Development Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

28 October 2024

Dear Sir/Madam,

Submission of a retrospective planning application for installation of 3no. ac condenser units at 11 Albert Terrace Mews, London NW1 7TA

On behalf of the Applicant, Baroness Rebuck, we hereby submit a retrospective application for householder planning permission in respect of the installation of plant at 11 Albert Terrace Mews. A description of the proposed development is as follows:

"Retrospective application for the installation of 3no. AC condenser units on roof of property."

This letter should be read in conjunction with the following supporting plans and documents:

- Completed application form;
- Community Infrastructure Levy form;
- Site location plan (dwg. no.5471 PL02);
- As built roof plan(dwg. no. 5471 PL01);
- Existing and Proposed Elevations (dwg. nos. 310, 100, 101);
- Noise Impact Assessment, by KP Acoustics; and
- Overheating Analysis, by Love Design Studio.

This application has been submitted via the Planning Portal (ref: PP-13271753) and payment of the requisite application fee made upon submission.

Site and Context

The application site is located in a mews to the rear of Albert Terrace (to the west) and is accessed from Regents Park Road to the north. The application site is a two storey residential dwelling with a basement and mansard roof on part of the flat roof. The residential garden is located to the rear and side of the building, on the corner of the road.

Figure 1 Aerial Image of the site (identified in red)

The building is of a modern construction and its south elevation is painted white, but it suffers greatly from overheating in the summer months. This is in part due to the extent of glazing and poor air circulation but also its position in the Mews with a large south facing façade which is exposed to the sun all day. Internal temperatures have passed 45 degrees centigrade in recent summers. In order to tackle the overheating issue, the Applicant has installed (at significant cost) the following passive measures to mitigate overheating:

- Windows openings have been maximised to facilitate natural ventilation.
- All windows and rooflights have been upgraded to modern double glazing.
- Solar film was installed to minimise solar gain, with a g-value of 0.4.
- Internal shade (and where appropriate on skylights external shade) in the form of electric roller blinds have been installed to further minimise solar gain.

Due to the surrounding context, the installation of external shade is not considered appropriate. The bedrooms and office are predominately being served by rooflights, with external blinds, where appropriate and all windows have internal shades.

The surrounding area is predominantly residential, with neighbouring properties having a mixture of scale, design and appearance. The properties within Albert terrace Mews are largely two storey buildings with modern design and construction, and the properties on the neighbouring roads, including the terrace directly to the north of the site along Regent's Park Road, consist largely of 3-4 storey semi-detached Edwardian buildings. Render and buff brickwork is the predominant building material, although other materials are present on some buildings.

The site is located within the Primrose Hill Conservation Area. The Conservation Area Statement mentions Albert Terrace Mews (along with Kingstown Road and Regal Lane: *"…provide a contrast to the wide roads and villa style properties that dominate the sub area. These narrow mews roads originally provided servicing to the rear gardens of the villas. They are accessed from the principal roads via gaps between buildings and gardens, and are shaped to accord with the land ownership within the block. Sporadic development of the mews began late in the 19th century and has continued to the present day, encompassing a wide range of architectural styles. These small mews buildings are generally located directly abutting, or close to the highway, are two storeys high, with flat fronts and strong parapet lines. Other features of the mews include small vegetated areas, York Stone paving, small set paving to highways and granite set side and central gutters. Views of the backs of the villa properties, rear gardens and boundary walls are also important and create a high degree of enclosure and privacy to some parts, which is punctuated by areas of relative openness and vegetation."*

The view from Albert Terrace Mews to the north of 52 Regent's Park Road is a "significant view". A number of buildings on Albert Terrace Mews are considered to make a positive contribution to the Conservation Area (no. 1, 3-9 consecutive) but it notably does not include the application site.

On 3rd March 1983 Permitted Development Rights relating to single family dwelling houses and minor operations, were withdrawn by an Article 4 Direction under the Town and Country Planning General Development Orders 1977(now updated as General Permitted Development Order 1995).

Planning History

The site has been subject to a number of planning applications in the past, with the most recent summarised below:

Application ref.	Proposal	Decision
2021/2340/T	FRONT GARDEN: 1 x Walnut Tree (T1) - Reduce by 2m in height and on the sides back to a suitable growth point. To leave a flowing outer canopy. Crown lift over the road to 3.5m - 4m in height.	Approved 13-05-2021
2014/7709/P	Excavation of basement and the addition of 2 x windows at 1st floor level on the front elevation.	Approved 20-01-2015
2014/5126/P	The erection of a basement extension under the footprint of the original building.	Withdrawn

Development

The development is for the retrospective installation of 3no. an air conditioning condenser units on the flat roof of the dwelling. The condensers were installed to serve two bedrooms (one of which is a guest room which is rarely used) and one office room in order to provide habitable living conditions during the hottest days of the year. The Applicant only ever utilised air conditioning in a room that is being occupied. Therefore only one fan coil unit and condenser is in operation at any given time.

A roof plan showing the location of the condensers is included within the submission and a photograph is provided below.

Figure 2 Photograph of the Condensers as Installed

The condensers are set within the parapet level of the roof on anti-vibration mounts and therefore are not visible from the public realm. They will only be seen from private views of the upper level windows of the adjacent Regent's Park Road terrace.

This application follows an enquiry from officers at the Council who attended a site visit earlier this year and even though the officer told the house owner there was no issue, it was later agreed that a retrospective application would be submitted in order to regularise the position.

Planning Policy Context

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this instance the 'Development Plan' comprises of; the Camden Local Plan (adopted in 2017) and the London Plan (adopted in 2021).

The following documents are also material considerations:

- National Planning Policy Framework ("NPPF") (2021);
- Planning Practice Guidance ("PPG") (2021); and
- Primrose Hill Conservation Area Character Appraisal and Management Plan (2022).

In terms of the adopted Local Plan Policies Map designations, the site lies within the designated Primrose Hill Conservation Area. There are no other designations that affect the site. The site is also at low risk of flooding, being located within Flood Zone 1, and there are no other environmental constraints.

The Planning (Listed Buildings and Conservation Areas) Act 1990, specifically at Section 72, requires planning applications to pay special regard "*to the desirability of preserving or enhancing the character or appearance of the area.*"

National Policy and Guidance on designated and non-designated heritage assets is also asserted within chapter 16 *'Conserving and enhancing the historic environment'*, of the National Planning Policy Framework (NPPF).

Planning Assessment

From a review of the statutory development plan, the key planning considerations are:

- Justification for the use of active cooling;
- Neighbouring Amenity (noise); and
- Design and impact on the surrounding conservation area.

Active Cooling

Local Plan policy CC2 expects all development to adopt appropriate climate change adaption measures, including measures to reduce the impact of urban and dwelling overheating including application of the cooling hierarchy. Under paragraphs 8.42 and 8.43 of the Local Plan:

"Active cooling (air conditioning) will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy.

The cooling hierarchy includes:

- *Minimise internal heat generation through energy efficient design;*
- *Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls;*
- *Manage the heat within the building through exposed internal thermal mass and high ceilings;*
- *Passive ventilation;*
- *Mechanical ventilation; and*
- *Active cooling."*

To accord with the above, an Overheating Assessment has been prepared to analyse the internal conditions of the site and to understand whether an overheating risk can be identified. This included creating a thermal dynamic simulation model for the whole building, even though only three rooms have air conditioning installed.

The Overheating Assessment confirms that, notwithstanding all of the mitigation measures already adopted, building fails the assessment methodology under current weather conditions and this is only predicted to get worse under future weather conditions.

The Assessment also confirms that the application site has followed the cooling hierarchy by considering all feasible passive measures prior to the installation of active cooling. Therefore, as per the last stage of the cooling hierarchy, active cooling is a measure that would mitigate overheating risk within the rooms in which active cooling has been installed.

Accordingly, the requirements of policy CC2 are met.

Neighbouring Amenity

Policy A1 of the Camden Local Plan (2017) states that the Council will seek to protect the quality of life of occupiers and neighbours. Permission will be granted for development unless this causes unacceptable harm to amenity. The policy seeks to ensure that the amenity of communities, occupiers and neighbours is protected.

An environmental noise survey has been undertaken at the site, by KP Acoustics Ltd on between 08/07/2024 and 09/07/2024. The results of the survey have enabled criteria to be set for noise emissions. Manufacturer's noise data of proposed plant units has been used to obtain Specific and Rated Noise Level at the nearest noise sensitive receiver in accordance with British Standard BS4142:2014 for compliance with the London Borough of Camden requirements.

The rating level was compared with the representative background noise level to assess the likelihood of impact considering the environmental noise context of the area as per the requirements of BS4142:2014.

Two scenarios have been considered, the first assuming that all of the condensers would be in operation at the same time and the second assuming only one condenser being used at any given time, reflecting the Applicants real world usage of active cooling.

In the first scenario, it has been concluded that noise emissions from the plant units when in operation during the hottest days of the year would have only a very slight impact on the nearest sensitive windows (i.e. a window at 18 Albert Terrace Mews). It should be noted that the most sensitive criteria is at night time (23:00-7:00) when it is less likely the condensers will be in operation.

Should the Council deem it necessary for the Applicant to undertake the cost of doing so, it would be possible to provide acoustic mitigation, in addition to the anti-vibration mounting already installed, to satisfy the emission criterion of the Council's noise guidance. This would be by way of an acoustic louvred screen around the condensers. It is envisaged the details of the installed screens could be secured by planning condition. But given the air conditioning is only used on extremely hot days and only for a few hours, the Applicant is worried about the further expense given the initiatives already introduced.

In the second (only one unit in operation) scenario the transmission of noise to the nearest sensitive windows satisfies the emissions criterion of the London Borough of Camden and no such mitigation measures are required.

As the second scenario reflects the actual use of the condensers, the Applicant would be happy to accept a planning condition restricting the use of the condensers to only one at a time. This would ensure that there is no unacceptable impact to neighbours, no matter how infrequent, without the cost associated with undertaking further unnecessary mitigation measures.

Design and Heritage

The NPPF requires Heritage Assets (such as the surrounding conservation area) to be conserved in a "*manner appropriate to their significance*" (paragraph 189). Paragraph 199 of the NPPF states 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (paragraph 200).

Policies D3 and D4 of the London Plan (2021) requires development to incorporate the highest quality materials and design appropriate to its context and have regard to the pattern of development of the area in terms of orientation, scale, proportion and massing.

Policy HC1 of the London Plan (2021) states 'development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings'.

Policy D1 of the Camden Local Plan (2017) states that the Council will seek to secure high quality design in development. Development should respect local context and character, and comprise of details and materials that are of high quality and complement the local character. Proposals must preserve or enhance the historic environment and heritage assets in accordance with Policy D2.

Policy D3 of the Camden Local Plan (2017) states that the Council will not permit the loss of or substantial harm to a designated heritage asset, including Conservation Areas. The Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area

In regard to the condensers as installed, they are discreetly located and shielded from views by the parapet of the building (you cannot see them from ground). The only visibility is from private windows of the adjacent terrace on Regent's Park Road where the condensers will be seen against a wider varied roofscape that commonly incorporates plant, flues etc. and roof terraces. Within this context, the impact is deemed to be negligible.

Should the Council insist on the provision of plant screens surrounding the condensers which we hope they do not, given the negligible effect of noise impact and the ability to control the impact by way of condition, this can be constructed in a discrete way. From the dimensions provided by the acoustic consultant (a sketch is provided in the Noise Compliance Report), it would only extend c. 500-600mm above the parapet level and will be located centrally within the roof so will continue to provide no visual impact on the street scene. The chosen materials will ensure it will not provide a distracting presence from any of the few private windows that will be able to see them.

Either way, the proposal does not adversely affect any original architectural features and the overall design of the building, which is any event is not seen as a positive contributor to the Conservation Area. Moreover, it will not impact the a "significant view" of the Mews form 52 Regent's Park Road. Given the insignificant scale of the proposal, and its location on the roof of the property, the character and appearance of the Conservation Area will not be impacted.

The proposal therefore accords with the NPPF (2021), Policies D3, D4 and HC1 of the London Plan (2021) and Policies D1 and D3 of the Camden Local Plan (2017).

Conclusion

The proposal represents a much needed addition of active cooling to ensure habitable conditions can be achieved at the property during the hottest days of the year. Without it, the internal temperature can exceed 45 degrees centigrade which is inhospitable. The Applicant has tried every available measure to reduce the effects of overheating, including upgrading the windows to double glazing, installing solar film and sunshades but it has proved unsuccessful. Active cooling has only been installed as a last resort, in line with the cooling hierarchy. The use of active cooling is therefore justified, in line with the Council's planning policy.

Care has already been taken to reduce the effects of noise on the neighbours through the installation of anti-vibration bases. Only one condenser is used at any given time and the submitted Noise Impact Assessment confirms that in this scenario there will be no detrimental noise impacts. If all three condensers were used at nighttime (which in itself is unlikely), only a very small impact to the nearest sensitive windows would be experienced. A condition to restrict the use of the condensers to a single unit at any given time would be accepted to provide comfort that there will be no amenity impact. Nevertheless, should for whatever reason the Council deem it absolutely necessary, acoustic screens could be installed to fully mitigate the impact.

In terms of visual impact, the condensers are set within the parapet level of the building and will not be visible from any public vantage points. Only very few private views are possible and these will always see the condensers against a backdrop of a busy roofscape. If the acoustic screens were to be installed, the visual impact would not be dissimilar.

As such, it has been demonstrated that the proposal complies with the requirements of the Development Plan. We therefore consider that retrospective planning permission should be granted without delay.

Yours faithfully,

Alfie Yeatman