

Delegated Report	Analysis sheet		Expiry Date:		14/09/2022
	N/A		Consultation Expiry Date:		29/10/2022
Officer			Application Number(s)		
Jaspreet Chana			2022/2476/P		
Application Address			Drawing Numbers		
5 Pilgrim's Lane London Camden NW3 1SJ			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Installation of external air conditioning units and associated acoustic enclosure within the rear side courtyard					
Recommendation(s):		Refuse planning permission			
Application Type:		Householder Application			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	02	No. of objections	02
Summary of consultation responses:		<p>Site notices were posted on 05/10/2022 and expired on 29/10/2022. Press notices were issued on 06/10/2022 and expired on 30/10/2022.</p> <p>The following objection comments were raised by neighbouring residents:</p> <ul style="list-style-type: none"> • These two air conditioning units are quite unnecessary in a domestic situation. No one in the neighbouring houses on Pilgrims Lane (1,3,5,7,9) has air conditioning units and they are bound to increase noise pollution levels beyond an acceptable margin and really impact on all neighbours throughout the day and night. • The acoustic report that forms part of the application sets out specified and exacting noise attenuation levels. However, there are no details to confirm that this structure will provide the degree of noise attenuation needed to meet the requirements set out in the acoustic report. In the absence of those details the application scheme can only be assessed on the basis of the unattenuated noise impacts which substantially exceed the requirements of Appendix 3 of the 			

	<p>Camden Local Plan at the nearest windows of our client's property next-door.</p> <ul style="list-style-type: none"> • I note that the acoustic report freely acknowledges that the sound emissions from the outdoor air conditioning units, even after mitigation by containment in a louvered enclosure, will exceed the requirements of Appendix 3 of the Camden Local Plan at the nearest windows of the next-door property. In some respects, this is not surprising as the units are directed towards the common boundary. What is surprising is that the report does not consider the most obvious mitigation option of moving the units to the rear elevation. • It is acknowledged that the attenuated noise breakout from the AC units would marginally exceed Local Plan requirements, however this should not be conflated to mean that the noise impacts are acceptable. Adjoining residents currently enjoy comparatively quiet amenities. You will appreciate that this is a precious commodity for residents in London. Any intermittent noise from plant, such as the proposed air conditioning units, when introduced into this type of environment has the potential to be noticeable and the cause of disturbance. The Local Plan requirements should therefore be considered to be a non-negotiable minimum standard of acceptability. Both of these suggest the application should be refused.
<p>CAAC/Local Groups</p>	<p>One objection was received from The Heath & Hampstead Society</p> <ul style="list-style-type: none"> • The use of air-conditioning is not necessary in houses – and is carbon intensive and energy intensive – not advisable in the threatened climate change. Passive ventilation, sun shielding etc. are just as effective. Noise is also a serious problem the unit is placed in a narrow gap near to neighbours and will affect their amenity – particularly in hot weather when windows need to be opened for passive ventilation and cooling. Please refuse.

Site Description

The application site hosts a two storey semi-detached dwelling located on the west side of Pilgrims Lane. The surrounding area is predominantly residential in nature with other properties of similar size and design. Whilst the site is located within Hampstead Conservation Area, it is not listed and is not identified as making a positive contribution to the character and appearance of the conservation area.

Pilgrim's Lane comprises a rich mixture of architectural styles, there is considerable variety in design, colour palette and historic interest. There are a number of listed buildings within proximity to application site. These include No. 1 - 3 Lloyds bank which is a Grade II* listed, situated immediately south of the application site. No. 2a, 7 and 9 Pilgrim's Lane are Grade II Listed buildings.

Relevant History

Planning records at the application site:

2021/3160/P - External alterations including the installation of timber framed window to ground floor front elevation associated with the conversion of garage to habitable space, replacement of the rear window with new door, installation of glazed lean-to canopy to side elevation and installation of timber garden sheds to the rear. – **Granted - 12/04/2022** – (Following revisions to remove AC units from the proposals).

2006/2857/P - Erection of a glass conservatory extension to the rear and a single storey extension to the side of the dwellinghouse, plus installation of a rooflight in the flat roof of the existing rear extension. **Granted 11/08/2006.**

PW9703056R2 - Erection of an entrance porch, new double gates for vehicular entrance and boundary railings. **Granted 06/03/1998.**

TP/28340/C/7432 - The erection of a pair of semi-detached houses, with a private garage at No. 5, Pilgrim's Lane, Hampstead, and the formation of a new access to the highway, in accordance with your letter dated 30th July 1954, specifying the use of Leicestershire Grey Rustic facing bricks. **Granted 19/08/1954.**

Relevant policies

National Planning Policy Framework

2021 London Plan 2021

Camden Local Plan 2017

Policy A1 – Managing the impact of development
Policy A4 – Noise and vibration

Policy D1 – Design

Policy D2 –

Heritage

Policy CC1 – Climate change mitigation

Policy CC2 – Adapting to climate change

Hampstead Neighbourhood Plan (2018)

Policy DH1: Design

Policy DH2: Conservation area and listed buildings

Camden Supplementary Planning Guidance

CPG – Design (2021) – Sections 3.61-3.62 (Addressing sustainability in historic buildings), 9.19 and 9.21 (Conservation areas and listed buildings), 9.22 - 9.26 (Air-conditioning and renewable energy).

CPG – Home Improvements (2021) – Sections 3.5 (Rooflights), Sustainability: Cooling and Air Conditioning Units.

CPG – Amenity (2021) – Sections 2 (Overlooking, privacy and outlook), 6 (Noise and vibration).

CPG – Energy efficiency and adaptation (2021) – Sections 2 (Energy Hierarchy), 3 (Making Buildings more Efficient), 8 (Energy Efficiency in Existing Buildings).

Hampstead Conservation Area Statement (2001)

Assessment

1. Proposal

- 1.1 The application seeks consent for: Installation of two new wall mounted external air conditioning units (Daikin RXA35A Condenser Units) to be placed within acoustic louvered enclosures. The enclosures combined would be 2.8m wide, 0.70m in depth and would be just under 1.1m in height.
- 1.2 The units and enclosure would be located within the rear/side courtyard of the rear elevation, they would be set adjacent to the side wall of the existing single storey rear extension.

2. Assessment

2.1 The material considerations for this application are as follows:

- Design and heritage
- Amenity
- Energy and Sustainability

3. Design and heritage

- 3.1 Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and

character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

- 3.2 The proposed two air conditioning units would be located adjacent to the side elevation of the single storey rear extension, within the side courtyard. Both units would be located within an acoustic louvered enclosure, this would be powder coated aluminium, secured by powder coated steel framing. These enclosures would face onto a boundary wall which is shared with No. 3 Pilgrim's Lane and so would be enclosed fully within a gully and not be seen from the public realm. As such, the overall visual impact of the units from the adjacent neighbours is limited. The A/C service pipes would be concealed within the proposed enclosures so they would also not be visible.
- 3.3 As such, the proposed installation of the A/C units would not have an adverse impact on the character and appearance of the host building or conservation area, and is considered acceptable in terms of design and heritage.
- 3.4 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4. Amenity

- 4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight.
- 4.2 Given the location of the proposed units, it is not considered that they would cause harm to neighbouring amenity in terms of loss of light, outlook or privacy impacts.
- 4.3 Policy A4 concerns noise and vibration and states that the Council will seek to ensure that noise and vibration is controlled and managed. This is supported by the CPG Amenity.
- 4.4 An acoustic report has been submitted in support of the application. The Council's Environmental Health team have assessed the report, and noted that the submitted calculation shows that noise emissions from the proposed units marginally exceed the requirements of the Local Authority. However, with the suitable acoustic enclosures, receiver levels are such that no negative impact on the amenity of residential receivers is anticipated. Although marginally exceeding the requirements of policy A4 noise criteria, the emissions from the proposed plant would meet the most stringent recommendations of the relevant British Standards, with neighbouring windows partially open and should not have an adverse impact on the nearest sensitive receivers.
- 4.5 Therefore, the proposed A/C units would not be considered to have a harmful impact on the amenity of neighbouring residential properties in terms of noise and disturbance, subject to conditions specifying the plant unit noise level limits and requiring the installation with anti-vibration isolators and fan motors.

5. Energy and sustainability

- 5.1 Because the application is for active cooling, as per policy CC2 and the Council's Energy Efficiency and Adaption CPG, schemes are required to demonstrate that other energy efficiency measures have been considered and modelled before resorting to active cooling. In accordance with Policy CC2 of the Local Plan, the Council discourages active cooling. Using active cooling systems increases energy consumption and carbon emissions contrary to the aims and objectives of policy CC1. As a result, air-conditioning units are only permitted where thermal modelling demonstrates that there is a clear need for it after all preferred measures are incorporated in line with the London Plan cooling hierarchy. In addition, passive measures should be considered first. If active cooling is unavoidable, applicants need to identify the cooling requirement and provide details of the efficiency of the system.
- 5.2 The applicant has not provided sufficient evidence to demonstrate that all preferred measures within the cooling hierarchy have been reviewed against the criterion (as required by *CPG Energy Efficiency and adaptation*) and incorporated into the host building. Only passive ventilation measures have been identified within the design and access statement which can be used to increase ventilation, therefore active cooling is not really required here. The applicant has not provided a thermal modelling or overheating analysis to demonstrate that there is a clear need for the proposed units. Due to the lack of the above-mentioned information, the Council cannot be satisfied that the proposed works are necessary and that appropriate climate adaptation measures to reduce the impact of urban and dwelling overheating could not be achieved by other preferred measures as set out in the cooling hierarchy. The proposal is therefore contrary to policy CC1 (Climate change mitigation) and policy CC2 (Climate change adaptation measures) of the Camden Local Plan 2017 and advice in the Energy Efficiency and Adaption CPG.

6. Conclusion

- 6.1 It is considered that, on the basis of all the issues as raised above, the application fails to comply with policies CC1 and CC2 and advice in the Energy Efficiency and Adaption CPG, and thus the application is recommended for refusal.

7. Recommendations

- 3.1 Refuse planning permission