

Delegated Report		Analysis sheet		Expiry Date:		20/12/2023		
		N/A		Consultation Expiry Date:		07/02/2024		
Officer				Application Number(s)				
Sophie Bowden				2023/4577/P				
Application Address				Drawing Numbers				
3 Collard Place, London NW1 8DU				See draft decision notice				
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature		
Proposal(s)								
Installation of 2x AC units								
Recommendation(s):		Refuse Planning Permission						
Application Type:		Full Planning Permission						
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice						
Informatives:								
Consultations								
Adjoining Occupiers:		No. of responses		1		No. of objections		1
Summary of consultation responses:		Site Notices: displayed 19/01/2024, expired 12/02/2024. <ul style="list-style-type: none"> Too close to neighbouring property 						

Site Description

The site is a three-storey dwellinghouse on Collard Place, the area contains mostly the same modern residential three storey dwellings and blocks of flats in a similar design. The site is not located in a conservation area nor is it listed.

Relevant History

APPLICATION SITE:

2008/1823/P Erection of single-storey rear ground floor level extension with door in side boundary wall and canopy to rear in connection with the single family dwellinghouse (Class C3). Granted 24/06/2008

2021/0857/P Erection of single storey rear extension. Granted 15/07/2021

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A4 Noise and vibration

Policy D1 Design

Policy CC1 Climate change mitigation

Policy CC2 Adaption to Climate Change

Camden Planning Guidance (CPG)

CPG Design (January 2021)

CPG Amenity (January 2021)

CPG Energy Efficiency and Adaption (January 2021)

Assessment

1. Proposal

- 1.1. Installation of two air conditioning units on the roof of existing single storey rear extension. The application is a retrospective application and the units have already been installed.

2. Considerations

2.1 The material considerations for this application are as follows:

- Design
- Amenity
- Energy and sustainability

3. Assessment

Design

- 3.1. Local Plan policy D1 (Design) is aimed at achieving the highest standard of 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.
- 3.2. The air conditioning units would only be partially visible from the public realm due to the siting on the roof of the existing single storey rear extension. The units would be visible from the attached neighbouring property but given the nature of the site, the units being located to the rear of the property and it not being in a conservation area, on balance, the proposed installation

of the A/C units would not have an adverse impact on the character and appearance of the host building and wider area and are acceptable in terms of design.

Amenity

- 3.3. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. This is supported by the CPG Amenity.
- 3.4. In terms of the proposal, an acoustic report has been submitted in support of the application. It identifies that the units are located at first floor level on the flat roof to the rear of the property and are approximately 2m from the nearest noise sensitive window of the adjacent residential property.
- 3.5. The Council's Environmental Health team considers that the report misinterprets the Council's Local Plan 2017 and hence proposed limits do not show compliance to the criteria. Specifically at night, the units would generate a harmful impact to the attached neighbouring property in terms of noise and vibration. No mitigation measures have been suggested or put in place (such as enclosures or relocating the units) to overcome the harm. Therefore the units would be unacceptable and fail to comply with policy A1 of the 2017 Camden Local Plan and the Amenity CPG and forms the first reason for refusal.

Energy and sustainability

- 3.6. Because the application is for active cooling, as per policy CC2 and Energy Efficiency and Adaptation CPG, schemes are required to demonstrate that other adequate measures have been considered and modelled before active cooling. In accordance with Policy CC2 of the Local Plan, the Council discourages active cooling. Using active cooling systems increases energy consumption and carbon emissions contrary to the aims and objectives of policy CC1. As a result, air-conditioning units are only permitted where thermal modelling demonstrates that there is a clear need for it after all preferred measures are incorporated in line with the London Plan cooling hierarchy. In addition, passive measures should be considered first. If active cooling is unavoidable after other passive measures have been used to reduce overheating, applicants need to identify the cooling requirement and provide details of the efficiency of the system.
- 3.7. The application was not supported by an active cooling hierarchy statement but a statement of justification for the units has been submitted. The justifications include the bedrooms being located at second floor level, existing pipes for the central heating system located under the floorboards and the need for cooler temperatures due to having young children residing in the property. However, additional heat from central heating pipes would only happen when the heating is on – turning the heating off would be a more effective means of cooling. Thermostatic controls and insulation of pipes can also effectively control heat gain and heat loss. Although some justification has been provided, it is clearly inadequate, and the supporting statement fails to demonstrate that any passive or more energy efficient measures have been considered (and modelled before the installation of active cooling).
- 3.8. A requirement for active cooling needs clear and robust evidence to justify the negative climate impacts like excessive energy demand. Overall, the justification suggested is weak and would not outweigh the harm resulting from the air conditioning units. There is no evidence of exploration of preferred cooling methods like passive and more energy efficient measures of cooling such as additional insulation, shading, thermal blinds, ceiling fans, reflective films and so on. There has also been no evidence provided through dynamic thermal modelling which

demonstrates the clear need for the air conditioning units after all preferred measures are incorporated in line with the cooling hierarchy.

3.9. 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, the application fails to comply with policies CC1 and CC2 and advice in the Energy Efficiency and Adaption CPG, and thus forms another reason for refusal.

4. Recommendation

4.1. **Refuse the application** for the following reasons:

4.2. The proposed development would be likely to have a harmful impact to the attached neighbouring property in terms of noise and vibration, contrary to policy A1 of the 2017 Camden Local Plan.

4.3. The proposal has failed to justify the need for active cooling and failed to use passive or more energy efficient measures to reduce and mitigate the impact of overheating through the application of the cooling hierarchy, thereby failing to minimise carbon dioxide emissions, contrary to policies CC1 and CC2 of the Camden Local Plan 2017.

4.4. **Authorise enforcement action:**

4.5. That the Borough Solicitor issue an Enforcement Notice under section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under section 178 to secure cessation of the breach of planning control.