

Application ref: 2024/2981/P
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Date: 10 September 2024

Development Management
Regeneration and Planning
London Borough of Camden
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Fraher and Findlay Architects
Unit 3 Mercy Terrace
Ladywell Road
London
SE13 7UX
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

63 Netherhall Gardens
London
NW3 5RE

Proposal:

Installation of Air Source Heat Pump within acoustic enclosure to rear garden.

Drawing Nos:

F F 23-014 - PL-001, F F 23-014 - PL-031 (P01), F F 23-014 - PL-032 (P01), F F 23-014 - PL-033 (P01); Design and Access Statement (FF23-014- 8.01-REP-002), Environmental Noise Assessment (104595.ph.Issue 1).

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:

F F 23-014 - PL-001, F F 23-014 - PL-031 (P01), F F 23-014 - PL-032 (P01), F F 23-014 - PL-033 (P01); Design and Access Statement (FF23-014- 8.01-REP-002), Environmental Noise Assessment (104595.ph.Issue 1).

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 Policies 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. The proposed plant shall be installed and constructed to ensure compliance with the limits and mitigation measures identified in the Acoustics Plus Plant Noise Assessment ref: 104595.ph.Issue1.

Reason: To ensure that the amenity of occupiers of the development site and 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.

- 6 Prior to first use of the air source heat pump hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pump shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with Policy CC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The proposal involves the installation of a single Air Source Heat Pump (ASHP)

within an enclosure to be located at the end of the rear garden. The proposed ASHP would provide an electricity based system which aligns with Camden's climate change mitigation and adaptation policies CC1 and CC2. A condition limiting the unit for heating purposes only is placed on the application to ensure it is not used for active cooling.

The unit would have a modest size and would have limited visibility from the neighbouring properties, only occupying a small area of the rear garden. The enclosure would be simple in design, with an approximate height of 0.9m, width of 0.8m, and length of 1.3m. The proposal would maintain the existing openness of the rear garden and not detract from its character. Overall, it would preserve the character and appearance of the host building and wider conservation area.

The application was supported by a noise impact assessment, which has been assessed by the Council's Environmental Health Officer, who has confirmed that the document is in line with British Standard 4142:2014 and was undertaken to assess the significance of the sound impact on nearby sensitive receptors, which has been adequately predicted. Two compliance conditions have been placed on the application to ensure the noise levels are in line with British standards and anti-vibration measures are included.

Due to the nature of the proposals, there would be no significant harmful impact caused to neighbouring amenity, including in terms of loss of light, outlook, or privacy.

Special regard has been attached to the desirability of preserving the character and appearance of the conservation area and preserving the setting of the listed building, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

No objections have been received prior to making this decision, including from the Fitzjohns/Netherhall CAAC, who did not comment. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with Policies A1, A4, CC2, D1, and D2 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the 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) 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.

- 5 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.

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 2023.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-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