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Planning and Borough Development  
London Borough of Camden  
5 Pancras Square  
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**FAO: Laura Dorbeck**

23 October 2023

**Our ref: NTH/CHST/HDA/U0013857**

**Your ref: PP-12524166**

Dear Sir/Madam,

**82 Fitzjohn's Avenue, London, NW3 6NP**

**Town and Country Planning Act 1990 (as amended)  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Application for Full Planning Permission**

We write on behalf of our client, Mr Ross ('the Applicant'), to enclose an application for Full Planning Permission in respect of the erection of a greenhouse and the installation of plant equipment at the above address.

Specifically, Full Planning Permission is sought for the following:

**"Erection of a greenhouse, installation of ASHPs, a generator and associated plant enclosures and associated works."**

This application submission follows discussions held with Case Officer Laura Dorbeck.

#### **The Site**

The Site, comprising a residential home, is situated to the rear of 84 Fitzjohn's Avenue. Fitzjohn's Primary School lies to the north, the Royal Mail Sorting Office to the east and Spring Walk to the south of the Site.

The Site is located within the Fitzjohn's and Netherhall Conservation Area and within the Hampstead Neighbourhood Plan Area.

#### **Planning History**

On 4 October 2019, Full Planning Permission (ref. 2019/4229/P) was granted for the following:

**"Erection of two storey side, front and rear extensions, replacement pool house, and associated works."**

Full Planning Permission (ref. 2019/4229/P) was not implemented.

On 1 June 2021, Full Planning Permission (ref. 2021/1394/P) was granted for the following:

**“Alterations and extensions including erection of 2 storey extensions, increased ridge height, alterations to fenestration, erection of dormer windows to roof and creation of sunken terrace, removal of existing pool house and erection of new orangery, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees.”**

Full Planning Permission (ref. 2021/1394/P) was not implemented.

On 12 January 2022, Full Planning Permission (ref. 2021/1787/P) was consequently granted for the following:

**“Alterations and extensions including erection of 2 storey extensions, increased ridge height, alterations to fenestration, erection of dormer windows to roof and creation of sunken terrace, removal of existing pool house and erection of new orangery involving basement excavation for new pool, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees.”**

A standalone application for Full Planning Permission (ref. 2022/0190/P) was granted on 23 May 2022 for the following to enable Full Planning Permission (ref. 2021/1787/P) to be built out:

**“Dismantling of the existing boundary wall for site access and construction purposes in association with development at 82 Fitzjohn's Avenue and like for like reconstruction following completion of works.”**

On 13 December 2022, a Non-Material Amendment (ref. 2022/5132/P) was approved pursuant to Full Planning Permission (ref. 2021/1787/P) in respect of the addition of a low boundary wall and minor extension of the consented hermitage in the northeastern corner of the Site.

A further Non-Material Amendment (ref. 2023/1829/P) was approved on 15 June 2023 pursuant to Full Planning Permission (ref. 2021/1787/P) in respect of the alteration and enlargement of the approved dormer to the southeastern corner and replacement of existing rooflights, change to the second floor window and roof design over the spiral stair on the northeastern elevation and a change to the design of the second floor window to the southeastern elevation.

A s73 application (ref. 2023/3626/P) is currently pending determination by the London Borough of Camden for the following:

**“Variation of conditions 2 (approved drawings) and 4 (tree protection details) and approval of condition 6 (landscaping details) of planning permission 2021/1787/P granted 12/01/2022 for alterations and extensions including erection of 2 storey extensions, increased ridge height, alterations to fenestration, erection of dormer windows to roof and creation of sunken terrace, removal of existing pool house and erection of new orangery involving basement excavation for new pool, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees; namely, amendments to proposed garage, changes to landscaping and driveway, removal of consented shed, changes to tree protection method and removal of additional trees.”**

### **Proposed Development**

It is proposed to install a greenhouse in the garden to germinate, propagate and tender plants. The erection of greenhouses may fall under Permitted Development Rights in accordance with Schedule 2 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 provided they comply with the requisite criteria.

In this instance, as the Site is located within article 2(3) land (which includes Conservation Areas such as the Fitzjohn's and Netherhall Conservation Area), the erection of the greenhouse would not fall under Permitted Development Rights as it is situated on land between the wall forming the side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse. As such, and as agreed with Officers prior to submission, a standalone application for Full Planning Permission would be required to secure the greenhouse.

It is also proposed to install three Air Source Heat Pumps and an emergency backup generator, in addition to their respective plant enclosures. The principle of the use of Air Source Heat Pumps was first consented in application (ref. 2021/1787/P). Since this time, the exact models of the plant equipment have been identified and are set out below. These are now clearly labelled on the submitted drawings for the avoidance of doubt:

- Mitsubishi PUZ- ZM71VHA (ASHP to be located on the flat roof towards the rear of the Main House)
- Toshiba RAV-GM280 (ASHP to be located on the flat roof towards the rear of the Main House)
- Mitsubishi PURY- P550YNW (ASHP to be located to the rear of the garage); and
- PTBS-D-220ST (Generator to be located to the rear of the garage).

To facilitate the proposed plant enclosure to the rear of the garage, it is proposed that the consented garden folly will not be brought forward.

For the avoidance of doubt, the proposed generator is only for use during emergency power outages, and thus will only be active in exceptional circumstances.

Further detail is set out on the drawings and in the Design and Access Statement prepared by Charlton Brown Architects and submitted in support of this application.

### **Planning Policy Framework**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

Planning policy operates at national, regional, and local levels. At a national level, Central Government updated the National Planning Policy Framework (NPPF) in September 2023. The statutory development plan for the Site comprises, at a regional level, the London Plan (March 2021) and at the local level Camden's Local Plan (2017).

### **Planning Considerations**

#### Design and Heritage - Policy

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

Policy D4 of the London Plan requires development to incorporate exemplary standards of high-quality and sustainable urban design. Policy D1 of the Camden Local Plan seeks to secure high quality design in

development, which respects the local context and character, and preserves or enhances the historic environment and heritage assets. The Policy goes on to require the use of high-quality materials which complement the local character and contribute positively to the street frontage.

Policy D2 (Part E) of the Camden Local Plan requires that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

Policy DH1 of the Hampstead Neighbourhood Plan expects development proposals to demonstrate how they respond and contribute positively to the distinctiveness and history of the area and should respect and enhance the character and local context of the relevant character area. Policy DH2 states that new development should take advantage of opportunities to enhance the Conservation Area by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Area.

#### Design and Heritage – Assessment

The erection of the greenhouse is considered de minimis in heritage terms. The proposed greenhouse structure is of a traditional design and would preserve the character of the Fitzjohn's and Netherhall Conservation Area.

The installation of the ASHPs and emergency generator is required to enable the unit to meet contemporary standards. The proposed plant equipment will be sensitively concealed from public view.

It is considered that the minor interventions sought would have no impact on the setting of the Conservation Area and would uphold the exemplary standards of high-quality design required by planning policy and the tests set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Sustainability – Policy

Policy CC2 of the Camden Local Plan requires all development to adopt climate change adaptation measures such as measures to reduce the impact of urban and dwelling overheating, including the application of the cooling hierarchy.

Supporting text at Paragraph 8.41 states that all new developments will be expected to submit a statement demonstrating how the London Plan's 'cooling hierarchy' has informed the building design.

Paragraph 8.42 confirms that active cooling (air conditioning) will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy.

#### Sustainability – Assessment

In line with the requirements of Camden Local Plan Policy CC2, the cooling hierarchy has been followed to ensure that passive building design has been optimised to reduce the cooling load for the Proposed Development. For the avoidance of doubt, the Proposed Development refers to the entire works approved under Full Planning Permission (ref. 2021/1787/P).

As set out above, the principle of the use of Air Source Heat Pumps was first consented in application (ref. 2021/1787/P). Since this time, the exact models of the plant equipment have been identified and are now

clearly labelled on the submitted drawings for the avoidance of doubt. The Thermal Comfort Analysis and Energy and Sustainability Statement originally approved under Full Planning Permission (ref. 2021/1787/P) have been submitted for information purposes.

#### Noise - Policy

The NPPF contains guidance on noise management in planning decisions. Paragraph 185 states that the outcome of planning decisions should aim to avoid noise giving rise to significant impacts on quality of life as a result of development and mitigate noise impacts. This paragraph contains recognition that development will 'often create some noise.'

London Plan Policy D14 places the responsibility for mitigating impacts from existing noise on the proposed new noise sensitive development. New noise and nuisance generating development close to noise sensitive uses should put measures in place to mitigate and manage noise impacts.

Local Plan Policy A4 is clear that the Council will seek to ensure that noise is controlled and managed, and that development should have regard to LB Camden's Noise and Vibration Thresholds.

Policy A5 of the Local Plan outlines that planning permission for noise generating development will only be granted if it can be operated without causing harm to amenity. The Council will also seek to minimise the impact on local amenity from deliveries and from the demolition and construction phases of development.

#### Noise - Assessment

A Plant Noise Impact Assessment has been prepared by Environmental Equipment Corporation Ltd and is submitted in support of this application. The report assesses the impact of the proposed three ASHPs and the emergency back-up generator against the relevant guidance and concludes that the noise criteria are met at all assessment locations during both day and night-time periods following the attenuation measures identified within the report.

The proposed plant equipment therefore complies with regional and local requirements in respect of noise and is therefore acceptable in principle.

#### Summary

It is for these reasons that Full Planning Permission should be granted accordingly.

For the avoidance of doubt, the proposals do not comprise over 100 sqm of GIA and therefore do not trigger the requirement for CIL.

#### **Documentation**

On the basis of the above, and in addition to this cover letter, the following documentation is submitted in support of this s73 application:

- Completed application forms (ref. PP-12524166), prepared by Gerald Eve LLP;
- Completed Community Infrastructure Levy Form, prepared by Gerald Eve LLP;
- Site Location Plan (ref. 20003-A-PL-00-301);
- Air Conditioning Unit Specification (ref. RAV-GM2801AT8-E);

- Plant Equipment Specification (ref. PTBS-D-220ST);
- Plant Equipment Specification (ref. PURY-P550YNW-A);
- Plant Equipment Specification (ref. PUZ-ZM71VHA2);
- 20003-A-PL-00-300-Existing Site Plan;
- 20003-A-PL-00-301-Proposed Site Plan;
- 20003-A-PL-00-305-Proposed Section;
- 20003-A-PL-00-407-Proposed Section CC;
- 20210401\_SRE\_Energy and Sustainability Statement\_82 Fitzjohn's Avenue\_V2RevA (for information purposes only – previously approved document);
- 20210401\_SRE\_Thermal Comfort Analysis\_82 Fitzjohn's Avenue\_V2RevA (for information purposes only – previously approved document);
- Design and Access Statement;
- ASHP Clarification Note;
- Noise Impact Assessment; and
- Proposed Greenhouse (ref. 496.PL.201).

The requisite fee of £270.00 (including the £64.00 Planning Portal fee) has been paid concurrently to the submission of this application.

We trust that the above is acceptable for the purposes of the registration and validation of this application and look forward to confirmation of receipt and validation in due course. Please do not hesitate to contact Chloe Staddon (0203 486 3417) or Hannah Davies (0207 333 6221) of this office should you have any questions in the meantime.

Yours faithfully,



**Gerald Eve LLP**

Encl.

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