

Delegated Report		Expiry Date:	09/01/2014	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
34 Percy Street London W1T 2DG		i) 2013/5331/P ii) 2013/5332/L			
Proposal(s)					
Erection of 3x air conditioning units on rear elevation at first floor level and 1x at front of property in basement lightwell, all to existing dwelling.					
Recommendation(s):		i) Refuse and warning of enforcement action to be taken ii) Refuse and warning of enforcement action to be taken			
Application Type:		i) Planning permission ii) Listed building consent			
Consultations	Date advertised	21 days elapsed		Date posted	21 days elapsed
Press notice	5/12/13	26/12/13	Site notice	27/11/13	18/12/13
	Date sent	21 days elapsed	# Notified	# Responses	# Objections
Adjoining Occupier letters	22/11/13	13/12/13	33	0	0
Consultation responses (including CAACs):	No responses received.				
Site Description					
The site is a four storey (with lower ground floor) terrace property on the north side of Percy Street. The property is in the Charlotte Street Conservation Area and is part of Grade II listed terrace. The property is also in the Fitzrovia area of Central London.					
Relevant History					
16584: Rebuilding and extension of the rear of 32-34 Percy Street, W1, on basement to fourth floors, the use of the resulting building as showroom and residential on basement and ground floors, offices and residential on first, second and third floors, and residential on fourth floor, and alterations to the front elevation of No.32. <u>Granted</u> 08/05/1979 9000282: Refurbishment of building including installation of new windows. <u>Granted</u> 22/08/1990 9070102: Internal alterations demolition of staircase refurbishment of rooms to original state replacement of internal doors and rear windows to original. <u>Granted</u> 22/08/1990 2012/3506/P: Installation of glass floor in rear lightwell at ground floor level, removal of windows and installation of glazed roof at first floor level in rear lightwell to create glazed link at ground floor level all in connection with change of use of basement, ground, first, second and third floor level from office (Class B1) to 1 x 4 bedrooms residential dwelling (Class C3). <u>Granted</u> 27/09/2012					

2012/3515/L: Installation of glass floor in rear lightwell at ground floor level, removal of windows and installation of glazed roof at first floor level in rear lightwell to create glazed link at ground floor level and internal alterations in connection with change of use of basement, ground, first, second and third floor level from office (Class B1) to 1 x 4 bedrooms residential dwelling (Class C3). Granted
24/09/2012

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of Growth)
CS5 (Managing the Impact of Growth and Development)
CS14 (Promoting High Quality Places and Conserving Our Heritage)
DP24 (Securing High Quality Design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the Impact of Development on Occupiers and Neighbours)
DP28 (Noise and vibration)

Camden Planning Guidance (CPG1 Design paragraph 11.1 and 11.12)

Charlotte Street Conservation Area Statement

London Plan 2011

NPPF 2012

Assessment

Proposal: Consent is sought for the retention of 3 air-conditioning condenser units on the rear elevation and 1 air-conditioning condenser unit within the front lightwell. The air-conditioning units measure approximately 0.8m wide, 0.6m high and 0.2m deep. The units are mounted at 1st floor level on the rear wall and they project approximately 0.4m from the rear elevation. Two of the condensers are mounted together (one above the other) on the rear projection and one unit is mounted below a first floor window (and just above the roof of the ground floor which extends to the full width and depth of the site).

Assessment:

Design: Building services equipment, if not considered appropriately, can cause significant visual blight. Special consideration should be given to the installation of plant, machinery and ducting on listed buildings and in conservation areas. Fewer external solutions are likely to be appropriate in these locations.

The top of the two air conditioning condenser units which are mounted together is 1.7m above the level of the roof of the ground floor. The three condenser units on the rear elevation are insensitively located and are an obtrusive addition which harms the rear elevation of the host property. They introduce unnecessary clutter to the first floor rear elevation and are harmful to special architectural interest of the listed terrace.

The air-conditioning condenser unit in the front lightwell is considered to be appropriately located and would not harm the appearance of the host property or the conservation area.

Amenity: The nearest noise sensitive windows are the ground floor windows on the front elevation of 33 Percy Street and the first floor windows on the rear elevation of 35 Percy Street. The applicant has submitted a noise report which indicates that the predicted noise level from the proposed air conditioning unit at the nearest noise sensitive window would be 36dB(A). This would not be more than 10dB below the minimum existing background noise level (45dB(A)) at the nearest noise sensitive façade. The units would therefore need to be enclosed or attenuated to be in compliance with policy DP28. If approval was recommended a condition would be included to ensure that a suitable enclosure / attenuation was put in place.

Recommendation: Refuse and warning of enforcement action to be taken

That the Head of Legal Services be instructed to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended, to remove the unauthorised air-conditioning condensers and officers be authorised in the event of non-compliance, to prosecute under Section 43 and/or appropriate power and/or take direct action under Section 42 respectively, in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

Without listed building consent:

The unauthorised erection of 3 air-conditioning condensers on the rear elevation of the property.

The Notice shall require that, within a period of three months of the Notice taking effect, the 3 air-conditioning units at first floor of the rear elevation shall be removed.

Reasons for Issuing the Notice:

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

The unauthorised air-conditioning condensers, by reason of their number, materials, location and size, result in demonstrable harm to the special interest of the grade II listed building and terrace contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Development Policies Development Plan.