

Your Ref: PP-13012324
Our Ref: HPD/DSP/SH/NR/22/086
Date: 25 April 2024

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Dear Sir / Madam,

RE: HOUSEHOLDER PLANNING APPLICATION – 72 MARESFIELD GARDENS, LONDON, NW3 5TD

On behalf of our client, Mads Jensen ('the Applicant'), we are instructed to submit a Householder Planning Application seeking permission for the installation of an external condenser unit and enclosure and photovoltaic panels to the dwellinghouse at 72 Maresfield Gardens, London, NW3 5TD. Specifically, permission is being sought for:

"Installation of six photovoltaic panels, an external condenser unit with a timber enclosure, two MVHR vents and two roof cowls."

Accordingly, please find enclosed the following documents which together comprise the planning application:

- Duly completed Householder Planning Application Form;
- Completed Ownership Certificate A;
- Completed CIL Questionnaire;
- Design and Access Statement, prepared by Ackroyd Lowrie;
- Location and Site Plan (Dwg. No 158-000) with site edged in red (scale 1:1,250);
- Drawing pack, prepared by Ackroyd Lowrie:
 - Proposed Ground Floor Plan (dwg no. 158-101)
 - Proposed First Floor Plan (dwg no. 158-102)
 - Proposed Second Floor Plan (dwg no. 158-103)
 - Proposed Roof Plan (dwg no. 158-104)
 - Proposed West Elevation (dwg no. 158-110)
 - Proposed North Elevation (dwg no. 158-111)
 - Proposed South Elevation (dwg no. 158-112)
- Overheating Analysis Report, prepared by Allwood Design; and
- Planning Letter prepared by Hybrid Planning & Development (this document).

The statutory application fee of £328.00 (including service charge) has been online via the Planning Portal.

The following sections in this letter outline the relevant planning history for the site, the proposed development and an assessment of the proposal against the relevant National and Local Policies.

THE SITE AND SURROUNDINGS

The Application Site (the "site") is situated at 72 Maresfield Gardens, London, NW3 5TD. The site is a detached, two storey (plus basement and loft extension) dwelling, located on the eastern side of Maresfield Gardens. The site sits within a residential area.

The dwelling is not statutorily listed, nor are there any listed buildings located nearby. The site is situated within the Fitzjohns Netherhall Conservation Area. The dwelling is characteristic of the Conservation Area, where there is a mix of architectural styles.

PLANNING HISTORY

From an inspection of the Council's on-line records, we are aware of the following relevant planning history in relation to the site. These are set out below in Table 1.

Application Ref	Description of Development	Decision and Date
2021/0467/P	Installation of 2x air condensing units, 1x extract duct, 1x gas meter box and 1 x external lighting box to the southern passage to residential dwelling. (Retrospective)	Appeal Lodged
2018/5918/P	Variation of condition 3 (approved plans) of planning application 2017/3869/P dated 22/11/2017 namely to make alterations including; increase in front parapet height, alteration to front balustrade details, removal of chimney stack, fenestrations details alterations and installation of glazed balustrade to roof level rear Juliet balcony.	Granted 20 December 2018
2018/5223/P	Details of qualified chartered engineer required by condition 3 of planning permission 2018/0669/P dated 16/10/2018 for 'Excavation of existing basement to lower internal floor level by 600mm'	Granted 30 October 2018
2018/0669/P	Excavation of existing basement to lower internal floor level by 600mm.	Granted 13 March 2018
2017/3869/P	Replacement roof (following removal of existing roof) with front and rear dormers and 5 x rooflights; single storey front porch infill extension; two storey side infill extension; various external alterations including infilling of parking space and formation of front lightwell, alterations to fenestrations, landscaping alterations and new front boundary treatment.	Granted 22 November 2017

There is no more recent planning history in relation to the Site.

BACKGROUND

The application site is an early, mid-century detached family house comprising of two storeys, basement and attic levels. The house was fully refurbished in 2018. Following the works, the occupants experienced significant overheating issues, particularly on the top floor. Passive cooling measures were applied to reduce overheating however these were not sufficient and active cooling had to be used. This involved the installation of an internal air conditioning unit and an external condenser.

In 2021, the applicant submitted a retrospective planning application (2021/0467/P) for the installation of the condenser unit. The application was refused in January 2024 for the following reasons:

- The proposed external condenser unit, by virtue of its size, design, location and visibility would result in harm to the character and appearance of the street scene and wider Fitzjohns Netherhall Conservation Area, contrary to Policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*
- The proposal has failed to justify the need for active cooling by reducing and mitigating the impact of dwelling overheating through the application of the cooling hierarchy, thereby failing to minimise carbon dioxide emissions, contrary to policies CC1 (Climate change mitigation) CC2 (Climate change adaptation) of the Camden Local Plan 2017.*

This decision is subject to a live planning appeal (APP/X5210/D/24/3337969).

This application aims to address the previous reasons for refusal.

PROPOSED DEVELOPMENT

The proposals relate to an external condenser unit, which will be enclosed by a timber unit, measuring 1940mm (H) x 1430 (W) x 500mm (D).

Six photovoltaic (PV) panels are proposed on the south-western slope of the roof.

In addition, two external vents are proposed on the south elevation, to match the existing vents, and two new roof cowls for ventilation are proposed on the north and west elevations.

PLANNING POLICY

Following Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework was most recently updated on 19 December 2023.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 135, part f, requires planning policies and decisions to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Section 16 of the NPPF relates to the conservation and enhancement of the historic environment. Notably, paragraph 201 advises local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal.

Paragraph 205 recognises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The London Plan (2021)

In March 2021, the Mayor's Spatial Development Strategy for London, known as 'The London Plan', was adopted and provides the overall strategic plan for London, setting out an integrated framework for the development of London over the next 20-25 years.

The following policies from the London Plan are considered to be relevant to the application proposals:

- Policy GG6: Increasing Efficiency and Resilience
- Policy HC1: Heritage Conservation and Growth
- Policy SI 2: Minimising Greenhouse Gas Emissions
- Policy SI 4: Managing Heat Risk

Camden Local Plan (2017)

The Local Development Framework of the London Borough of Camden comprises the Camden Local Plan (2017) and a number of supplementary planning documents. The policies listed below are of relevance to this planning appeal.

Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours. The policy states that the Council will grant permission for development unless this causes unacceptable harm to amenity.

Policy D1 (Design) seeks to secure high quality design in development. The policy sets out a clear criterion which development must accord with, including:

- a) Respects local context and character;
- b) Preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage
- c) Is sustainability in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation.
- e) comprises details and materials that are of high quality and complement the local character; and
- o) carefully integrates building services equipment.

Policy D2 (Heritage) states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas...It also states that the Council will (inter alia) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

Policy CC1 (Climate change mitigation) requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.

Policy CC2 (Adapting to climate change) requires development to be resilient to climate change. The policy further states that all development should adopt appropriate climate change adaptation measures such as measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

The following Camden Planning Guidance (CPG) documents are material considerations in the determination of any planning application and comprise:

- Amenity (January 2021);
- Design (January 2021);
- Energy efficiency and adaptation (January 2021); and
- Home improvements (January 2021).

In addition to the above, it is important to acknowledge the Fitzjohns and Netherhall Conservation Area Appraisal & Management Strategy (2022).

Due regard has been given to the above policies in the preparation of this application.

PLANNING ASSESSMENT

We consider the key planning issues relevant to the determination of this application to be the design of the external condenser unit and PV panels and their impact on the character of the Conservation Area. We turn to address these planning issues below.

Design: External Condenser Unit

The proposed external condenser unit is located at ground level on the southern elevation and would be located within a timber enclosure. The design allows for gaps between the timber slats and on either side of the condenser to allow air to circulate and ensure the correct operation of the unit.

The timber enclosure is considered to address previous reasons for refusal with regard to visual impact. The enclosure will match the materials of the existing boundary fence ensuring visual integration with the surrounding area whilst mitigating visual impacts. The proposed materiality respects the local context and character, is of sustainable and durable construction and carefully integrates building services equipment as required by Policy D1 of the local plan.

Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy D2 of the Local Plan requires development within conservation areas to preserve or enhance the character or appearance of the area. It is our view that the character and appearance would be preserved with this minor addition. This elevation is heavily screened from both the streetscene, and neighbouring properties (unless one was to lean out of a window) and it can be concluded that the impact on the character and appearance of the streetscene, wider Fitzjohns Netherhall Conservation Area and occupiers of the adjacent properties is negligible.

Accordingly, we conclude that the proposed size, design, location and visibility of the external condenser unit and its enclosure, would not result in harm to the character and appearance of the street scene and wider Fitzjohns Netherhall Conservation Area, in accordance with London Plan Policy HC1 and Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

Design: PV Panels

Six PV panels are proposed on the pitched roof of the southwest elevation of the site. The roof pitch is at a 45 degree angle making it the optimum location to install solar panels.

It is our understanding that the dwellinghouse would benefit from permitted development rights under Schedule 2, Part 14, Class A (the installation or alteration etc of solar equipment on domestic properties). The proposed installation would accord with the conditions set out in A.2:

- (a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;*
- (b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area;*
- (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed*

In any case, we have included the installation of the PV panels within this householder application. The PV panels are low-lying and flat-profiled to minimise visual impact. The panels will be located on the southern elevation and in between existing rooflights on the flat roof and would not be visible in the streetscene. We consider that the installation of PV panels would accord with the relevant policy requirements set out in D1 and D2 of the Local Plan, and would not result in any substantial harm to the Conservation Area.

Energy & Sustainability

External Condenser Unit

Policy CC1 of the Local Plan acknowledges that the Council will require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy. This policy also states that the Council will support and encourage sensitive energy efficiency improvements to existing buildings.

Policy CC2 Paragraph D of the Local Plan encourages all development to adopt measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

The proposals relate to the installation of an active cooling system, which requires an external condenser unit. The supporting Overheating Analysis report demonstrates how the cooling hierarchy was applied while working within the constraints of the existing building. It also shows how the refurbishment significantly improved the fabric's thermal performance, reducing associated carbon emissions.

The results of the report demonstrate that, after following the energy hierarchy, active cooling is required for the property to ensure a comfortable environment. The report addresses the Council's concerns with the previous application whereby it was considered that *"the overheating analysis does not demonstrate that there is a clear need for the proposed units and is not supported by thermal modelling"*.

Furthermore, the dynamic thermal modelling within the report clearly demonstrates the need for active cooling in-line with Policies CC1 and CC2 of the Local Plan and Policy SI4 of the London Plan.

PV Panels

PV panels are proposed to the south elevation of the roof, to improve the energy efficiency of the building, with the aim of reducing carbon emissions and making the building as sustainable as possible. The proposals are considered to be sensitive energy efficiency improvements as required by Policy CC1 Paragraph D of the Local Plan.

The proposal will achieve a carbon dioxide reduction which will comply with Policy CC1 of the Camden Local Plan (2017). Additionally, the PV Panels will contribute to the generation of clean renewable energy on site, further supported by Camden Local Plan.

The installation of PV panels will maximise opportunities for renewable by producing, storing and using renewable energy on-site sought in Policy SI2 of the London Plan (2021).

CONCLUSION

This householder application seeks planning permission for:

"Installation of six photovoltaic panels and an external condenser unit with a timber enclosure."

This application has demonstrated that the proposals accord with the relevant national and local planning policy and guidance and that the proposal would:

- Have an acceptable effect on the character and appearance of the street scene and wider Conservation Area;
- Provide appropriate active cooling to reduce and mitigate dwelling overheating; and
- Support sensitive energy efficiency improvements to the existing building.

It has been demonstrated within this document, and the supporting reports that the proposals have carefully considered the relevant London Plan and Local Plan Policies with regards to energy and sustainability. Accordingly, the proposals which form the basis of this application are as a result of careful consideration in both design and sustainability terms.

Furthermore, the proposed development responds to concerns previously raised as part of a refused application, to present a wholly compliant scheme.

Having regard to the above, the planning officer is respectfully requested to allow the application, and grant planning permission.

Yours faithfully,



Sophie Hardy MRTPI
ASSOCIATE DIRECTOR