

Application ref: 2023/0469/P
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Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Ms Bruna Monachini
Basement And Ground Floor Rear
169 West End Lane
London
NW6 2LH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted and Warning of Enforcement Action

Address:

**169 West End Lane
London
NW6 2LH**

Proposal:

Installation of air conditioning unit and associated acoustic enclosure to the second floor flat roof of the building.

Drawing Nos:

Supporting documents: Design and Access Statement (dated 30/07/2023); Air conditioning unit - Details and Specifications; Details of Acoustic Enclosure (dated 08/08/2023); Cooling Statement (dated 09/08/2023); Noise Impact Assessment (dated 13/03/2023); Indicative Position - Picture.

Drawings: Location Plan SV00; Existing Floor Plans 0006; Existing South Elevation 02; Existing East & West Elevations 0004; Proposed Floor Plans 0007; Proposed South Elevation 02; Proposed East & West Elevations 0005.

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: Design and Access Statement (dated 30/07/2023); Air conditioning unit - Details and Specifications; Details of Acoustic Enclosure (dated 08/08/2023); Cooling Statement (dated 09/08/2023); Noise Impact Assessment (dated 13/03/2023); Indicative Position - Picture; Location Plan SV00; Existing Floor Plans 0006; Existing South Elevation 02; Existing East & West Elevations 0004; Proposed Floor Plans 0007; Proposed South Elevation 02; Proposed East & West Elevations 0005.

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 and Policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 4 Pipework installed to the front elevation at ground level shall be painted to match the render where running over render, and pipework installed to the first floor and running over brickwork shall be painted black, and new fixings shall be made to mortar joints rather than brickwork.

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 and Policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 5 The external noise levels emitted from plant, machinery, or equipment shall ensure that the rating level of the noise emitted from the proposed installation located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound."

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

Informative(s):

1 Reasons for granting permission:

The proposal is for the installation of an air-conditioning unit to the second floor flat roof of the building which serves the café on the ground floor and basement level. There has already been an unauthorised air conditioning unit installed to the south elevation at first floor level, which does not form part of this application.

The new condenser unit is proposed to be installed to the flat roof located at the west side elevation of the building, which faces the windowless side elevation of West Hampstead Studios, where the nearest window is to the front bays. The ductwork would rise from just above ground floor level to just above first floor level. While the unit and associated ductwork would be viewed from public vantage points visible, there are no alternative roof locations that are not visible from neighbouring properties. Additionally, the positive contribution that the building makes to the character and appearance of the conservation area is chiefly related to the three-storey and mansard part of the building, which faces onto West End Lane; although the two-storey element of the building that the unit is proposed to be installed to does also make a positive contribution, it is an ancillary part of the main building and more capable of accommodating modest levels of services and plant without harm, compared to other parts of the building. This part of the elevation also already includes a number of soil pipes. Although it is not desirable to encourage a proliferation of further pipes, an additional piece of pipework of the scale proposed would not cause a significantly noticeable alteration to the positive contribution of the building as a whole. The new work should be painted black on the parts where it runs over brick and be coloured the same as the render on the part where it runs over render, which would be secured through a condition. It is therefore considered that the proposal would not harm the character and appearance of the host building or wider South Hampstead conservation area, and would comply with Local Plan Policies D1 and D2, as well as Policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan.

The proposed condenser unit and associated acoustic enclosure would be located approximately 1m to the south of a window at second floor level on the west elevation, though this faces into a staircase and does not serve a habitable room. The unit would be more than 2m away from the nearest windows to habitable rooms, which are located on the south elevation so would not have any views of the proposed unit and enclosure, and as such would not harm outlook.

A noise impact assessment was submitted in order to demonstrate that the noise emitted from the unit would not have an adverse impact on the nearest residential receivers. The noise impact assessment has been reviewed by the Council's Environmental Health Officer, who has deemed the proposal to be

acceptable in environmental health terms, provided conditions are attached to any decision to approve that would ensure the noise does not exceed the minimum noise standards, that anti-vibration isolators would be installed and maintained, and that details pertaining to the acoustic enclosure were provided.

The applicant provided details of the acoustic enclosure during the course of the application, which has also been reviewed by the Environmental Health Officer and is considered to be acceptable in environmental health terms. The application was also readvertised following the addition of the acoustic enclosure to the plans. The combination of the acoustic enclosure and the distance of the unit from habitable windows would reduce any noise or disturbance impacts to an acceptable level. Therefore, the proposal is not considered to cause any adverse impacts on the amenity of neighbouring occupiers in terms of noise, provided the aforementioned conditions are abided by.

- 2 The application is also supported by a cooling hierarchy statement that outlines how the context and limitations of the site make passive measures impractical and not feasible. The units would serve the café located at basement level, which naturally does not have any windows and can therefore not be naturally ventilated. As such, other forms of ventilation would be inappropriate, and the use of active cooling in this situation is considered to be justified and acceptable.

One objection from a member of the public was received, who raised concerns relating to the noise impacts of the proposed unit. As previously stated, the Council's Environmental Health Officer has confirmed that they are satisfied with the proposal on environmental health grounds, including noise impacts subject to the standard conditions to ensure the unit operates within the Council's minimum noise standards. No other comments were received prior to making this decision, including from the South Hampstead Conservation Area Advisory Committee. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with Policies A1, A4, D1, and D2 of the London Borough of Camden Local Plan 2017, as well as policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

3 WARNING OF ENFORCEMENT ACTION TO BE TAKEN

The unauthorised air conditioning unit located at first floor level to the south elevation is considered to be harmful to the character and appearance of the host building and the wider South Hampstead Conservation Area. Therefore, enforcement action may be taken against these unauthorised works if the existing air conditioning unit and associated pipework are not fully removed and the area made good within 1 month of the date of this decision.

- 4 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).

- 5 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.

- 6 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-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