

Application ref: 2023/2104/P
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Development Management
Regeneration and Planning
London Borough of Camden
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Architecture for London
3-5
Bleeding Heart Yard
London
EC1N 8SJ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**3 Gainsborough Gardens
London
NW3 1BJ**

Proposal: Installation of an AC Condenser unit and acoustic enclosure to the first floor level on flat roof to the western elevation and associated external alterations to infill the existing external double doors to create a cold room for the dwelling house at ground floor level.

Drawing Nos: GA010, GA011, GA021 rev A, GA022 rev A, Site Location Plan, Design and Access Statement (May 2023), Noise Impact Assessment

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:

GA010, GA011, GA021 rev A, GA022 rev A, Site Location Plan, Design and Access Statement (May 2023), Noise Impact Assessment

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 Policies 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 and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises are 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 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.

Informative(s):

- 1 Reasons for granting permission.

The application site comprises a Grade II Listed semi-detached house c.1884. It is located within the Hampstead Conservation Area and is described as making a positive contribution to the character of the conservation area.

The proposal includes the installation of cooling equipment on the flat roof of a modern side extension, in order to permit the conversion of an interior room into a cold storage room. The modest dimensions of the cooling equipment (550mm in height, 550mm wide, and 1300mm deep) in addition to its placement at the rear of the side extension, ensures that the equipment will not be visible

from the front of the dwelling. Due to its location beneath an obscure glass window, it will also not be visible from the interior of the house. Thus, the proposed cooling equipment will not harm the character or setting of the Grade II listed building or the wider Hampstead Conservation Area.

To facilitate the new cold storage room, an existing external door on the modern side extension will be replaced with a solid brick wall, to match existing. This is considered acceptable, as the alteration will not be visible from the public realm, nor will it alter any historic fabric of the listed building.

A noise impact assessment was submitted indicating that, with the provision of mitigation measures such as acoustic enclosures, the noise emitted from the air-conditioning units would be within the requirements of Policy A4. The proposals have been reviewed by the Council's Environmental Health Officer who deem them to be acceptable. Conditions are attached to ensure that noise from the plant does not exceed the required levels.

Due to the scope and scale of the proposed works, they are not considered to cause any adverse impacts on the amenity of neighbouring occupiers in terms of outlook, daylight, or privacy.

No responses were received following statutory consultation. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.16 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in accordance with policies A1, A4, D1, and D2 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2021 and National Planning Policy Framework 2021.

- 2 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).
- 3 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.

- 4 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) 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-householder-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer