

# 2016/6928/P 14 Rosslyn Hill



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**Figure 1:** View of side elevation where AC is proposed.





**Figure 2:** Neighbouring property, in particular the neighbouring window.

<b>Delegated Report</b> (Member Briefing)		<b>Analysis sheet</b> N/A		<b>Expiry Date:</b>	10/02/2017
				<b>Consultation Expiry Date:</b>	08/03/2017
<b>Officer</b>			<b>Application Number(s)</b>		
Helaina Farthing			2016/6928/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
14 Rosslyn Hill London NW3 1PD			1243/EP-001; 1243/EE-001; 1243/EE-002; 1243/AP-001; 1243/AE-001; 1243/AE-002; 1243/OS-001; Acoustic Assessment Report prepared by PC Environmental dated the 13 <sup>th</sup> December 2016.		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Installation of an external air-conditioning unit on the side elevation of the existing dwelling house at ground level (Class C3).					
<b>Recommendation(s):</b>		Grant Conditional Planning Permission			
<b>Application Type:</b>		Householder Application			

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from the 15/02/2017, expiring on the 08/03/2017 and a public notice was published in the Ham &amp; High on the 13/01/2017.</p> <p>No letters of objection have been received following the consultation period.</p>					
<b>CAAC/Local groups comments:</b>	<p>The Hampstead CAAC was notified and no objections were received.</p> <p>The Heath and Hampstead Society objected on behalf of themselves on the following grounds.</p> <ol style="list-style-type: none"> <li>1. <i>That the external air-conditioning unit produces considerable noise pollution – particularly, as in this case, when there are domestic windows nearby and reflective solid walls around an enclosed space to reflect and intensify the noise;</i></li> <li>2. <i>Air conditioning is energy expensive and adds unnecessary carbon into the environment and should not be accepted in domestic situations.</i></li> </ol> <p>Officer Comments</p> <ol style="list-style-type: none"> <li>1. See paragraph 2.5 of the assessment section of the report;</li> <li>2. Whilst it is acknowledged that there alternative methods to the proposed AC units. AC units are not uncommon in a residential setting and therefore this is not considered to be an acceptable reason for refusal.</li> </ol>					

## Site Description

The host property is a two storey semi-detached dwelling located on the north side of Rosslyn Hill within the Hampstead Conservation Area and is subject to an Article 4 direction. The property occupies a constrained plot surrounded on two sides by the rear of 1 Hampstead Hill Gardens, a Grade II Listed Building split into flats.

The property is one of two matching pairs of semi-detached dwellings, which have been subject to various minor alterations to their frontages.

## Relevant History

2016/3562/P – 14 Rosslyn Hill; *Erection of roof extension with front roof light and rear dormer.* Granted 26<sup>th</sup> January 2017.

2016/5322/P – 14 Rosslyn Hill; *Erection of single storey rear extension (Certificate of Lawfulness - Proposed).* Granted 14<sup>th</sup> October 2016.

## Relevant policies

### National Planning Policy Framework 2012

**The London Plan March 2015, with amendments since 2016 (sections 7.4 Local Character and 7.6 Architecture)**

### LDF Core Strategy and Development Policies 2010

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 2011

CPG1 Design (2015; Section 2, 3, 4 and 5)  
CPG6 Amenity (2011; Section 2, 3, 4, 5, 6 and 9)

### Hampstead Conservation Area Appraisal and Management Strategy (2001)

### Camden Local Plan Submission Draft 2016

Policy A1 Managing the impact of development  
Policy A4 Noise and Vibration  
Policy D1 Design  
Policy D2 Heritage

The emerging Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Emerging Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight

## Assessment

### 1.0 Proposal

1.1 planning permission is sought for a;

- Installation of an external air-conditioning unit positioned to the side of the property, towards the north-east corner of the side access-way at ground level ;

### 2.0 Assessment

2.1 The main issues to be considered are;

- Design and impact on wider area;
- Neighbour amenity.

#### Design

2.2 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy DP24 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.

2.3 CPG1 Design guidance recommends that alterations take into account the character and design of the property and surroundings, windows, doors and materials should complement the existing building, and rear extensions should be secondary to the main building.

2.4 The installation of the side air-conditioning unit at ground level would not impact adversely on the host building or the wider conservation area. The air-conditioning unit would be located discreetly along the side-access and would be modest in size, positioned at ground level. Given the positioning and scale, the proposed air-conditioning unit is not judged to have a negative impact on the host building or the surrounding area.

#### Amenity

2.5 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be "designed to protect the privacy of both new and existing dwellings to a reasonable degree" and that the Council will "aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers."

2.6 The proposed air-condition unit is not considered to adversely impact on the amenity of the adjoining property. The air-condition units would be modest in size and therefore it is considered that there would be negligible harm to the amenity of any adjoining residential

occupiers in terms of the loss of sunlight and outlook, privacy or added sense of enclosure.

- 2.7 The applicant has submitted an acoustic report and background noise survey which includes calculations of predicted noise levels to support compliance with the Council's standards. The Council's Environmental Health officer has assessed the submitted acoustic report, and is satisfied the Council's required standards are capable of being met, subject to the standard recommended condition regulating noise and vibration levels. As such no adverse amenity impacts are envisaged.

### **3.0 Recommendation**

- 3.1 The proposed development is considered acceptable in terms of its design and impact on the conservation area and any impact on the residential amenity of neighbouring occupiers are considered to be an acceptable level. The development is deemed consistent with the objectives and policies identified above. It is recommended planning permission be granted.

#### ***DISCLAIMER***

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday the 20<sup>th</sup> March 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***



Mr Owen Lewis  
Nicholas Lee Architects Ltd.  
34A Rossllyn Hill  
Hampstead  
London  
NW3 1NH

Application Ref: **2016/6928/P**  
Please ask for: **Helaina Farthing**  
Telephone: 020 7974 **3303**

16 March 2017

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:  
**14 Rossllyn Hill**  
**London**  
**NW3 1PD**

# DECISION

Proposal:  
Installation of an external air-conditioning unit on the the side elevation of the existing dwelling house at ground level (Class C3).

Drawing Nos: 1243/EP-001; 1243/EE-001; 1243/EE-002; 1243/AP-001; 1243/AE-001; 1243/AE-002; 1243/OS-001; Acoustic Assessment Report prepared by PC Environmental dated the 13th December 2016.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Executive Director Supporting Communities



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans 1243/EP-001; 1243/EE-001; 1243/EE-002; 1243/AP-001; 1243/AE-001; 1243/AE-002; 1243/OS-001; Acoustic Assessment Report prepared by PC Environmental dated the 13th December 2016.

The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule [inset name or number of schedule of plans]

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment.

- 4 Prior to use, plant or equipment and associated ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 Camden Local Plan Submission Draft 2016: The emerging Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Emerging Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

**DECISION**