

# 2022/4203/P - 33 Theobald's Road, WC1X 8SP



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Photo 1 (above): Street view showing site (Woolleys) on Theobald's Road (Google street)

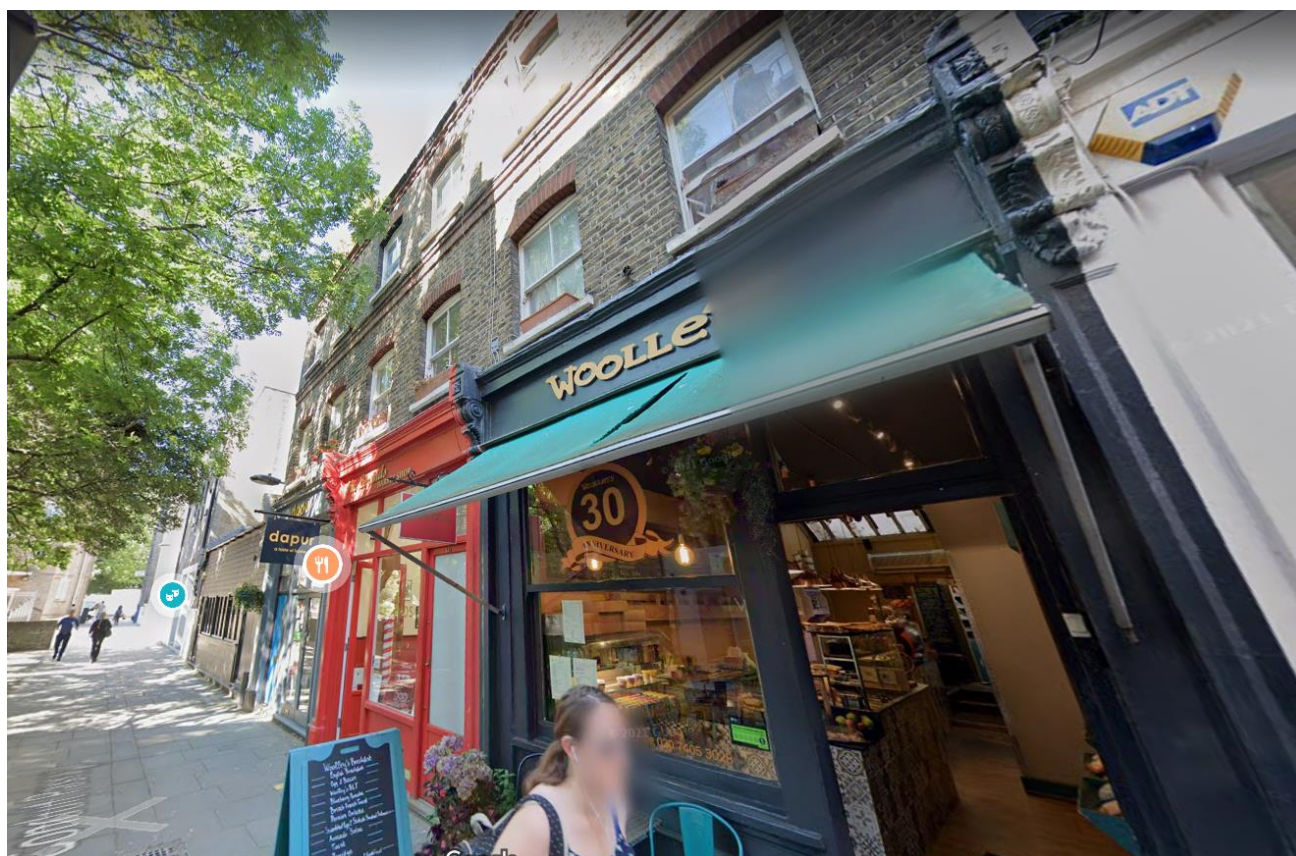


Photo 2 (above): Street view showing site (Woolleys) from Lamb's Conduit Passage (Google street)





Photo 3 (above): Aerial view (Google 3D)

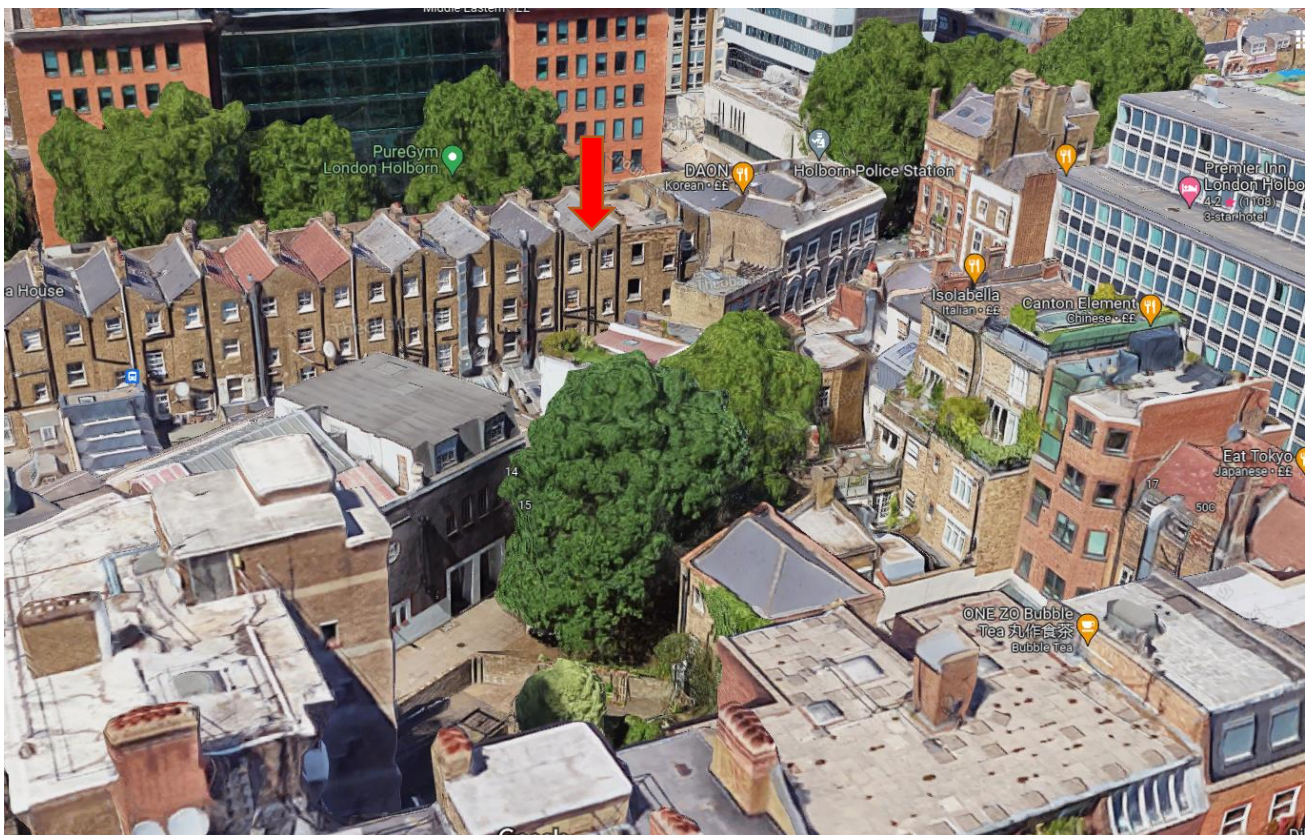


Photo 4 (above): Aerial view showing site (Google street) from the south





Photo 5 (above): Aerial view showing site (Google street) from the south – closer view showing ducts on adjacent properties



Photo 6 (above): Photo taken from the Lamb's Conduit Passage side of the site showing existing plant





*Photo 7 (above): Additional photo taken from the Lamb's Conduit Passage side of the site showing existing plant*

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>27/12/2022</b>
<b>(Members Briefing)</b>		N/A		<b>Consultation Expiry Date:</b>	<b>18/12/2022</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Miriam Baptist			2022/4203/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
33 Theobald's Road London WC1X 8SP			See Draft Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Installation of extract flue on rear elevation and retention of two existing AC units on single storey rear extension.					
<b>Recommendation(s):</b>		Grant planning permission			
<b>Application Type:</b>		Full Planning Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	02
			No. Electronic	00		
Summary of consultation responses:	A site notice was displayed from 23/11/2022 until 17/12/2022 and a press notice from 24/11/2022 until 18/12/2022.					
	Two objections were raised on the following grounds (Officer comments given in italics):					
	1. Existing flue was installed without permission to the rear of 11 Lamb's Conduit Passage.  <i>Officer comment: The unauthorised extract duct to the rear of 11 Lamb's Conduit Passage is subject to an enforcement case (EN22/0558 – See Planning History below). The agent for this planning application has confirmed that the extract duct which is now under consideration (on the rear of 33 Theobald's Road) would replace the unauthorised duct to the rear of 11 Lamb's Conduit Passage. A condition is to be attached to the planning permission, if granted, to the effect that the duct on the rear of 11 Lamb's Conduit Passage must be removed prior to the installation of the duct on the rear of 33 Theobald's Road.</i>					
	2. Objection to the extractor running up above the consultee's property ending one metre above the rear bedroom window below roof level. There are already ongoing issues with cooking smells from the application site, logged with Camden's Pollution Control Team, and this may make it worse.  <i>Officer comment: The height of the flue has been revised (see section 2.2) and it is considered to be satisfactory, subject to conditions relating to the emission of noise and odours. Due to the position of the flue outlet near a residential window, further details regarding odour management will be secured by condition.</i>					
	3. A neighbouring commercial property, at 13 Lambs Conduit Passage, is a prime example of how an extractor flue can be fitted. Why can they not follow this route although it would require removal/repositioning of their unauthorised AC unit(s) This would avoid an eyesore for neighbours and noise of drilling into our property to install the extractor.  <i>Officer comment: The position of the flue is considered to be satisfactory in the context of the character of the area and subject to conditions, it would not have any undue impact on the amenity of neighbouring occupiers. The nature of the construction works is not a matter on which the planning application can be decided.</i>					

<p><b>Bloomsbury CAAC:</b></p>	<p>The Bloomsbury Conservation Area Advisory Committee objected on the following grounds:</p> <ol style="list-style-type: none"> <li>1. General concern about erection of full height external flue to rear of fine brick Victorian property. The introduction of an extract flue over three floors will fundamentally alter the rear façade of this Victorian building which is identified as a positive contributor within the Bloomsbury Conservation Area.</li> </ol> <p><i>Officer comment: The flue would not be visible from the public realm. It would not be dissimilar to the other flues which are in situ at the rear of the terrace and which do not harm the character or appearance of the townscape unduly.</i></p> <ol style="list-style-type: none"> <li>2. Harmful impact on views from Lambs Conduit Passage, which is the only remaining street of Nicholas Barbon's four diagonally planned routes radiating from Red Lion Square. As such, it is one of the most historically important parts of the whole conservation area.</li> </ol> <p><i>Officer comment: The flue would not be visible from the public realm. See section 3.4.</i></p> <ol style="list-style-type: none"> <li>3. The application design implies the duct will not protrude above the roofline, but the proximity to the window of a residential property will cause harm to residential amenity in this location.</li> </ol> <p><i>Officer comment: The position of the flue is considered satisfactory, subject to compliance with the noise and odour control conditions which have been reasonably recommended by the Environmental Health Officer.</i></p>



## Site Description

The site comprises a mid-terrace four storey building on Theobald's Road, with a single storey extension to the rear which links to a three storey mid-terraced building on Lamb's Conduit Passage (to the south). The site comprises a restaurant at ground level and residential flats on the floors above. There has been a restaurant on the site since 1974. The single storey section of the building between the four-storey building fronting Theobald's Road and the three-storey building fronting Lamb's Conduit Passage has existing air conditioning units on it. (These are proposed to be retained). There is also an unauthorised duct on the rear of 11 Lamb's Conduit Passage.

Note: The agent for the current planning application has confirmed that the extract duct which is now under consideration (on the rear of 33 Theobald's Road) would replace the unauthorised duct to the rear of 11 Lamb's Conduit Passage. A condition is to be attached to ensure the removal of this duct prior to the commencement of the duct on the rear of 33 Theobald's Road.

The building is not listed but lies within the Bloomsbury Conservation Area and is identified as a positive contributor.

## Relevant History

**21998** - The use of the ground floor and basement as a restaurant. – **Granted on 06/04/1976.**

**EN22/0558** - Installation of extract duct and fan unit to the rear of 33 Theobalds Road/11 Lambs Conduit Passage WC1. – **Open.**

**EN22/0566** - Extractor system installed without Planning Permission. – **Withdrawn 14/07/2022 – duplicate of EN22/0558 above.**

## Relevant policies

### National Planning Policy Framework (2021)

### The London Plan (2021)

### Camden Local Plan (2017)

- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- D2 Heritage

### Camden Planning Guidance (2021)

- CPG Amenity
- CPG Design

### Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

## Assessment

### 1.0 Proposal

- 1.1 The application seeks permission for the installation of extract flue on the rear of 33 Theobald's Road and the retention of existing AC units on the single storey extension at the rear of the building. The proposed extract duct would exit the central single storey element of the building and rise up the rear elevation of 33 Theobald's Road, terminating at roof level.

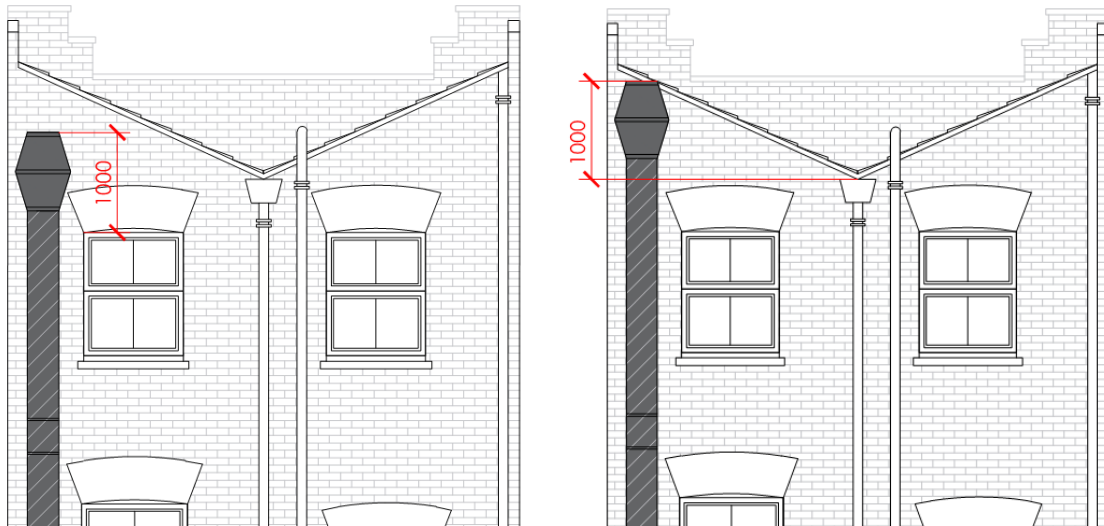
1.2 The agent has confirmed that the extract duct which is now under consideration (on the rear of 33 Theobald's Road) would replace the unauthorised duct to the rear of 11 Lamb's Conduit Passage.

## 2.0 Considerations

2.1 Key planning issues to be considered are as follows:

- Design & Heritage
- Neighbouring Amenity

2.2 Revisions: The height of the flue has been revised as per the images below:



*Original proposal flue termination (left) and revised proposal (rev A) flue termination (right)*

## 3.0 Design & Heritage

3.1 Local Plan policy D1 seeks to achieve high quality 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. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas.

3.2 The Bloomsbury Conservation Area Appraisal and Management Strategy advises that the 'addition of prominent roof level plant/fire escapes that detract from both the building and character and appearance of the area' can have detrimental impacts, either cumulatively or individually, on the area.

3.3 The CPG on 'Town Centres and Retail' highlights that extract systems can harm the visual appearance of an area. The guidance notes that new extraction systems should be positioned sensitively so that they do not have an unacceptable visual impact, particularly within conservation areas.

3.4 While the rear facades of other buildings (i.e. 35, 37 and 39 Theobald's Road) are visible from the public realm, the rear of the host building is not highly visible, being shielded by nos. 10, 11 and 13 Lamb's Conduit Passage. However, the new proposed extract duct and the existing AC units will be and are visible from surrounding properties in the Conservation Area. The extract duct would be similar in appearance to the three other extract ducts on the rear of the terrace. It should also be noted that the existing duct on the rear of 11 Lamb's Conduit Passage, the subject of enforcement case EN22/0558 would also be removed under a condition of the planning permission.



- 3.5 A condition will also be attached to require the provision and retention of an enclosure to mitigate against the unsightly nature of the existing air conditioning units.
- 3.6 As such, the development would not detract unduly from the character and appearance of the Conservation Area in the public realm.
- 3.7 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013. Overall, the proposal is not considered harmful to the character or appearance of the host building, street scene or the South Hampstead Conservation Area.

#### **4.0 Neighbouring Amenity**

- 4.1 Local plan policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm their amenity. This includes factors such as loss of outlook, loss of light and privacy. Local plan policy A4 seeks to protect the amenity of residents in terms of noise, vibration, and odour.
- 4.2 Due to their size, siting, scale and positioning, the new duct and existing AC units are not considered to result in any material harm to neighbour's amenity in terms of loss of light or outlook, due to their size, mass and positioning. They would not obscure or overshadow any neighbouring occupiers' windows or affect their aspect or outlook.
- 4.3 The Environmental Health Officer has considered the submitted Noise Impact Report in relation to the new proposed external duct and existing AC units considers that there should not be significant noise disturbance to neighbouring residential occupiers provided the fan remains internal as shown in the submitted drawings, and subject to the following conditions:
- a. The submission of further details for an acoustic enclosure is installed around the existing condenser units.
  - b. The fitting of fan inlet 2 x attenuators on the discharge side of the fan.
  - c. Ensuring the unit performs at the noise level expected by the local authority and relevant standards.
  - d. The submission of further details for approved by the council to ensure surrounding properties are not adversely affected by cooking odours and noise.
- 4.4 On the basis of the proposed unit specifications, the extract duct discharging above the level of all neighbouring windows and the aforementioned conditions, there would be no undue noise or odour impacts on any neighbouring occupiers.
- 4.5 It should also be noted that the existing duct on the rear of 11 Lamb's Conduit Passage, the subject of enforcement case EN22/0558 would also be removed under a condition of the planning permission.
- 4.6 Overall, the project is considered to be acceptable in terms of neighbouring amenity subject to the attached conditions. No significant negative impact on neighbouring amenity is expected from the proposed works in terms of loss of noise, odours, daylight, sunlight, privacy or outlook. The scheme is thus considered to be in accordance with Local Plan policies A1 and A4.

#### **5.0 Planning Balance**

- 5.1 On balance, taking into consideration the fact that the extraction system is intended to reduce fumes and smells produced by the kitchen, and in light of the fact that the duct and AC units would not be visible from the public realm, the scheme is considered to be acceptable.

## **6.0 Recommendation**

6.1 Grant conditional planning permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 10<sup>th</sup> April 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***



Application ref: 2022/4203/P  
Contact: Miriam Baptist  
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Date: 5 April 2023

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WC1H 9JE

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6 SPENCER WAY  
LONDON  
E1 2PN

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**33 Theobalds Road**  
**London**  
**WC1X 8SP**

Proposal:

Installation of extract flue on rear elevation and retention of existing AC units on single storey rear extension.

Drawing Nos: 19/139/001, 19/139/002, 19/139/003 rev A, Noise Impact Assessment dated 15th March 2023 Issue 02, Fan Services Commercial Kitchen Extraction and Ventilation Experts dated 22/09/2022.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 19/139/001, 19/139/002, 19/139/003 rev A, Noise Impact Assessment dated 15th March 2023 Issue 02, Fan Services Commercial Kitchen Extraction and Ventilation Experts dated 22/09/2022.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The approved details shall be implemented within 6 months of their approval and permanently retained thereafter.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 5 Prior to commencement of the use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour in accordance with the requirements of policies A1 of the London Borough of Camden Local Plan 2017.

- 6 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017



- 7 Prior to commencement of the use, 2 x fan inlet attenuators shall be fitted on the discharge side of the fan in regard to reducing duct breakout noise. This shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 Within 6 months of the date of planning permission, full details in respect of an appropriate visual and acoustic enclosure for the air condenser units shall be submitted in writing for approval by the local planning authority. The details shall include:

- i. a plan, section and elevation of the air condenser units enclosure and in context at a scale of 1:50
- ii. details of the material and specification

The enclosure shall be installed within 3 months of the Council's approval of details and permanently retained thereafter.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017 and to lessen the visual impact of the plant in accordance with policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 9 Prior to the installation of the duct on the rear of 33 Theobald's Road hereby approved the unauthorised duct on the rear of 11 Lamb's Conduit Passage must be removed permanently in full.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017, and to improve the appearance the immediate area in accordance with policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer