

Application ref: 2024/1642/P  
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**Development Management**  
Regeneration and Planning  
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Hybrid Planning and Development  
The Old Vyner Street Gallery  
23 Vyner Street  
E2 9DG  
United Kingdom

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:

**72 Maresfield Gardens**  
**London**  
**NW3 5TD**

Proposal:

Installation of six photovoltaic panels on the top of the roof and four on the side of the roof, external condenser unit (retrospective) with a timber enclosure. Installation of two MVHR vents and two roof cowls.

Drawing Nos: 158-000 (P2), 158-001 (P1), 158-002 (P1), 158-003 (P1), 158-004 (P1), 158-005 (P1), 158-010 (P1), 158-011 (P1), 158-012 (P1), 158-013 (P1), 158-101 (P1), 158-102 (P1), 158-103 (P1), 158-104 (P2), 158-110 (P2), 158-111 (P2), 158-112 (P2)

Noise Impact Assessment (24/05/2022), Cover Letter (25/04/2024), and Overheating document (15/04/2024) (Rev 01)

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: 158-000 (P2), 158-001 (P1), 158-002 (P1), 158-003 (P1), 158-004 (P1), 158-005 (P1), 158-010 (P1), 158-011 (P1), 158-012 (P1), 158-013 (P1), 158-101 (P1), 158-102 (P1), 158-103 (P1), 158-104 (P2), 158-110 (P2), 158-111 (P2), 158-112 (P2)

Noise Impact Assessment (24/05/2022), Cover Letter (25/04/2024), and Overheating document (15/04/2024) (Rev 01)

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 machinery 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 Reasons for granting permission.

The proposed PV panels are sympathetically placed, away from the publicly viewable front elevation, on the top of the roof and to the rear of the side-hipped roofs. Although they can be seen in oblique views, their impact is

reduced, and therefore, they still preserve the conservation area's character.

The proposed AC unit and a cowls are located to the side and are not publicly viewable and therefore have little impact on the character of the area. The front cowl is very small and therefore has negligible impact on the roof form and overall character of the building.

Given the minor scope and scale of the proposed works, it is not considered that they would create any new impacts on neighbouring residential amenity regarding loss of daylight/sunlight, outlook, or privacy.

In terms of noise, a NIA was submitted in support of the application. In consultation with the environmental health officer, the assessment was undertaken in line with British Standard 4142:2014 to assess the significance of the sound impact on nearby sensitive receptors and adequately predict the noise level. Compliance conditions ensure that the unit's noise level is 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 and vibration measures will be placed on the application.

An overheating analysis document also supports the application. In consultation with the Council's Sustainability Officer, the document adequately demonstrates that the cooling hierarchy has been considered and measures based on this have been implemented. It also demonstrates that multiple rooms fail the overheating test and, therefore, sufficiently justifies the need for overheating.

Based on the information available, this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold, meaning it does not impact an onsite priority habitat and impacts less than 25sqm of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of linear habitat.

The site's planning history was taken into account when making this decision. One objection was received, citing that the noise of the already implemented AC units was harming their amenity. As explained above, this permission includes compliance conditions that will control the unit's noise level. If this is exceeded, the Council can investigate and take enforcement action. The CAAC raised no objections.

As such, the proposal is in general accordance with policies A1, A4, CC1, CC2, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2021 and National Planning Policy Framework 2023.

- 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 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.
  
- 4 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



Daniel Pope  
Chief Planning Officer