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The Planning Inspectorate
Team E3
Temple Quay House
2 The Square
Bristol

Dear Nasreen BiBi,

**Town and Country Planning Act 1990 as amended
Planning Appeal Statement (Local Planning Authority)**

Site: 43 Brecknock Road, N7 0BT

**Appeal by: MR DILIP PATEL
Enforcement Notice dated 17th October 2024**

I write in connection with the above Enforcement Notice regarding the installation of 1 x air conditioning unit on the side of the ground floor retail unit.

The Enforcement Notice requires the complete removal of the air-conditioning unit from the land and the making good of any resulting damage; and the removal of any resultant debris and paraphernalia from the land.

The unit causes significant harm to the character and appearance of the property and surrounding area, and adds to the visual clutter on the wall caused by other unauthorised units that have become lawful through the passage of time. Additionally, noise concerns were brought to the Council's attention shortly after the installation of the unit.

The Council's case is primarily set out in the delegated enforcement officer's report (EN19/0452) which has already been sent with the questionnaire. It is to be relied on as the principal statement of the case. Copies of the relevant Camden Local Plan policies and accompanying guidance were also sent with the appeal questionnaire.

In addition, the Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice before deciding the appeal.

1. Summary

The site comprises a single storey commercial unit located on the western side of Brecknock Road. The breach of planning control relates to the installation of an air conditioning installed on the side of the property.

The air conditioning unit was originally installed on the property's roof but was relocated to the side of the property in response to the Council's enforcement notice requiring its removal. In its new location on the side of the property, the unit adds to visual clutter and is prominently visible from Brecknock Road.

Additionally, Camden's policies seek to control the impact of noise from such units on neighbouring amenity. In absence of a noise assessment, the unit has the potential to cause serious noise disturbance to neighbouring residents, and this case was originally brought to the Council's attention based on noise complaints from residents.

The unit continues to be unauthorised and constitutes a breach of planning control in this location.

2. Status of policies and guidance

National Planning Policy Framework 2024

London Borough of Camden Local Plan (2017)

A1 – Managing the Impact of Development

A4 – Noise and Vibration

D1 – Design

Camden Planning Guidance: Design (2019)

Camden Planning Guidance: Amenity 2021

There are no material differences between the NPPF and London Plan in relation to this appeal. The Council's Local Plan policies are in the early stages of being updated and it is not envisaged that there would be any material differences in relation to this appeal.

3. Comments on appellant's grounds of appeal:

The Enforcement Notice is appealed under ground A only. The grounds of appeal are summarised and addressed below under these headings.

Ground A- that Planning permission should be granted.

The appellant argues on ground A that planning permission should be granted for what is alleged in the notice.

The appellant claims that the subject of this notice is not an air-conditioning unit but rather a refrigeration unit for commercial premises. The appellant then goes on to describe the unit's function in relation to internal refrigerators.

Regardless of its specific function, the unit remains an air conditioning system, as it operates by cooling air to regulate temperature—whether for general ventilation or refrigeration purposes. Local policy requires such units to obtain planning permission regardless of their function and therefore it cannot be argued that planning permission should be granted due to the function of the unit.

The appellant subsequently claims that any potential neighbouring amenity issues should be disregarded as the complainant (who originally brought the unit to the Council's attention) no longer lives in the area.

The impact of the unit on neighbouring amenity is not contingent on the presence of a specific complainant but rather on its overall effect on the surrounding area. Planning considerations must account for the potential harm to any current or future occupants, not just those who initially raised concerns. As such, the appellant's argument does not justify disregarding the issue.

Finally, the appellant argues that the unit in its new location is not causing any noise issues.

The appellant provides no evidence for this claim and has not submitted any noise report to demonstrate that the noise produced by the unit falls within acceptable levels. Local policy requires a noise and vibration assessment for any new air-conditioning unit and in its absence the Inspector has no evidence before them to reasonably conclude that no noise issues are caused by the unit.

None of the arguments made under ground A demonstrate to the inspector that planning permission should be given for what is alleged in the Enforcement Notice. Accordingly, the Council politely requests that the Inspector dismiss the Appeal and uphold the Enforcement Notice.

The works have taken place. It is not considered that any conditions would mitigate the harm caused.

Please do not hesitate to contact me to discuss the matter in more detail.

Yours sincerely

Miles Peterson
Planning Enforcement Officer
Supporting Communities Directorate