



Appeal Decision

Site visit made on 15 July 2014

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2014

Appeal Ref: APP/X5210/D/14/2218302

34 Percy Street, London, W1T 2DG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Fugler against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/5331/P, dated 15 August 2013, was refused by notice dated 20 February 2014.
 - The development proposed is described as *replacement air conditioning units*.
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Decision

1. The appeal is allowed and planning permission is granted for replacement air conditioning units at 34 Percy Street, London, W1T 2DG in accordance with the terms of the application, Ref 2013/5331/P, dated 15 August 2013 and the plans submitted, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered Perc/ele/001, 002, two number A3 drawings titled existing AC Condensers dated 28.9.12 and 2 number A3 drawings titled proposed AC Condensers dated 28.9.12 all at a scale of 1:100 and site location drawing scale 1:1250.
 - 2) Before the four air conditioning units are used at the premises, they shall be attenuated or enclosed with sound-insulating material, in accordance with a scheme to be submitted to the Council within 2 months of the date of this decision and approved in writing, to meet the requirements of Policy DP28 of the London Borough of Camden Local Development Framework-*Camden Development Policies 2010-2025*. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. The original applications submitted to the Council were for both planning permission and listed building consent. This appeal, however, relates only to the Council's refusal to grant planning permission, its reference: Ref 2013/5331/P. I shall therefore confine my considerations accordingly.
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Main Issues

3. I consider the main issues to be the effect of the proposal on the special architectural and historic interest of 34 Percy Street listed grade II, its setting and whether the works would serve to preserve or enhance the character or appearance of the Charlotte Street Conservation Area.

Reasons

4. The property the subject of this appeal, 34 Percy Street, is a four-storey (with lower ground floor) terrace property on the north side of Percy Street, much extended and altered and recently converted into a four bedroom residential dwelling. It is listed grade II and located in the Charlotte Street Conservation Area.
5. According to the list description the terrace (numbered 34-37) that was re-fronted in the 1950's was probably built between 1766 and 1770. In my view, its special architectural and historic interest relates to the history of its development and uses, its design and detailing and its setting as part of the terrace.
6. The appellant proposes the removal of six air conditioning units (AC units) and their replacement with three new units mounted at first floor level on the rear elevation of the property, with a fourth located in the lower ground floor light well at the front of the dwelling. As I saw on the occasion of my visit the replacement units have been installed.
7. The Council considers the AC unit installed in the front light well to have been appropriately located such that it would not harm either the appearance of the property or the conservation area. From my observations on site, it is clear that the AC unit is a modern intervention and has been sited so as to have a limited impact on the special interest of the listed building and on the character or appearance of the conservation area. Accordingly I concur with the Council's findings in respect of this unit.
8. In my opinion the three AC units installed at the rear of the property are modest in size and neatly installed. Like the unit to the front of the building they are clearly recent modern interventions and therefore, by definition, contrast with the existing building. However, they have been positioned at low level just above the roofline of the earlier rear extension and are therefore not unduly prominent or obtrusive. For these reasons I do not consider that they would not cause significant harm to the special architectural or historic interest of the building or its setting.
9. Further, the rear of the building is not open to view other than from the private realm. Accordingly, having regard to their size, neat installation and position, along with the form, detail and associated paraphernalia of the surrounding buildings, I consider that they would not cause visual harm to the surrounding area and therefore they would serve to preserve the character and appearance of the conservation area.
10. I therefore conclude that the four AC units would not be detrimental to the special architectural or historic interest of the building or the terrace of which it is part. Further, they would serve to preserve the character and appearance of

the conservation area. The proposal therefore accords with the objectives of Policy CS14 of the London Borough of Camden – Local Development Framework-*Camden Core Strategy* 2010-2025 and Policies DP24 and DP25 of the London Borough of Camden Local Development Framework-*Camden Development Policies* (DP) 2010-2025 as they relate to the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other matters

11. An environmental noise survey has been undertaken along with a noise impact assessment. The conclusion of these studies was that the noise emissions from the installed plant units, while meeting the requirements of British Standard current at that time, would marginally exceed the Council's own requirements by 1dB. As I can appreciate, given the high density urban environment and diversity of activities in the local area, noise can have a major effect on the living conditions of neighbouring residential occupiers. Accordingly, and despite the limited shortfall, I shall nevertheless impose a condition requiring the units to either be suitably attenuated or enclosed as proposed by the Council.

Conditions and conclusion

12. The Council has suggested, if I were minded to allow the appeal, that in addition to the standard time conditions the materials to be used should match those used in the existing building. As the AC units are already in place and are of a contrasting contemporary design I do not consider that either condition is relevant in this case. However, I shall impose a condition requiring the AC units to either be attenuated or enclosed so that they meet the requirements of Policy DP28. For the avoidance of doubt and in the interests of proper planning, I shall also impose a condition requiring the development to be carried out in accordance with the approved plans.
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR