

# Fuller Long

Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

7th January 2021

## **KOJO Restaurant, 32-34 Rosslyn Hill, London, NM3 1NH- Insertion of roof lantern, replacement 3 x condenser units and ventilation duct (retrospective)**

Dear Sir/Madam,

This application seeks retrospective planning permission for the insertion of a roof lantern, installation of replacement condenser units and ventilation duct. The application is supported by the following plans and supporting supplementary information:

KOJO\_P\_01 A - Plans

KOJO\_P\_02 A - Elevations

KOJO\_P\_03 A - Sections

Noise Assessment

Samsung Air Conditioning Specification

### **1.0 Application Site and Surroundings**

The application site comprises a double frontage building located on the northeast side of Rosslyn Hill.

Buildings within the vicinity and this particular parade of shops are typically four-storey. A number of the buildings appear original in nature at first floor level and above with distinctive key features such as their chimney stacks and pediment feature dormers at roof level.

The site falls within the designated Conservation Area of Hampstead (2001). The building is located within a parade identified within the Hampstead streetscape audit as positively contributing to the setting of the Conservation Area. However, the two buildings as a whole are not identified as being locally listed or their frontages wholly 'original' when compared to both Nos. 30 and 36 which have been identified as being of more value to the setting.

The applicants occupy the ground floor commercial units Nos. 32 and 34 which have a long and established history of dual operation in the form of a restaurant and take away (E Use Class). The applicants have recently established their business following Carluccios closure of multiple shops across the country as a result of COVID-19 and subsequent restrictions on eating-in. The pre-existing condenser units have been in-situ for a considerable period of

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time which supported the previous business. Evidence of their presence is apparent from aerial images of the site as well as images contained within this supporting statement.

## 2.0 Planning History

Both buildings Nos. 32 and 34 Rosslyn Hill benefit from detailed planning history. As the proposed works relate wholly to Number 32 Rosslyn Hill, a list of the most relevant and recent applications is listed below.

2015/6180/P – Erection of a first and second floor rear extension with balcony (Granted)

2014/6661/P – Erection of single storey infill extension, creation of new rear doors at rear ground floor level. Installation of new rear external staircase (Granted)

2005/3570/P – Use of first, second and third floors as one residential unit (Granted)

PW9802549 – Retention of an air conditioning unit at rear ground floor level. (Refused)

## 3.0 Application Proposal

The submission has been made following an enforcement investigation (EN20/1071) by Camden Council. This application seeks retrospective planning permission for the insertion of a roof lantern, replacement 3 x condenser units and ventilation pipe.

The supporting plans indicate the installation of a roof lantern following the removal of an existing concrete board roof. An image of the now replaced concrete board roof is shown below;



IMAGE 1: PRE-EXISTING CONCRETE BOARD ROOF AND DUCT

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The roof lantern is a direct replacement for the concrete board roof. It is of the same size and scale and sits within the envelope of the existing roof. The lantern height matches that of the concrete board and other than the proposed use of material, there are no other changes to the size of the opening.

The three recently installed condenser units are a direct replacement for those previously in-situ. Following KOJO restaurant's occupancy, it was decided to install three replacement condensers which were not only more efficient, but fit for purpose. The system provides the restaurant with a UVGI filtration system that extracts all of the air from the restaurant, killing 99.7% of viruses and bacteria, resupplying it with fresh air.

The size, scale and siting of the condenser units are a direct match for that which they replaced. The units would remain fixed to the rear flat roof of No 32 Rosslyn Hill.

A fresh air duct has been installed as part of the recent works. The duct replaces a recently removed ventilation duct which was located adjacent to the cement boarded roof which is shown on image 1 above (hatched on plan ref KOJO\_P\_01 REV A).

In support of both the condenser units and ventilation duct, the applicant has prepared a noise report.

## 4.0 Planning Policy

The Development Plan comprises the London Plan (2016) and the London Borough of Camden Local Plan (2017). Other material considerations comprise:

National Planning Policy Framework (2019)

National Planning Policy Guidance (2019)

Town Centres and Retail (July 2020- Draft)

Employment Sites and business premises CPG (March 2018)

As previously identified within this supporting document, the application falls within the Hampstead Conservation Area of the London Borough of Camden Local Plan Proposals Map (2017). The site is not locally or statutorily listed.

The site also falls within a designated secondary retail frontage and on the fringe of a town centre designation.



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Image 2: Local Plan Proposals Map snippet

As such, the most relevant planning policies are outlined below:

**Policy 4.7 Retail and Town Centre development states** that the scale of development should be related to the size, role and function of a town centre and its catchment.

**Policy 7.4 Local Character states** that buildings should provide a high-quality response that has regard to the pattern and grain of the existing spaces and street in orientation, scale, proportion and mass.

**Policy 7.6 Architecture states** that buildings and structures should be of the highest architectural quality, be of a proportion, scale and orientation that enhance the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character. The policy also requires development not to cause unacceptable harm to the amenity of surrounding buildings, particularly residential buildings, in relation to privacy, over shadowing, wind and microclimate.

**Policy 7.8 Heritage assets and archaeology states** that London's heritage assets as well as conservation areas should seek to ensure development identifies, values, conserves and restores heritage assets where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

## **Camden Local Plan (2017)**

**Policy TC2 Camden's Centres and other shopping areas states** that the Council will seek to promote successful and vibrant centres throughout the borough. In particular policies will seek to ensure that new development is of an appropriate scale and character for the centre in which it is located.

**Policy TC4 Town centre uses states** that the Council will ensure that development within the town centre does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

**Policy D2 Heritage states** that the Council will preserve, and seek to enhance, Camden's rich and diverse heritage assets which includes conservation areas. Section (e) of the policy states that the Council will require development within the Conservation Area to preserve, or where possible, enhance the character and appearance of the area.

**Policy A4 Noise and vibration** states that the Council will seek to ensure that noise and vibration is controlled and managed. Development likely to generate unacceptable noise and vibration impacts, will not be supported.

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## 5.0 Planning Considerations

### Visual impact upon the Conservation Area

#### Roof Lantern

As part of the works undertaken, the applicant replaced an existing concrete board tin roof (shown in image 1) with a traditional roof lantern as shown below.



Image 3: Roof lantern in-situ

The roof lantern has been fitted within the existing roof opening, following the removal of the concrete roof. It is of a similar size and scale to that which it has replaced and would not increase the bulk or massing of the roof profile.

Whilst the nature of a roof lantern introduces differing materials from the concrete roof, it is considered that the lantern is a significant improvement to the setting of the Conservation Area. The removal of an industrial style material on the rear elevation would enhance the setting of the rear elevation of this particular parade. This is owing to the amalgamation of commercial and residential features which are common place on the rear of rows of buildings such as these. Their respective character and form do not appropriately reflect the primary frontages which are often more clear, clinical and well designed.

In short, the removal of the concrete board roof and its replacement with a roof lantern would enhance the character and appearance of the Conservation Area. As such, it is considered that the roof lantern would comply with Local Plan policy D2 in preserving, as a minimum, the heritage asset.

#### Condenser Units

Following on from the applicant's occupation of the building, the existing condenser units which were located on the single storey rear projection, were replaced. The decision was taken to replace the units with more energy efficient models, all of which were more suitable and appropriate for the needs of this particular restaurant and take away. The importance of the condenser units during the COVID-19 pandemic plays an important role in the sustainability of the business. The units serve a fresh-air system which removes all the air from the restaurant and replaces it with external fresh air. In doing so, the system kills up to 99.7% of viruses and bacteria which offers users of the restaurant confidence in eating in. In a challenging year for hospitality and the likely time frame it will take to reinvigorate the high street, these types of measures offer a small degree of confidence to

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The previous condenser units had served the previous business for a considerable number of years and formed part of the established form on the rear elevation. The replacement condenser units are of a similar size, scale and appearance as demonstrated on the supporting plans. Their siting is identical and any views of the units would be from neighbouring first floor units. They are visually well guarded from the public realm owing to the juxtaposition of buildings and extensions along the rear of this row of buildings along Rosslyn Hill. Their existence and visual presence are further guarded by the parapet roof detail around the single storey projection upon which they sit. These further limit and restricts views of the units.

The new duct is narrower and smaller in size compared to that which was previously in situ. Furthermore, the new duct would be set further from the rear wall of the first-floor windows and its relationship with the other machinery ensures there isn't a cluster or proliferation of commercial machinery spread across the flat roof. The siting of the roof duct is another improvement to the established arrangement and would not adversely impact the heritage setting.

## **Impact upon neighbouring amenity**

Policy A4 of the Local Plan (2017) seeks to ensure that development does not result in unacceptable levels of noise or vibrations, thereby potentially impacting the amenities of neighbouring properties. In support of this planning application, the applicant has provided a noise report. The detailed report has provided sound readings during the opening hours of the business, during which the condenser units and vent would typically be in operation.

As would be expected, the sound readings are at their highest immediately adjacent to the units and ductwork but significantly reduce immediately adjacent to the rear wall of the building and the alleyway. The sound readings demonstrate that the level of sound omitted from the machinery would be comparable to between a library setting and a tv being on.

In conclusion, given the location of the site within a thriving town centre location, it is considered that any noise emitted would not adversely impact the amenities of any neighbouring residential properties. Further, the proposals would not cause any loss of privacy, outlook or sunlight/daylight to neighbouring properties.

## **Conclusion**

It is considered that the retention of the roof lantern would not impact the setting of the site or the Conservation Area by virtue of its design and appearance. The introduction of the roof lantern is an improvement to the setting when compared to the cement board roof it replaced. It's similar size and scale to the previous roof would ensure it is not any more readily visible, being guarded by the larger cement boarded tin roof to the rear of the ground floor projection.

The existing condenser units have been replaced by three units which are more efficient in their operation. The original condenser units have been in place for a considerable period of time and form part of the established rear elevation. Their replacements are of an identical size, scale and siting and are considered to not harm the setting of the conservation area, or the appearance of the building through their retention.

A detailed and robust noise report has been provided by the applicant to support the application. This report clearly details that during operation both the condenser units and the ventilation duct would provide noise levels no greater than 62dB but typically within the range of 48dB to 58dB which are comparable to a library or tv. Owing to the distance of the nearest noise receptors from the ductwork, it is considered that the works would not adversely harm the amenity of any adjoining properties.

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In conclusion, the proposed developments which are the subject of this application would be a considerable improvement to not only the setting of the Conservation Area but allow the continued operation of this key business within Hampstead. As such, it is respectfully requested that planning permission is granted.

Yours Sincerely,



Harmeet Minhas MRTPI

Senior Town Planner