.

Appendices:

1. Site Location Plan;
2. The 2014 permission Decision Notice;
3. Approved ground floor plan and street elevation pursuant to the planning permission;
4. Decision Notices of pre-commencement condition number 5, Camden Reference: 2015/2438/P (the only pre-commencement condition);
5. The structural engineer’s appointment letter;
6. Photographs of the site before works were carried out, and after works were completed;
7. Works invoice from PJV Property Refurbishments (dated 31 July 2015)

Background

The site comprises a four-storey semi-detached dwellinghouse with rear extension and basement (Class C3). The site location plan is included as Appendix 1 to this application.

Planning Permission was granted on 20 August 2014 for:

‘Basement excavation to extend existing basement level into front garden, two front lightwells with associated windows and grilles, and alterations to front boundary wall.’

A copy of the decision notice pursuant to the 2014 planning permission is attached as Appendix 2 to this application. The approved ground floor plan and street elevation are Appendix 3.

By virtue of section 91 (1) of the Town and Country Planning Act 1990 (as amended), Condition 1 of the planning permission stipulates that the permitted development must be begun within three years of the date of the permission. That is, before 20 August 2017.

Condition number 5 of the 2014 permission, is a ‘pre commencement’ condition. Enclosed with this application (Appendix 4) is the Decision Notices confirming that this condition has been discharged (Camden reference: 2015/2438/P).

Following the discharge of Condition number 5, Mr. Eftekhari instructed PJV Property Refurbishments to undertake works to carry out a partial demolition of the property in order to undertake the ‘alterations to the front boundary wall’ described in the 2014 decision notice (Camden Reference: 2013/8243/P).



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Approved drawings P_02 (D) and P_05 (C) illustrate the partial demolition of the front boundary wall and the proposed alterations to the wall, including a new brick pier. Both approved drawings include the following demolition note,

'Part of existing dwarf boundary wall to Crediton Hill is to be carefully demolished..'

The drawings note the new brick pier as,

'Proposed pier to match existing'

It is considered that the work of partial demolition of the building, to enable the subsequent 'alterations to front boundary wall' (named in the 2014 decision notice) constitute a material operation pursuant to section 56 (4) (aa) Town and Country Planning Act 1990, thus comprising commencement of the development permitted by the 2014 permission section 56(2) Planning Act 1990.

The information contained at Appendix 6 demonstrates that material operations pursuant to the 2014 planning permission have been carried out, namely work of partial demolition of the building to enable the alterations to the front boundary wall.

This demolition work qualifies as "any work of demolition of a building" under s. 56(4) (aa) Town and Country Planning Act 1990. As set out above, these works were commenced on the 1st June 2015 and completed on the 26th June 2015, following the discharge of conditions mentioned above and before the date for expiration of the 2014 permission (20 August 2017).

The 'after' photograph in Appendix 6 illustrates that the completed alterations to the front boundary wall comply with Condition 3 of the planning permission. Accordingly, it follows that the 2014 Planning Permission has been lawfully commenced and that the carrying out of the balance of the operational development (permitted by the 2014 permission) is lawful. It follows that the Certificate applied for should be granted.