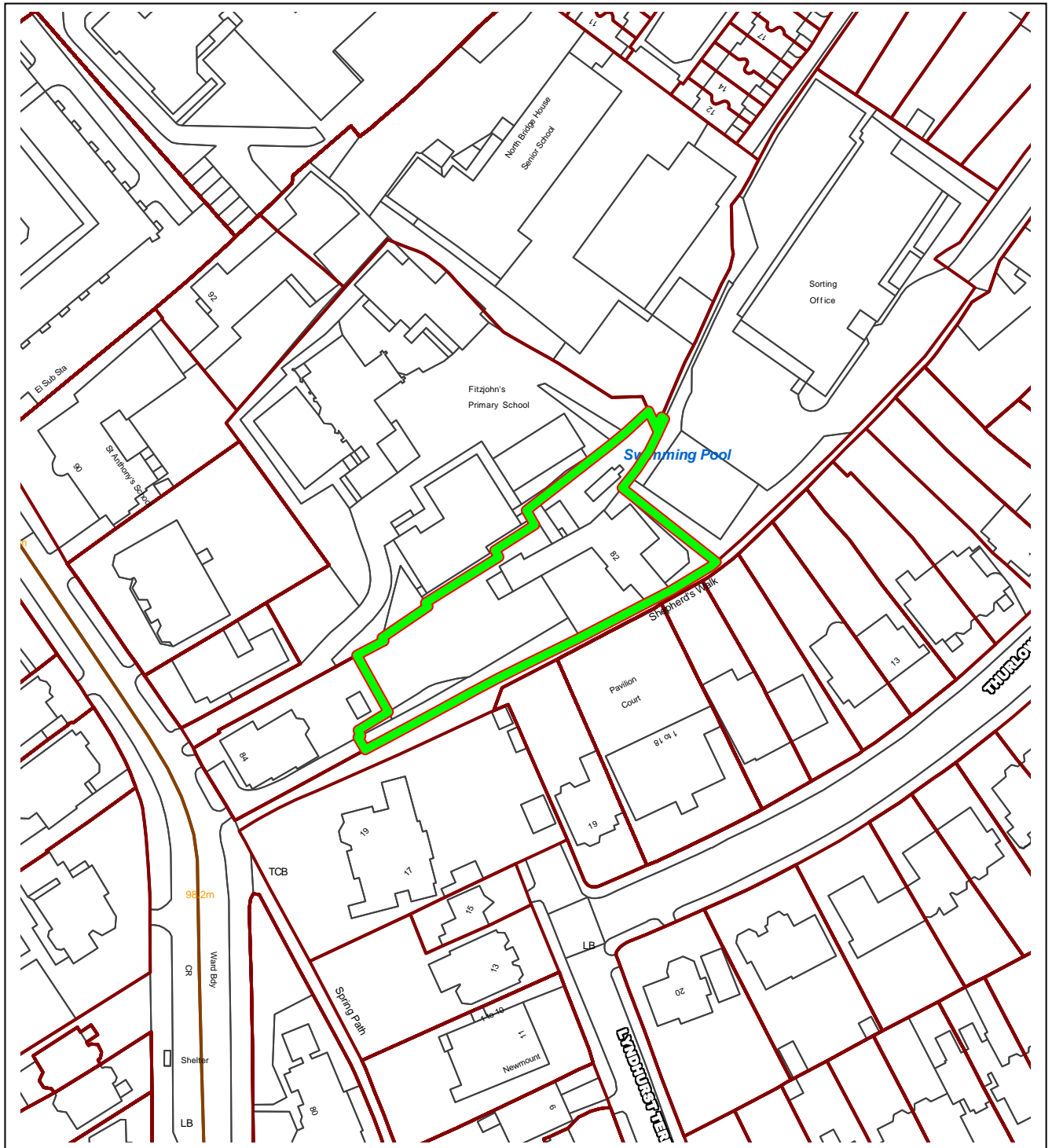


# 2023/4543/P – 82 Fitzjohn's Avenue



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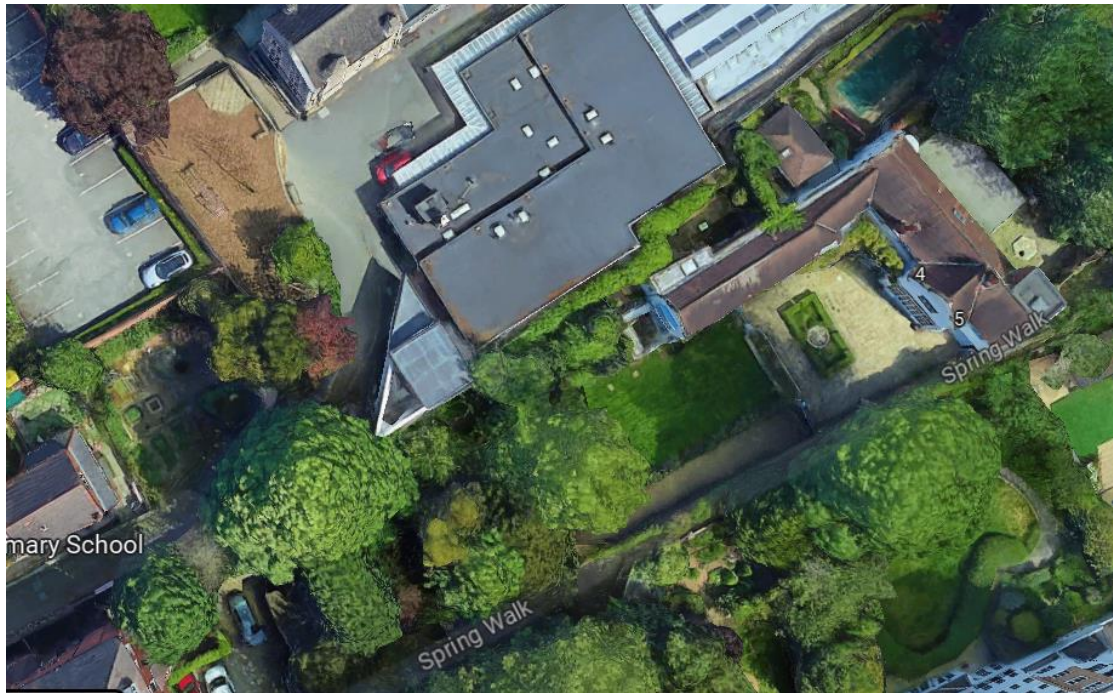
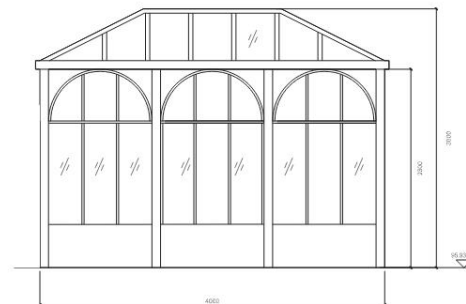


Figure 1: Aerial view of application site



Visual precedent for greenhouse



Proposed Greenhouse Elevation

Figure 2: Images of proposed greenhouse

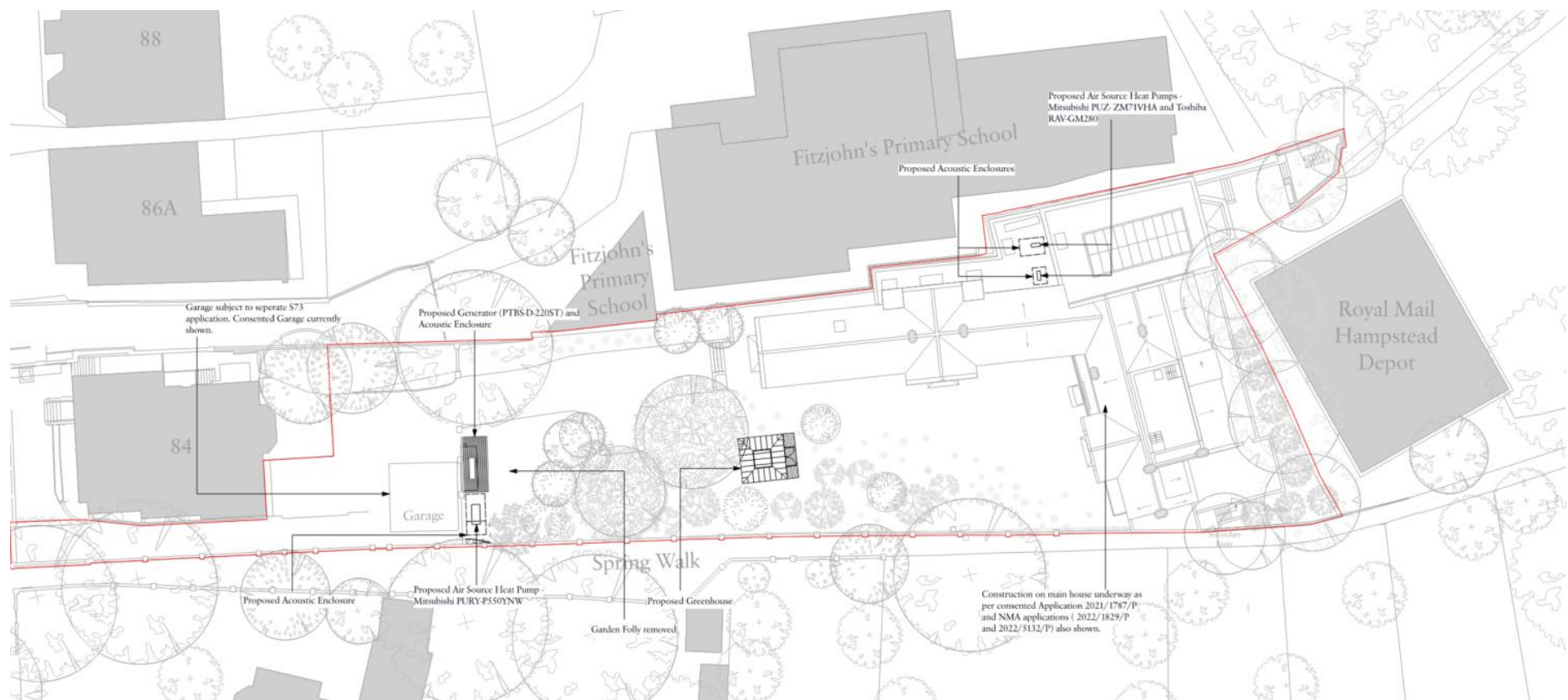


Figure 3: Proposed Site Plan

<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		18/12/2023	
		N/A / attached		<b>Consultation Expiry Date:</b>		12/02/2024	
<b>Officer</b>					<b>Application Number(s)</b>		
Brendan Versluys					2023/4543/P		
<b>Application Address</b>					<b>Drawing Numbers</b>		
82 Fitzjohn's Avenue London NW3 6NP					See draft decision notice		
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Erection of a greenhouse, installation of 3 x ASHPs (1x ASHP within the garden and 2 x ASHP on roof of existing dwelling), a generator and associated acoustic enclosures.							
<b>Recommendation:</b>		Grant conditional planning permission					
<b>Application Type:</b>		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	Site notices were displayed near to the site on the 17/01/2024 (consultation end date 11/02/2024).  A press notice was advertised 18/01/2024 (consultation end date 10/02/2024).			
Adjoining Occupiers:	No. of responses	0	No. of objections	0
Hampstead Conservation Area Advisory Committee (HCAAC)	HCAAC objected to the application, as follows:  <i>A great deal of plant for a small site. We have not assessed, but ask that the Applicant carefully establishes the need for such apparent over-provision. Acoustic enclosures details to be submitted for approval and to be properly maintained, just as with the plant items themselves. Not 'out-of-sight out-of-mind'. Brick walls will reinforce noise on the garden side. Suggest you warn that a council very recently enforced against an org that had ASHPs too loud for residents' acceptance whatever the maker's figures suggested.</i>  <u>Officer's response:</u>  Design and heritage effects are assessed under section 3 'Design and Heritage'  Noise effects are assessed under section 5 'Amenity'.			

## Site Description

The site, principally comprising a detached residential home, is situated to the rear of the application site.

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. The site is not identified in the Fitzjohns/Netherhall Conservation Area Appraisal and Management Strategy as either a positive or negative contributor.

## Relevant History

**2019/4229/P** - Erection of two storey side, front and rear extensions, replacement pool house, and associated works. **Granted 04/10/2019**

**2021/1394/P** - 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. **Granted 01/06/2021**

**2021/1787/P** - 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 involving basement excavation for new pool, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees. **Granted 12/01/2022**

**2022/0190/P** - 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. **Granted 23/05/2022**

**2022/5132/P** - Amendments to planning permission ref. 2021/1787/P granted 12/01/2022 (for Alterations and extensions including erection of 2 orangery 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 the addition of a low boundary wall and minor extension of the consented hermitage in the northeast corner. **Granted 13/12/2022**

**2023/1829/P** - Amendments (Alteration and enlargement of approved dormer to the SE corner and replacement of existing rooflights; change to second floor window and roof design over spiral stair on NE elevation; change to design of second floor window to SE elevation) to planning permission ref. 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'. **Granted 15/06/2023**

**2023/3626/P** - 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. **Under consideration**

## **Relevant policies**

### **National Planning Policy Framework (2023)**

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

- **A1** Managing the impact of development
- **D1** Design
- **D2** Heritage
- **CC1** Climate change mitigation
- **CC2** Adapting to climate change
- **CC3** Air Quality

### **Hampstead Neighbourhood Plan 2021**

- DH1: Design
- DH2: Conservation areas and listed buildings

### **Camden Planning Guidance:**

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- CPG Energy efficiency and adaptation (2021)

### **Fitzjohns/Netherhall Conservation Area Appraisal and Management Strategy (2022)**

### **Draft Camden Local Plan**

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## Assessment

### 1. The proposal

The application seeks to make a number of changes to the site, specifically:

- Erect a greenhouse within the rear garden. The earlier planning permission 2021/1394/P allows for a small garden shed near the rear of the garden, adjacent to the existing garage. Should planning permission for the greenhouse be granted, the garden shed would not be pursued, as the garden shed would be sited in the location of the proposed ground level ASHP and generator. The greenhouse would be located in a more central area of the garden. The greenhouse would be constructed with painted metalwork and glass.
- Install 3 x ASHPs and a generator. 1 x ASHP would be located in the garden and 2 x ASHP would be positioned on the roof of the existing dwelling. The ASHPs and generator would be enclosed in acoustic enclosures made of a double-skin type construction in galvanised mild steel.

The ASHPs would have a heating as well as cooling function. See section 7 of the report for further information.

The generator would only be used for emergency power outages. See section 5 of the report for further information.

### 2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- The visual impact upon the character and appearance of the host property, streetscene, local area (Design and Heritage)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
- The incorporation of appropriate climate change adaptation measures in the consideration of proposed air conditioning units.

### 3. Design and Heritage

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policies D1 and D2 are relevant to the application: development should respect local context and character; preserve or enhance the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; and respond to natural features. In addition, Policy DH1 of the Hampstead Neighbourhood Plan, requires development proposals to demonstrate how they respect and enhance the character and local context of the relevant character area. Policy DH2 also reinforces the importance and relevance of the guidelines within the Conservation Management Strategy and Appraisal in relation to development proposals.

3.2. The Fitzjohns/Netherhall Conservation Area Character Appraisal & Management Plan outlines that development, including garden buildings, should not encroach significantly onto existing rear garden areas or harm the landscape character created by the amalgamation of rear gardens. For new development, the guidance suggests that enclosures should be discreet and screened, away from front boundaries, as an integral part of the design and layout. With regard to alterations to existing building, the guidance states extensions to existing buildings should be subservient in height, scale, massing and set-back. Extensions should complement and be unobtrusive to the existing landscape and townscape character of the Area. Further, alterations and extensions will not be acceptable where they will spoil the uniform elevations of a terrace or group of buildings. Side extensions and infills will be resisted where a gap/view is compromised, and the symmetry

and composition of a building is impaired.

- 3.3. The proposed 2 x rooftop ASHPs and associated enclosures would be small in scale and subservient to the existing building. The enclosures would not exceed the height of eaves of the adjacent sloped roof as part of the existing building. Further, the equipment would not be visible from the public realm and would be positioned adjacent to the school block as part of the adjacent primary school, which itself has little architectural merit and further obscures the visibility and prominence of the equipment in relation to the existing building.
- 3.4. The other ASHP, generator and associated enclosures, would be positioned adjacent to the existing garage, which itself is a utilitarian building with little architectural merit. This equipment would therefore be clustered with an existing outbuilding and avoid development of utilitarian structures in more formal and character contributing areas of the garden. The equipment would require the removal of minimal landscaping.
- 3.5. The proposed greenhouse would be located in a coherent position in relation to the existing garden and dwelling, within an opening of existing established landscaping. The greenhouse would also be a small, relatively minor structure in the context of the spacious garden. It would be of traditional design with a painted metal frame and glazed elevations.
- 3.6. The greenhouse, ASHP, generator and the existing garage considered cumulatively, would not result in unacceptable clutter or be perceived as a proliferation of structures within the garden setting, given their strategic positioning and an acceptable cumulative footprint in the context of the spacious garden.
- 3.7. Lastly, the applicant has provided sections which demonstrates that none of the plant would be visible from Spring Walk, which runs parallel to the southern boundary.
- 3.8. For these reasons the proposal would preserve the character and appearance of the site and its wider surrounds, including the Fitzjohns / Netherhall Conservation Area.
- 3.9. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

#### **4. Trees and Landscaping**

- 4.1. Policies A3 and D1 advise that the Council seek to protect gardens and resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. Policy NE2: Trees of the Hampstead Neighbourhood Plan, requires development to protect trees that are important to local character, streetscape, biodiversity and the environment.
- 4.2. The proposal would not impact any trees to be retained, which have not already been given consent to be removed under previous planning permissions at the site.
- 4.3. The Council's Tree Officer has raised no objection to the proposed works.
- 4.4. In light of the above, the proposed scheme is considered to have an acceptable impact on the biodiversity of the site and landscaped character of the wider area.

#### **5. Air Quality**

- 5.1. Policy CC4 seeks to ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough. The Council will take into account the

impact of air quality when assessing development proposals, through the consideration of both the exposure of occupants to air pollution and the effect of the development on air quality.

- 5.2. The applicant has submitted an Air Quality Assessment report which assessed the air quality impacts from the proposed backup generator, on local air quality both at the application site and the surrounding area. The report has been prepared in accordance with Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) guidance. The proposed backup generator would supply power to the site in the event of power failure at the site.
- 5.3. Based on the report's technical findings, the report concludes the nitrous dioxide impacts (of the backup generator) are expected to be negligible at all modelled sensitive receptors and therefore the effects are considered not significant. Other pollutants were not modelled as emission rates are considered to be negligible and as such the report concludes impacts are expected to not be significant. Council's Air Quality Officer has raised no concerns with the findings of the report and considers the generator to be acceptable in terms of air quality.
- 5.4. Taking into account the limited frequency/duration of use of the generator, and the air quality assessment findings which demonstrate the generator would have insignificant and negligible effects in terms of pollutants, air quality effects of the generator would be acceptable.

## **6. Amenity**

- 6.1. 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, overlooking, outlook and implications on daylight and sunlight. CPG6 (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.
- 6.2. In terms of the proposal, an acoustic report has been submitted in support of the application. Upon consultation with the environmental health team, the report sufficiently covers the issue of noise and demonstrates there would not be an adverse impact. Compliance conditions would be placed on the application in the event of an approval to limit the noise and ensure installation of an acoustic enclosure. Due to the limited scale of the units and their positioning at either ground level or setback generously from adjacent sites, issues relating to outlook, daylight or increased sense of enclosure are not considered significant.
- 6.3. Overall, the proposal would result in acceptable amenity effects.

## **7. Energy and Sustainability**

- 7.1. Because the application is for active cooling, as per policy CC2 and Energy Efficiency and Adaption 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, applicants need to identify the cooling requirement and provide details of the efficiency of the system.
- 7.2. The application is supported by an Energy Statement which includes an overheating assessment and assessment against the Cooling Hierarchy, as required under the Energy Efficiency and Adaption CPG.

- 7.3. The applicant's application of the Cooling Hierarchy confirms that internal heat generation would be minimised through the application of energy efficient internal design, through all primary pipework being insulated, high specification hot water cylinder being installed with low heat loss, and low energy lighting being installed. The amount of heat entering the building would be reduced in summer through low E glass windows and internal blinds being provided to minimise solar gain, and insulating walls. Thermal mass has also been proposed to be utilised in the refurbishment of the existing building. Passive ventilation would be incorporated through openable windows being provided to all rooms and cross ventilation is possible. Lastly, standard extract ventilation would be provided to wet rooms. Despite the application of these measures, the applicant's Overheating assessment found that most of the assessed occupied spaces within the dwelling fail the requirements of TM52 & TM59 with regards to the present weather files. This indicates that the spaces will most likely overheat, and an uncomfortable thermal environment could be expected within the dwelling even with the proposed passive cooling measures.
- 7.4. Council's Sustainability Officer has reviewed the applicant's Cooling Hierarchy and considers that this has been adequately addressed, and shows that there is risk of overheating in the house through the overheating modelling. The Sustainability Officer is satisfied such that there is no need to pursue any further justification of the cooling function for the ASHPs.
- 7.5. On the basis of the above, the cooling function for the ASHPs is considered acceptable.

## **8. Recommendation**

- 8.1. Grant conditional Planning Permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 12<sup>th</sup> August 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2023/4543/P  
Contact: Brendan Versluys  
Tel: 020 7974 1196  
Email: [Brendan.Versluys@camden.gov.uk](mailto:Brendan.Versluys@camden.gov.uk)  
Date: 6 August 2024

**Development Management**  
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Gerald Eve LLP  
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6 Mortimer Street  
London  
W1T 3JJ  
United Kingdom

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:  
**82 Fitzjohn's Avenue**  
**London**  
**NW3 6NP**

Proposal:

Erection of a greenhouse, installation of 3 x ASHPs (1x ASHP within the garden and 2 x ASHP at roof of existing dwelling), a generator and associated acoustic enclosures.

# DECISION

Drawing Nos: A-PL-00-000; A-PL-00-300; A-PL-00-301; A-PL-00-305; A-PL-00-407; 496.PL.201; Cover letter prepared by Gerald Eve, dated 23/10/2023; Energy and Sustainability Statement prepared by SRE, rev A, dated 01/04/2021; Thermal Comfort Analysis prepared by SRE, rev A, dated 01/04/2021; Toshiba Air Conditioning - RAV-GM Data Sheet; ASHP clarification sheet prepared by SWP Ltd; Design and Access Statement; Plant Noise Impact Assessment prepared by EEC, ref. AO/EC18269-30, dated 1/08/2023; PTBS-D-220ST; R2 Series VRF Standard Efficiency (50-61.5kW); PCA-M R32 Ceiling Suspended System; Air Quality Design Note prepared by Hoare Lea, 24/06/2024

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- A-PL-00-000; A-PL-00-300; A-PL-00-301; A-PL-00-305; A-PL-00-407; 496.PL.201;

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 policy 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 installation operating at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is 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 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.
- 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 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](http://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

Chief Planning Officer