

Delegated Report		Expiry Date:		02/10/2024	
		Consultation Expiry Date:		05/09/2024	
Officer		Application Number(s)			
Leela Muthoora		2024/3073/P			
Application Address		Drawing Numbers			
153 Fortess Road, London, NW5 2HR		See draft decision notice			
Proposal					
Installation of a ventilation extract duct from ground floor restaurant to rear roof level.					
Recommendation:		Refusal of planning permission			
Application Type:		Full Planning Permission			
Consultations					
Summary of consultation:		Two site notices were displayed near to the site on the 09/08/2024 (consultation end date 05/09/2023).			
Summary of consultation responses:		No. of responses	02	No. of objections	02
		<p>Three letters of objection were submitted from, or on behalf of the owners/occupiers of the flats within the upper floors of the site. Their objection comment can be summarised as follows:</p> <ul style="list-style-type: none"> Noise and vibration nuisance from the ventilation/ extraction system. Noise assessment measurements not taken at first and second floor flats. Proximity to residential windows serving bedroom and exiting through first floor terrace. Duct itself will block light to windows Unsightly appearance of the installation and negative impact on rear terraces. Noise and vibration continuous during extended hours of operation: 07.00-23.00. Existing noise and vibration from duct at neighbouring property number 151 Fortess Road. Noise during construction. 			

**CAAC/Local groups
comments:**

No response

Site Description

The site refers to a three-storey plus attic building on the west side of Fortess Road, a designated neighbourhood centre. The ground floor café has recently sought to expand its provision as a restaurant. The upper floors are residential, subdivided into three flats.

The site is not situated in a conservation area.

Relevant History

The planning history for the application site can be summarised as follows:

App ref	Development Description	Decision & Date
2024/2335/P	Lawful Development Certificate (Proposed) Use. Proposed use as a restaurant from existing cafe.	Granted 15/07/2024
PE9900090 E12/9/16	The change of use of the ground floor from retail A1 to Class A3 restaurant including the erection of an extraction duct at rear.	Refused 05/10/1999

The relevant planning history for the neighbouring site can be summarised as follows:

App ref	Development Description	Decision & Date
P9602895	Change of Use of a ground floor retail shop (A1) to a restaurant (A3) and the erection of a ventilation duct at the rear.	Granted subject to Section 106 11/06/1997

Relevant policies

National Planning Policy Framework (2023)

The London Plan 2021

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **A4** Noise and vibration
- **D1** Design
- **CC4** Air quality 215

Neighbourhood Plan:

- Kentish Town Neighbourhood Plan (2016)

Camden Planning Guidance:

- Amenity (2021)
- Design (2021)

Assessment

1. The proposal

- 1.1. Planning permission is sought for the installation of a steel ventilation duct to rear external wall of building to serve the existing café.
- 1.2. The ventilation duct extends three storeys from rear first floor level to roof height with two 90 degree turns, to extend the full width of the elevation.
- 1.3. The duct would measure 0.5m by 0.5m in galvanised steel with a curved cowl at roof level.

Revisions

- 1.4. During the assessment period, revisions were made to the noise assessment to include proposed mitigation measures between the commercial unit at ground floor level and the first floor level flat.
- 1.5. The revisions made to the scheme did not materially affect the scheme and as such were accepted as amendments to the application.

2. Assessment

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

- Design: The impact upon the character and appearance of the host property and the local area
- Residential Amenity: The impact on the living conditions of the occupiers of neighbouring properties, with particular regard to the flats in the upper floors of 153 Fortess Road and with regard to odour and noise.

3. Design

- 3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and carefully integrates building services equipment. Policy D3 of the Kentish Town Neighbourhood Plan requires proposals to be well integrated into their surroundings.
- 3.2. CPG Design states that building services equipment, such as ventilation and extraction systems and ducting should be contained within the envelope of a building or sited sensitively in a visually inconspicuous position. The application seeks to install substantial ventilation and extract ductwork to the rear elevation of the property.
- 3.3. The proposed ductwork would project significantly above the eaves and roof ridges of the existing and adjoining buildings. It would be installed to the rear of the property which limits its visibility; however, the duct would extend the building's full elevation at upper floors with a shiny metallic finish of galvanized steel which would appear visually obtrusive. In addition, to avoid residential windows the proposal routes the duct around them at right angles resulting in an incongruous addition that spans the whole width and height of the elevation. As a result, it has a dominant impact on the host building, detracting from its appearance.

3.4. The proposal would be sited close to an existing ventilation duct at 151 Fortress Road. This was granted conditional planning permission in 1997 and pre-dates existing planning policy and guidance. The proposed duct and cumulative effect of scale and bulk of the two ducts together would appear unduly prominent, detracting from the character and appearance of the host property. Furthermore, while there are existing flues in the area, these tend to be sited so they are less dominant and in any event would not justify further harm caused by the proposal.

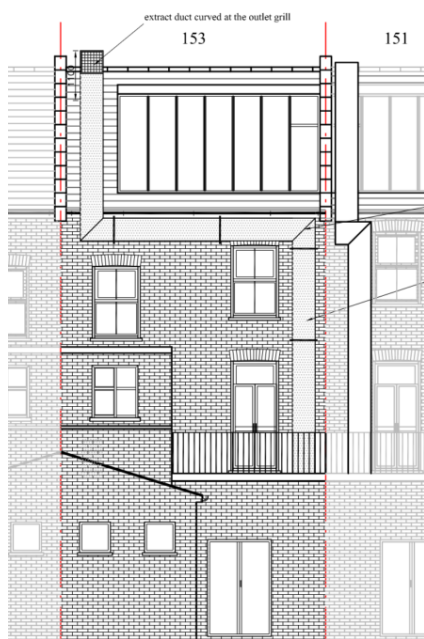
3.5. As a result, the proposed extract duct, by means of excessive height, bulk, design and materials, would dominate the rear elevation of the host building and appear as incongruous visual clutter detracting from the character and appearance of the host property, terrace, and the surrounding area, contrary to policy D1 of Camden Local Plan 2017 and CPG Design.

4. Amenity

4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.

4.2. The Council will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity. Extraction equipment and ducting should be sited sensitively to prevent potential harmful effects of the development on occupiers and neighbours. The Council will also consider the cumulative impact of numerous individual noise sources where noise is known to be an issue.

4.3. The flue would project 1m from the rear elevation and run in close proximity to several residential windows at first, second and third floor levels. At second floor level there is a window (expected to serve a habitable room) which the flue would run alongside and then along the top of at close distance, obstructing daylight from the side and above. In the absence of a daylight and sunlight assessment, it cannot be determined whether the impact would have a harmful impact on daylight entering these rooms. It is noted that impact on sunlight is not an issue owing to the property's north-west orientation.



4.4.

- 4.5. Due to the projection from the building, the duct would be visible from the rear windows and doors at all levels. It would be particularly prominent at the first floor where the duct exits from the ground floor through the first-floor terrace adjacent to the French doors. The installation of an invasive and industrial piece of equipment would negatively affect the quality of the terrace and the overall amenity of the associated home.
- 4.6. Neighbours have raised concerns about the potential impact in terms of operating hours, noise, disturbance, and odour. While there is a requirement for the release point to remove odour emissions above the roofline, the duct would be less than one metre from the windows of the third floor level roof extensions of the host building and neighbouring property. The applicant has submitted a noise assessment which concludes that the duct would not result in noise level standards being exceeded to the nearest sensitive receiver (residential windows), provided recommended mitigation measures are installed and maintained.
- 4.7. The proposed opening hours and use of the duct would be between 07:00 and 23:00. The primary noise source identified was road traffic noise from Fortess Road and secondary noise sources from the existing ductwork at the neighbouring site, number 151 Fortess Road. The submitted noise assessment has been reviewed by The Council's Environmental Health Officer who is satisfied that the assessment is acceptable in environmental health terms in respect to noise, if the proposal and were designed as specified in the report. Specific mitigation measures outlined in the noise report controlling this element as well as the hours of operation and noise level limits could be imposed by condition were the application acceptable in all other regards.
- 4.8. There are outstanding concerns which the applicant has failed to address to satisfy the Council that the proposal would not lead to a harmful impact on the amenities of neighbours in terms of loss of daylight light and outlook. As such the proposal is considered contrary to policies A1 and A4 of Camden Local Plan 2017 and CPG Amenity.

5. Recommendation

5.1. Refusal of Planning Permission