

Paragraph 5.18 of the HNP deals with the need to disclose the detailed relationship between permanent and temporary works and how vertical and lateral loads are to be supported.

This is clearly not the case either in this application and should also be reason for the rejection of this application. Paragraph 8.4 of the BIA is faulty since it states: the following indicative sequence is proposed and will be subject to detailed design by the structural engineer". This is in clear breach of procedures in reference to paragraphs 5.12 c, 5.13, 5.15, 5.17 and 5.18 of the HNP as this should be provided in a detailed manner prior to determination.

#### **4- Breach of the NPPF and other policies**

The applicant states in paragraph 6 of its design and access and heritage statement of July 2020 that "the introduction of ventilation will reduce its reliance on mechanical ventilation". So clearly the applicant has still not committed to renounce mechanical ventilation. There should instead be a clear and unequivocal undertaking from the applicant to renounce entirely to mechanical ventilation. So long as there is no such undertaking through a section 106, this application should be refused in its entirety. This application cannot be disassociated from application from application 2020/2666/P and the two applications put together do not comply with the emerging policy SI1 of the emerging London plan on improving air quality since the applicant has not formally undertaken to refuse the use of an outdoor air conditioning/mechanical ventilation unit and therefore the proposed schemes will not be Air Quality Neutral and will not improve local air quality and will generate the opposite desired effect on improving air quality. This application is contrary to Policy CC2 of the Local Plan which states: "The Council will discourage the use of air conditioning and air conditioning and excessive mechanical plants". The applicant has not complied either with paragraph 5.48 of the London Plan by properly incorporating the cooling hierarchy. There is no need to have such a deep excavation 3.5 metres in depth to increase natural ventilation. It is contrary to policy D10 of the emerging London Plan. The proposed depth should be significantly less e.g. 1 or 1.5 metres in depth and at a sloping angle to achieve the desired natural ventilation.

To entirely renounce to the use of mechanical ventilation, the applicant should also have instead recourse to a comprehensive set of proposals e.g. openings on the roof, openable windows, details of the green roof.... None of which have been provided in this application. The applicant has still not provided a comprehensive overheating analysis either. It would be procedurally unacceptable to accept the proposal without the above. We have taken professional advice on this matter.

A comprehensive thermal analysis that shows and demonstrates how the applicant will not apply for a mechanical ventilation must be provided by the applicant and the applicant continues to fail to do so. This was part of our objections of planning application 2020/2666/P as per enclosure. The cooling impact of the nearby trees on this eastern facing façade have not been assessed either and factored through a methodological and quantitative study.

#### **5- Light pollution**

The openable glass rooflight should be made of very opaque anti external glaze glass or sliding metallic or aluminium panels and clear specifications should be provided to that effect. We notice that in the revised document the applicant makes now makes mention of "glazed opening roof light". The applicant should specify clear and detailed specifications for highly glazed opening. "Glazed opening rooflight" is too vague and subject to interpretation. Doing otherwise will create light pollution as we fully overlook this area from our house. It would negatively impact on our amenities. This application would be in such instances contrary to Policy D10, paragraph 3.10.3 of the emerging London Plan and Policy A1 of the Camden Plan on the matter.

#### **Conclusion:**

This application must be refused in its current form for all the above reasons. It is an unnecessary overdevelopment and on many aspects.

Oliver Froment,  
10 Pilgrim's Lane  
NW3 1SL

**Executive Summary:**

This application is in breach of over a dozen planning policies of the NPPF, London, Camden and the Hampstead Neighbourhood Plans.

**Air Quality and Global Warming**

It is contrary to Camden Council's Policy CC2 which states: "The Council will discourage the use of air conditioning and air conditioning and excessive mechanical plants".

The proposed large air conditioning unit would negatively impact air quality and contribute to global warming as it expels hot air and green gas. It would also consume a significant amount of kilowatt hour and so further contribute to global warming.

**No Demonstration of Need**

Contrary to paragraph 6.99 of the Camden Plan, this application does not demonstrate that "there is a clear need" for an air conditioning unit nor explain why it should prevail over other alternatives. This application does not comply with Chapters 8.42 and 8.43 and Policy D1 of the Camden Plan since the applicant has not incorporated "best practice resource management and climate change mitigation and adaption" and "does not promote health".

**Failure to Properly Consider Alternative Solutions**

The applicant has failed to comment on the viability of other more environmentally desirable alternatives, such as passive ventilation shafts, ground source heat pumps, static roof vents, ridge vents, roof windows or open windows, roof or open skylight etc. Many local houses in the same street have some of these features and the applicant has not considered let alone demonstrated why he could not adopt these. There are no comprehensive data and analysis to back and demonstrate what is stated in paragraphs 2, 4, 5 and the conclusion reached in the Cooling Hierarchy submitted by Ungar architects and its content should therefore be discarded. No comprehensive overheating analysis is provided either. It would be procedurally unacceptable to accept these documents. We have taken professional advice on this matter.

**Flawed Analysis, Noise Pollution, Significant Loss of Amenity**

The noise pollution caused by the air conditioning unit would create a severe loss of amenities. The noise benchmarks and recordings used in the application are totally flawed, incomplete and deficient on many counts. The application violates Policies D1 and A1 of the Camden Plan. Also, the measurement procedures do not comply with the way British Standard 4142 is often implemented. It would be therefore procedurally unacceptable to accept the Plant Noise Assessment in its present form.

**No Preservation or Enhancement of the Conservation Area**

Contrary to NPPF Section 72 and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan "HNP", this outbuilding structure would compromise the sense of openness of the garden and all visual aspects. This application is also contrary to Policy CC2 as it does not protect existing green space.

The site of the proposed planning application is located in a Biodiversity Corridor as per Policy NE3 of the HNP. Contrary to Policy NE3 of the HNP, this development would diminish the biodiversity in the

rear gardens. Contrary to Policy NE4 of the HNP, it will not contribute to biodiversity and it would not protect wildlife movements either. It also is not in accordance with Policy A1, A3 and A4 of the Camden Plan since it will not “protect, maintain and enhance green corridors”. Councils have a statutory duty to have regard to the purpose of conserving biodiversity.

Please find hereunder an expanded objection following the above order.

## Air Quality and Global Warming

The [Emerging London Plan](#) states in paragraph 9.4.4: “Passive ventilation should be prioritised, taking into account external noise and air quality in determining the most appropriate solution. The increased use of **air conditioning systems is not desirable** as these have significant energy requirements and, under conventional operation, expel hot air, thereby adding to the urban heat island effect. If active cooling systems, such as air conditioning systems, are unavoidable, these should be designed to reuse the waste heat they produce.” This application does not comply with these points.

This application is contrary to the main thread of the NPPF as it does not promote sustainable development and, nor does it comply with the environmental objective, in chapter 2.8 - c, as it does not protect and enhance our natural environment, does not help to improve biodiversity nor does it help to mitigate to climate change.

In addition, this application violates Policy CC2 on climate change and paragraph 8.39 is explicit on the matter: “The Council will discourage the use of air conditioning and excessive mechanical plant.”

Furthermore, this application does not comply with Chapter 10.8 of Camden Guidance on Energy Efficiency “because of the additional energy consumption on microclimate from the warm air expelled from the equipment”. It does not comply with the [Camden's Environmental Sustainability Plan](#) as it does not improve energy efficiency of homes or minimises energy use<sup>1</sup>.

Daikin, the manufacturer of the air conditioning unit, has informed us that the heat generation from the proposed unit would possibly increase the air temperature by - at least - 15 to 20% over the ambient air conditioning as a result of the hot air exhaust on one side of the unit. The manufacturer also informs us that the whole system may necessitate over 10,000-kilowatt hour on a yearly basis if used often hence further contributing to global warming. The wording used under paragraph 3.2 of the Plant Noise Assessment implies that the plant is likely to be used at full duty during the day. These damaging effects are contrary to Camden’s Action Plan.

It is the duty of Camden Council to comply with the Air Quality Standards Regulation 2010. Camden has been in breach of the thresholds specified in this Regulation since 2000 and has been an Air Quality Management Area since then. This legislation requires the Secretary of State to use all necessary measures not entailing disproportionate costs to meet the targets in the Regulations. These are strong and clear undertakings and they have been tested in the Supreme Court three times. The UK Government has lost each time (most recently in Feb 2018). It would be procedurally

---

<sup>1</sup> Pages 16 and 23 of the Camden’s Environmental Sustainability Plan (2018-2020) published January 2019.

faulty for the Council to authorize the use of this substantial air conditioning unit considering all the above.

The Planning Inspectorate is currently very concerned to maintain clean air because of the Covid-19 situation<sup>2</sup>. Promoting clean and healthy air is more important than ever.

## **No Demonstration of Need**

This application must be refused as, contrary to paragraph 6.99 of the Camden Local Plan, the applicant has not demonstrated that “there is a clear need” for air conditioning nor why it should prevail over other alternatives. Please find enclosed (item 1) a report by Green Consult Global that highlights the many deficiency of the Cooling Hierarchy & Thermal report submitted by the applicant. We can submit further and more detailed professional documents and analysis on the matter if required.

This application also fails to comply with Chapters 8.42 and 8.43 of the Camden Local Plan as it has not produced a sound dynamic thermal modelling that demonstrates there is a clear need for it after all the preferred measures are incorporated in line with the cooling hierarchy. The Cooling Hierarchy & Thermal Calculation for Installation of Air Conditioning unit submitted by Ungar Architects dated July 2020 is wholly inadequate and incomplete. For example, in its paragraph 2 it states “Reduce the amount of heat entering a building in summer through orientation, shading, fenestration, insulation and green roofs and walls” but does not provide any information and plans on where and how large the green roofs will be. As another example, in its paragraph 4, it just states “Windows are openable however during the hottest summer period it is not felt that this is sufficient to create a comfortable temperature”. No information has been provided on how large are each window, or whether or not each and every window has natural air vent? How many windows are double glazed opening sash windows and where is their locations? There are no data either provided so as to quantify the potential draft that these windows could provide. The author’s opinion that “it is not felt ...” is not based on any facts and analysis and should be as such totally disregarded. Similar remark for Mechanical ventilation, where again the applicant has just put a one liner that “It is not felt that mechanical ventilation would be of benefit and would not be an energy efficient strategy.” There are no calculations of the cooling load either. The same is true for the Conclusion as there are no attempts whatsoever to back this with relevant analysis and systematic and comprehensive facts.

On a separate note, there are also no RD SAP or TM59 provided.

Most of the windows and doors of the house are north or east facing, hence minimizing sunshine exposure.

It is also of note that there are rows of trees close to the property and a total of seven trees that provide natural cooling shade (photo below). This has not been mentioned and taken into account nor have their cooling factors been assessed.

---

<sup>2</sup> e.g. reference Paul Jackson, Inspector at the Planning Inspectorate – comments on 14<sup>th</sup> July 2020.



Photo showing range of trees providing shade to the main façade of 8 Pilgrim's Lane, NW31SL. Photo taken on 9<sup>th</sup> August 2020 at 18.00 from 10 Pilgrim's Lane showing 8 Pilgrim's Lane behind the trees, in the right – centre background.

Aside from insulation material, the applicant has also failed to demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation – this is contrary to Camden Policy CC2 paragraph e. Furthermore, as pointed by our consultant, Green Consult Global, in their enclosed report, the overall reduction potential of the property is limited by the use of a traditional boiler rather than employing, for example, a highly efficient heat pump.

Paragraph c of Policy D1 is not therefore complied with since the applicant has not incorporated “best practice resource management and climate change mitigation and adaptation”.

### **Failure to Properly Consider Alternative Solutions**

The applicant has not complied either with paragraph 5.48 of the London Plan by properly incorporating the cooling hierarchy into the design process to adapt to the changing climate change since: “Air conditioning systems are a very resource intensive form of active cooling measures, increasing carbon dioxide emission and also emitting large amounts of heats into the surrounding area”.

This application must be refused as, contrary to paragraph 6.99 of the Camden Local Plan, the applicant has not demonstrated that “there is a clear need” for air conditioning nor why it should prevail over other alternatives.

There are non-intrusive means of achieving ventilation, such as, for example, passive ventilation shafts utilising natural differential pressure, ground source heat pumps... As an example, a ground source heat pump would save significant amount of energy compared to an air conditioning unit. There are many other alternative means to ventilate this house e.g. stack, stock, cross,



purge, roof openings, roof windows, open skylights, trickle or turbine ventilators, static roof vents, open plan design or opening windows, radiant barrier in the roof, roller of roman blinds, operable indoor window covering, dehumidifier, reflective glazing, blinds, slated awning, and the applicant has not shown or demonstrated at all that these have been considered.

It is very noticeable that a significant number of houses in Hampstead have, for example, pivot roof windows on roofs with similar roof angles to those of 8 Pilgrim's Lane, skylights, natural roof or room ventilation or adjustable internal wooden shutters. We enclose example with a photo in the same street as the applicant, in the appendix 1 below and two examples in the enclosed photos 1 and 2 of nearby house. The next-door house at 6 Pilgrim's Lane is currently being refitted with opening double-glazed sashed windows facing Pilgrim's Lane (enclosure photo 3). We have no information either if the applicant will install such double-glazed opening windows in the area facing Pilgrim's lane. It is also inadmissible that the applicant has made no attempts to consider these and to comment and show us studies to that effect. Two houses further along Pilgrim's Lane and next to the applicant's house the owner have openable indoor wooden shutters on both the ground and the first floor (photo 2 enclosure). The applicant has not commented on this form of natural cooling mechanism either. The house is in the process of being stripped inside and no refurbishment or decoration has started as of yet, so now would be a perfect time to incorporate such features. There are also several roofs of other properties in Downshire Hill directly facing 8 Pilgrim's Lane that also have incorporated such cooling features in their roof. Why is it the applicant is not taking a leaf from the neighbouring properties?

This application also fails to comply with the Camden Energy Efficiency Planning Guidance for Conservation Areas and totally violates the energy hierarchy outlined on page 9, especially the second and third items : 1- Be lean – use less energy, 2- Be clean supply energy efficiently 3- be green – use renewable energy.

### **Flawed Noise Analysis, Noise Pollution, Significant Loss of Amenity**

The Environmental Noise Survey was conducted whilst noisy basement excavation work took place at 8 Pilgrim's Lane. In addition, during the night, there was a water pump constantly in use close to the noise monitoring location. These conditions will have produced abnormally high levels of noise measurements. The garden of 8 Pilgrim's Lane is very quiet; it is surrounded by three other gardens and the side walls of two different properties and during the night noise does not exceed 30 dB<sup>3</sup>. The night recording in Appendix B shows the result of the survey to be in the 35 to 40 dB range and is therefore deeply flawed. The recorded noise is in fact the result of the water pump that was in use throughout the night in January 2019. During the day, the noise level in the garden is in the 33 to 43 dB range and not the reported 45 to 65 dB range. The noise monitoring location, shown in Plan 117\_A\_AC, is also flawed as the noise monitoring equipment was located in close proximity to the noisy construction site and the water pump that was in use 24 hours a day at the time. The Minimum background noise measurement of respectively 37 and 35 La90 specified in the Design noise criteria in the Plant Noise Assessment Report is fundamentally wrong because it uses benchmarks based on abnormally noisy conditions when there was construction taking place on the nearby site at 8 Pilgrim's Lane. This renders the entire noise benchmarking process invalid and it should therefore be discarded in relation to this application. The noise measurement equipment

---

<sup>3</sup> I have conducted these measurements with an Air Beam professional device from my patio garden

should have instead been placed in the middle of the garden and at a time when there was no construction works at 8 Pilgrim's Lane.

Furthermore, the methodology does not comply with the way British Standard 4142 is often implemented. There was no recording on Sunday, the day when no construction work was taking place and as such, this is not representative of the ambient sound at the assessment location as specified in paragraphs 6.2, 7.1, 7.3.4 of BS 4142. It is very unsatisfactory that Appendix B shows only one full night of noise recording on the 11 January 2019 and shows no recording on the night of Saturday 12<sup>th</sup> past 11.30 pm. Where is the data for Sunday 13<sup>th</sup> morning and the rest of that day? This is another flaw in this application. Contrary to BS4142, the Plant Noise Assessment has not incorporated factors such as intermittency, impulsivity and/or tonality. Also, where are the precise details of the resultant minimum mitigation required to meet Camden's noise criteria?

It is also noteworthy that the Noise Report states, in paragraph 3.3, that noise control measures will be required in any instances in order to meet the project design noise criteria. There are no assurances that what is proposed will be adequate on that matter. No precise information has been provided as to the exact texture of the insulation material that is proposed to be used either.

No mention is made in the application of the noise impact on my property which is directly exposed to the proposed unit, and contrary to the windows of No. 4 Downshire Hill there is a direct line from all south facing windows of my property to the mechanical plant. It would compromise my family ability to enjoy our patio garden and would often force us to have the windows closed which would be detrimental to our health.

The neighbours would suffer a significant loss of amenities as a result of this proposal. Policy D1 of the Camden Plan, paragraph h, is not complied with since this application does not "promote health".

Policy A4 paragraph 6.87 of the Camden Plan is not complied with as the proposed air conditioning unit will have a harmful impact – it will increase stress levels and cause a significance disturbance to the lives of all nearby residents. Some of the owners and occupiers of the neighbouring houses are elderly or ill. Some also work from home. The noise generated by the proposed equipment would significantly compromise the rights of many neighbours to enjoy their gardens without nuisance. It would also make it unappealing for the next-door neighbours to open their windows and have proper natural ventilation especially during the spring and summer months. It would also force them to utilize internal air fans and so further increase electricity usage and cause corresponding global warming. This should also have been incorporated and quantified in the analysis provided by the applicant, but it has not.

There will not be any mechanisms either for the neighbours in the surrounding properties to be properly and systematically informed in real time of the noise measurements either. Furthermore, there is no insurance or legally binding strict and effective undertaking that the applicant will maintain strict and regular control and monitoring on the effectiveness of the equipment. Over time, the effectiveness of the equipment will deteriorate and there are no legally binding undertakings to have regular monitoring of the equipment either contrary to paragraph 6.29 of Camden Planning Guidance on Amenity. The enforcement department in Camden, due to governmental budget cutbacks, would not be able to intervene in an effective and dissuasive manner that would deter the applicant accordingly.

Due to the on-going Covid-19 crisis, it is more important than ever to protect the amenities of multi-generational families. I should add that the noise from this proposed will directly impact negatively

on my wife's health as she suffers acute Tinnitus and we have a medical certificate that attests to this.

## **No Preservation or Enhancement of the Conservation Area**

Contrary to Section 72 of the Planning Act 1990, this proposal does not preserve or enhance the character or appearance of the conservation area.

This application does not comply with the Hampstead Conservation Area Statement of 2001, as it will not make a positive contribution to the character and appearance of the Conservation Area. The emerging Hampstead Conservation Area Appraisal and Management Plan states that rear gardens provide a significant amenity to residents and an important habitat for wildlife and asserts that "development within gardens is likely to be unacceptable".

This application does not comply either with Policy DH1 of the Hampstead Neighbourhood Plan as it does not respect and enhance the character and local context or protect the amenity of the neighbouring properties. Policies A1 and A4 of the Camden Plan will be violated since they seek to protect the quality of life of occupiers and neighbours, with specific regard to outlook and noise.

Furthermore, this application does not comply with Policy DH2 of the Hampstead Neighbourhood Plan as it does not seek to protect or enhance the character of the conservation area. The sense of openness of the garden will be compromised. Contrary to Camden's policy CC2 paragraph a, it will not protect existing green space. It would violate Policy A3 on Biodiversity e.g. paragraph e, since it will not "secure improvements to green corridors, particularly where a development scheme is adjacent to an existing corridor". This is precisely the case here. Contrary to this Policy, it will not protect, maintain and enhance the green corridor between Downshire Hill and Pilgrim's Lane.

It is known that there are many bats, owls and rare or protected birds that reside nearby, and they will be driven away by the noise of the proposed unit. Please note that during the month of June 2020, the applicant removed systematically all vegetation, grass and shrubs in the garden and took photos after this that do not reflect what the state of this garden has been over many decades. A close look of the photo in paragraph 3.2 of the Ungar report of June 2020 shows this as one can still see green stains of the abundant vegetations and bushes that were on the side wall of No 4 Downshire Hill a couple of weeks before. The owner of the property also failed to carry a protected species survey as per Camden Planning Guidance on Biodiversity and has failed to contribute towards conservation of species on or off-site as stipulated in paragraph 3.12 of the Guidance. Policy NE3 of the Hampstead Neighbourhood Plan "HNP" would be breached as the proposed application would diminish the ability of the rear gardens between Downshire Hill and Pilgrim's Lane to provide habitat and the free movement of wildlife. Also contrary to Policies NE3 and NE4 of the HNP, the applicant has not shown in the proposal "how they plan to enhance both biodiversity and habitat".

As stated in Camden Planning Guidance on Biodiversity, "Proposals must demonstrate: • how biodiversity considerations have been incorporated into the development; • how the five-point Mitigation Hierarchy has been addressed; and • what positive measures for enhancing biodiversity are planned". None of this has been provided with this application. Councils have a statutory duty to have regard to the purpose of conserving biodiversity.

Finally, the proposed plant will have a negative visual impact. The applicant falsely writes in paragraph 5.2 of the Design, Access and Heritage Statement of June 2020 that "the proposed enclosure will not be visible from neighbouring properties". We will be directly overlooking the



proposed enclosure from both our balcony and most of our south facing windows as the enclosed photos demonstrate. Contrary to Policy D1 of the Local Plan the proposed unit will not improve the character and quality of this conservation area. Contrary to item 7.34 of the Local Plan the proposed equipment is not located in a visually inconspicuous position since it will be clearly visible from our property (please refer to enclosed photo 4) violating the sense of openness and greenness.

## **Conclusion:**

This application contravenes in excess of a dozen planning and environmental Policies of the NPPF, London, Camden and Hampstead Neighbourhood Plans and must be therefore refused.

## **Appendix 1:**

52 Pilgrim's Lane – Openable roof window and openable sash windows in front.

