

## A hasty and unplanned demolition in Kilburn

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Most people would be upset if their local alehouse closed down, but spare a thought for the pub quizzers and beer sippers of Kilburn whose local was bulldozed without warning this month.

Last year, the developer owner of the Carlton Tavern on Carlton Vale applied for planning permission to demolish the pub and replace it with a block of flats (including a bar on the ground floor).

The local authority refused permission early in 2015, mainly because of a lack of provision for affordable housing. It seemed as if the developer had retreated to lick its wounds until, spurred on by rumours that the Carlton was about to be listed, the bulldozers were sent in.

Even the pub's manager was taken by surprise to find the building destroyed when she returned from her Easter break to find nothing but a pile of rubble.

"The local authority can take action in the magistrates' court which may dole out fines of up to an initial £5,000" Historic England have since confirmed that the site was indeed to be recommended for listing.

Many local people were outraged at the developer's behaviour, and the local authority has suggested that action could be taken.

In a statement, Westminster City Council said: "The building's demolition required the council's prior approval and as no such approval was sought or obtained, the council will be seeking legal advice concerning whether any future action is legally possible."

What can the council do?

Given that the Carlton was not listed at the time of demolition, nor was it in a conservation area, planning permission was not required.

Building Regulations are another matter however.

Generally, these require that six weeks' prior notice be given to Local Authority Building Control before demolition begins. It is these requirements which Westminster City Council is no doubt looking at.

There are of course consequences for breaching Building Regulations

Serious consequences

The local authority can take action in the magistrates' court which may dole out fines of up to an initial £5,000, and up to £50 for each day the contravention continues after conviction (which in this case could be a long time). Alternatively, the local authority may serve an enforcement notice on the owner requiring them to alter work which contravenes the Regulations.

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If the owner does not comply with the notice the local authority has the power to undertake the work itself and recover the costs of doing so from the owner.

Westminster City Council may be considering whether an enforcement notice could be used to force the developer to reconstruct the Carlton.

Plainly, on its part, the developer has calculated that serious sanction for the breach of Building Regulations is unlikely.

For now though, the locals will have to find a new watering hole.

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