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## Appeal Decision

Site visit made on 25 February 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

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**Appeal Ref: APP/X5210/W/24/3353075**

**Suite 108/109, 100 Hatton Garden, London EC1N 8NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Sanjay Khandelwal of Emdico (London) Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2023/2445/P.
  - The development is A/C system with retention of the A/C Outdoor Units.
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### Decision

1. The appeal is allowed and planning permission is granted for 2x air condenser units within the internal courtyard and installation of new acoustic screens at ground floor level at 100 Hatton Garden, London EC1N 8NX in accordance with the terms of the application, Ref 2023/2445/P, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with drawing nos FL129 A101 REV04; FL129 A103 REV04; FL129 A204 REV04; FL129 A305 REV04; FL129 A306 REV04; 26706.PCR.01 REVB and Energy Statement by MES Building Solutions dated 05 June 2023.
  - 2) 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 installation operating at maximum capacity and thereafter be permanently retained.
  - 3) The air condenser units shall only be operational between the hours of 10am to 6pm Monday to Friday.

### Preliminary Matters

2. The proposal is described as “A/C system with retention of the A/C outdoor units”. I observed that the air condenser units have been installed, however the submitted plans show that they would be within a louvred enclosure, which is not yet in place. I have determined the appeal on the basis of the submitted plans which has necessitated a revised description.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2024 and it was further updated in February 2025. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no interested parties have been prejudiced by taking this approach.

## Main Issue

4. The main issue is the effect of the development on the living conditions of nearby residents with particular reference to noise and disturbance.

## Reasons

5. The appeal site is located within a central courtyard area associated with a large complex which comprises commercial premises with residential accommodation above. The courtyard is accessed by a secure gate on Greville Street. The development is two condenser units within this central courtyard mounted on anti-vibration brackets. The units provide air conditioning to the commercial property associated with suite 108/109, currently used as a jewellers shop.
6. I observed that there are seven units located on the wall adjacent to those which are subject to the appeal. Further units are located on this wall in the opposite corner. In the centre of the courtyard are two large banks of extractor units, which serve other premises in different ownership within the group of buildings. The Council do not have records for the installation of these centrally located extractor units.
7. Policy A4 of the Camden Local Plan (2017) (LP) states that the Council will seek to ensure that noise and vibration is controlled and managed. Development should have regard to Camden's Noise and Vibration thresholds set out in Appendix 3 of the LP. Table C refers to noise levels applicable to proposed industrial and commercial development. A 'rating level' of between 9dB below and 5dB above the background noise is considered to have an amber rating, where noise is observed to have an adverse effect level, but which may be considered acceptable when assessed in the context of other merits of the development. The Council accept, and I agree, that the need for comfort cooling is justified and demonstrated in general accordance with the LP.
8. The appellant's Planning Compliance Report (PCR)<sup>1</sup> includes continuous automated monitoring undertaken for the duration of the noise survey between 4.50pm on 18/5/2023 and 4.50pm on 19/5/2023, during which weather conditions were generally dry with light winds.
9. The submitted PCR assessed the noise levels of the existing units in ascertaining the background noise levels, which are illustrated in figure 26706.THI. The appellant has confirmed that the condenser units subject to the appeal were not running at this time. The report notes that the noise climate in the area is dominated by the existing plant in the vicinity. However, this background noise drops between 9.30pm and 6.15am, when this plant is not in operation. The PCR therefore considered the background noise levels during the period of 9.30pm and 11pm as the basis for the assessment, when background levels were at their lowest. The appellant confirms that the PCR has been carried out in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound' as required by Policy A1 of the LP.
10. The noise emission levels for the air condenser units provided by the manufacturer have an overall rating of 59dBA. The closest residential property is located approximately 12m above the air conditioning units. The PCR concludes that

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<sup>1</sup> Planning Compliance Report 26706.PCR.01 by KP Acoustics Ltd Revision A dated 30/05/23, Revision B dated 1/12/23

taking all acoustic corrections into consideration, including the fitting of acoustic louvre enclosures, that the noise level expected at the closest window from the air conditioning units would be 35dB(A). This achieves a plant noise level of 10dB below the measured nighttime background noise level of 45dB(A) and therefore would meet the requirements set out in Table C in Appendix 3 of the LP.

11. By assessing the impacts of the two air condenser units when the others were switched off it has enabled an assessment of the worst-case scenario of potential noise levels. The PCR concludes that the proposal would comply with the requirements set out in Appendix 3 of the LP.
12. Although the acoustic louvre enclosure is not currently in place, one which meets the specifications recommended by the PCR is shown on the submitted plans. I do not consider a condition is necessary to secure the installation of the acoustic louvre enclosure as it is by default necessary to meet the requirements of Table C in Appendix 3 of the LP.
13. Concerns have been raised about the proposal by the Residents Association (RA) on behalf of 1000 residents. There are ongoing noise complaints resulting from the existing units, including the large central bank of extractor units, and the RA are concerned that adding further units will worsen the noise impacts. The Council contends that given the concerns of neighbours, the PCR must consider the cumulative effects of the proposal alongside existing units. In this regard, I have no alternative technical evidence before me which suggests that the units subject to this appeal would worsen the existing cumulative noise levels at the site when they are in operation.
14. Accordingly, I conclude that the air condenser units would not cause unacceptable harm to the living conditions of neighbouring residents with particular reference to noise and vibration. The proposal thereby complies with Policies A1 and A4 of the LP, which seek amongst other things to ensure that permission for noise generating development will only be permitted where it does not cause harm to amenity.

### **Other Matters**

15. The site is located within the Hatton Garden Conservation Area (CA). The significance of the CA is derived largely from the activities associated with the area especially those connected to the jewellery trade, concentrated along Hatton Garden and its side streets. No. 100 Hatton Garden is listed within the Hatton Garden Conservation Area Appraisal and Management Strategy (2017) as a block which makes a negative contribution to the character of the CA.
16. The Council has not raised any concerns in relation to the effect on the character or appearance of the CA. As the air condenser units are located within a modern courtyard, they would not be visible from wider local or private views. Therefore, I am satisfied that the proposal would not harm the character or appearance of the CA.

### **Conditions**

17. I have considered the Council's suggested conditions and where appropriate amended the wording to more closely align with Planning Practice Guidance.

18. As the development is substantially complete it has not been necessary to impose a commencement of development condition. I have imposed a condition relating to approved plans for the avoidance of doubt (1). Conditions relating to noise emissions and the hours of operation of the air condenser units (2 and 3), which reflect the opening hours of the shop unit are necessary in order to protect the living conditions of neighbouring residents.

**Conclusion**

19. For the reasons given above the appeal should be allowed.

*C Skelly*

INSPECTOR