

LDC (Proposed) Report		Application number	2019/1924/P
Officer		Expiry date	
Ben Farrant		05/06/2019	
Application Address		Authorised Officer Signature	
11-13 St Pancras Way London NW1 0PT			
Conservation Area		Article 4	
No		No	
Proposal			
Replacement of existing cladding (to match existing) for fire safety purposes.			
Recommendation:		Grant certificate of lawfulness	

Legal Context:

The current application proposes to re-clad parts of the existing building, following the removal of the existing cladding, for fire safety purposes. The proposed cladding would match the existing in terms of colour, dimensions and texture.

Section 55 of the Town and Country Planning Act 1990 (as amended) states that "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Paragraph (2)(a) of Section 55 of the Town and Country Planning Act 1990 states:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land –

(a) the carrying out for the maintenance, improvement or other alteration of any building or works which – ... (ii) do not materially affect the external appearance of the building."

The building itself is not sensitive, nor in a sensitive area. The applicant has provided sufficient evidence to demonstrate that there would be no material alteration to the external appearance of the building. The proposed cladding would match the existing in terms of colour, dimensions and texture, and whilst it would be visible from ground and other views, it would not materially alter these views. The cladding would be seen as a like-for-like replacement when viewed externally, albeit with improved fire retardant properties. It is therefore considered that the external appearance of the building would not be materially altered as a result of this proposal.

The works do not materially affect the external appearance of the building and so do not constitute development as prescribed by Section 55(2)(a)(ii) of The 1990 Act. There is therefore no requirement for planning permission in this instance.

Although not a consideration for the determination of fact under this application, the Building Control team were notified of the application and they have advised an Informative be attached to the Certificate drawing attention to the relevant requirements under the Building Regulations.