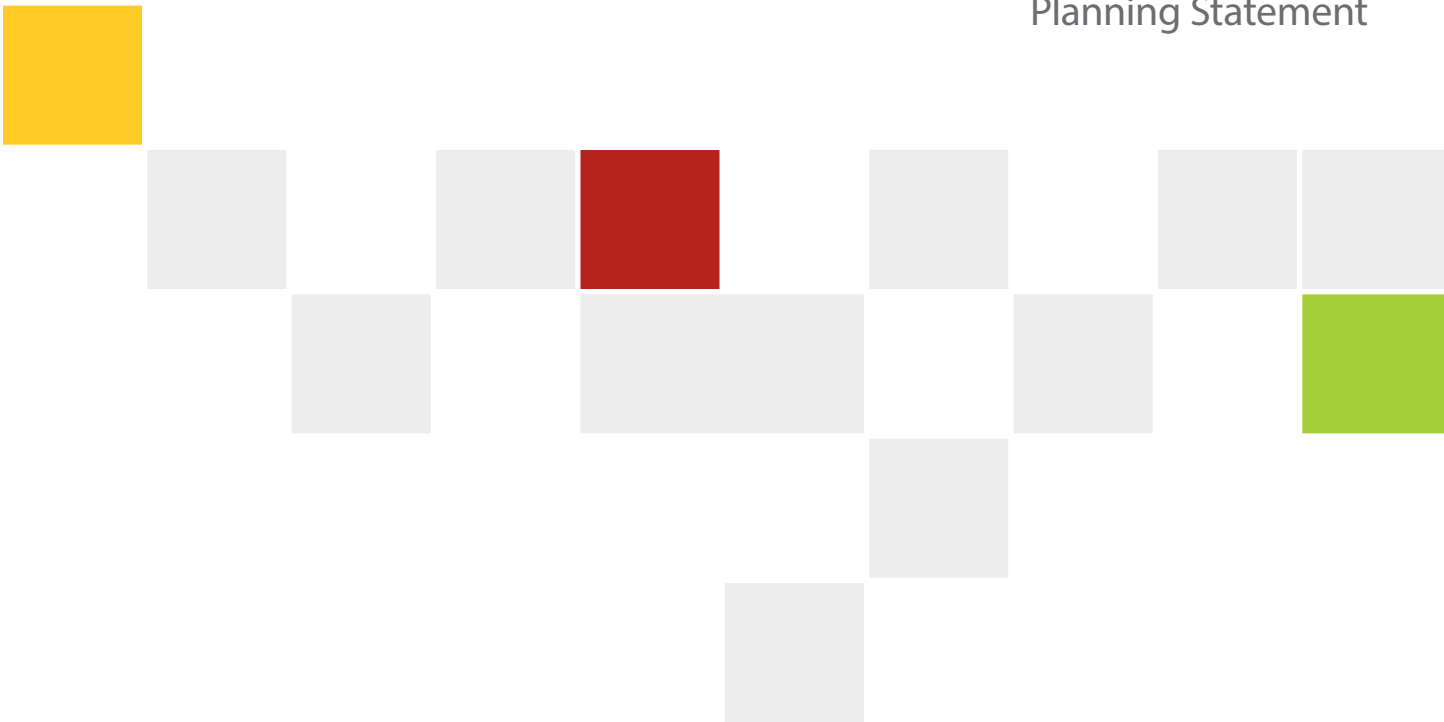


10 Antrim Grove, Belsize Park, London NW3 4XR

Planning Statement



Boyer

## Report Control

Project:	10 Antrim Grove, Belsize Park, London, NW3 4XR
Client:	Antonia Lester & Philip Bloom
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## **APPENDICES**

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## 1. INTRODUCTION AND PROPOSAL

1.1 This Planning Statement has been prepared on behalf of Antonia Lester & Philip Bloom (“the Applicant”) in support of a full retrospective planning application in relation to the proposals at 10 Antrim Grove, Belsize Park, London, NW3 4XR.

1.2 The retrospective planning application refers to three no. air conditioning units on the western elevation of 10 Antrim Grove and associated acoustic screening. The description of development is as follows:

*“Retrospective planning application for three no. air conditioning units and associated acoustic screening”.*

1.3 The proposals comprise three no. air conditioning units and associated acoustic screening on the western elevation of 10 Antrim Grove. For clarity, the air conditioning units are already in situ but the acoustic screens are proposed as part of this retrospective planning application. Furthermore, to ensure further reduce the visibility of the A/C units, as demonstrated in the accompanying drawings, they are to be shifted downwards, below the height of the fence.

1.4 The applicant agrees to a condition to confirm the detail of the acoustic screens when planning permission is granted.

1.5 The Applicant’s originally received an Enforcement Notice (Ref- EN19/0638) on the 22<sup>nd</sup> September 2020 outlining a breach of planning control under Section 171 A (1) (a) of the Town and Country Planning Act 1990 (As Amended by the Planning and Compensation Act 1991). This breach of planning control was outlined in relation to the following:

***“Without Planning Permission: The Installation of two air conditioning units on the side of the residential property adjacent to No. 10 Antrim Grove, NW3 4XR”.***

1.6 In light of the Enforcement Notice, the Applicant’s submitted an appeal on the 02<sup>nd</sup> of November 2020 (Ref – APP/X5210/C/20/3262422). Having regard to Section 174 of the Town and Country Planning Act 1990, the appeal was submitted on the following grounds:

*Ground (a) that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;*

*Ground (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.*

- 1.7 Following the Inspector's Site Visit on the 17<sup>th</sup> of June 2021, they noticed that there are three A/C units installed on the side elevation of 10 Antrim Grove, not two units, as was stated on the Enforcement Notice (Ref – EN18/0638). As a result of this inconsistency, the inspector provided LB of Camden with an opportunity to withdraw the notice. The Enforcement Notice was subsequently withdrawn by Camden on the 06<sup>th</sup> of July 2021.
- 1.8 Following discussions with LB Camden, it has since been agreed that the Applicants are to submit a retrospective planning application for the 3 no. A/C units and associated acoustic enclosure. The Council have further requested that the A/C units are to be shifted downwards below the height of the fence.
- 1.9 Please find a Site Location Plan attached as Appendix 1.
- 1.10 This Planning Statement assesses the proposals against the London Borough of Camden's policies and other material considerations relevant to the consideration and determination of the application. This Statement is structured as follows:
- Section 2 – describes the site and sets out the planning history of the site;
  - Section 3 – provides an overview of local planning policy and guidance relevant to the proposed development;
  - Section 4 – provides an assessment of the proposals against the provisions of the Development Plan and other material considerations;
  - Section 5 – provides a summary and conclusion.
- 1.11 The following documents are submitted to support the planning application:
- Site Location Plan (prepared by Finkernagel Ross);
  - Existing and Proposed Drawings (prepared by Finkernagel Ross);
  - Cooling Justification Report (prepared by Finkernagel Ross);
  - Planning Statement (prepared by Boyer);
  - Planning Application Forms (prepared by Boyer);
  - Community Infrastructure Levy Questions Form (prepared by Boyer);
  - Covering Letter (prepared by Boyer);
  - Noise Impact Assessment (prepared by KP Acoustics).

## 2. THE SITE AND PLANNING HISTORY

### The Site

- 2.1 The site comprises a semi-detached property which is situated on Antrim Grove. The site is also located within the London Borough of Camden's Belsize Park ward.
- 2.2 The site is located within the Belsize Conservation Area and does not contain any statutory or locally listed buildings, however, south-east of the site on Antrim Grove lies a Grade 2 listed Library. The library is situated approximately 65m south of the site and development at the appeal site is not considered to be within the listed building's context or affect its setting in any way.
- 2.3 The site falls within a Flood Zone 1 (lowest risk) and has a PTAL Rating of 3. Belsize Park underground station, which is served by the Northern Line is situated approximately 200m to the north-west of the site and a number of local buses run along Haverstock Hill which Antrim Grove adjoins.
- 2.4 The site was subject to an extensive house fire in 2017 and since this time the Appellant has been re-building the property. As part of the re-build, replacement air conditioning units were installed.

### Planning History

- 2.5 A review of the London Borough of Barnet's online planning records has been undertaken. Outlined below are the most relevant planning applications.

Table 1: Planning History

Reference	Description of Development	Date and Decision
2013/6337/P	Excavation to extend existing basement under part of the front garden in connection with dwelling house (class C3).	Granted (23-10-2013)
2013/5826/P	Details of soil investigation study in relation to condition 7 of planning permission (granted on 02/11/2010) ref: 2010/4405/P for the excavation of new basement level and associated landscaping works including side and rear lightwells, erection of additional side dormer and enlargement of existing rear dormer to dwelling house (Class C3).	Granted (18-09-2013)
2013/0526/P	Variation to condition 9 (development built in accordance with approved plans) of planning permission granted 02/11/10 (ref: 2010/4405/P) for the excavation of new basement level and associated landscaping works	Granted (01-02-2013)

	including side and rear lightwells, erection of additional side dormer and enlargement of existing rear dormer to dwelling house, namely re-positioning of the swimming pool within the basement	
2013/0128/P	Details pursuant to conditions 3 (hard and soft landscaping) and 8 (sustainable urban drainage system) of planning permission dated 02/11/10 (ref: 2010/4405/P) for excavation of new basement level and associated landscaping works including side and rear lightwells, erection of additional side dormer and enlargement of existing rear dormer to dwelling house.	Granted (15-01-2013)
2010/4405/P	Excavation of new basement level and associated landscaping works including side and rear lightwells, erection of additional side dormer and enlargement of existing rear dormer to dwelling house	Granted (08-09-2010)
2008/5794/P	New front boundary wall and gates.	Granted (05-02-2009)
2007/3344/P	Change of use of two self-contained flats to a single dwellinghouse, including erection of single-storey rear extension with balustrade and screen to facilitate use of the flat roof as a terrace, plus installation of 5 roof lights to side roof and alterations to windows on the side elevation.	Granted (14-08-2007)



### 3. POLICY CONTEXT

- 3.1 Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 3.2 In this instance, the relevant Development Plan comprises the:
  - London Plan (March 2021);
  - Camden Local Plan (July 2017);
  - Policies Map (July 2017).
- 3.3 Camden also has numerous supplementary guidance documents, those considered to be relevant in this case are:
  - CPG – Amenity (January 2021);
  - CPG – Design (January 2021);
  - CPG – Home Improvements (January 2021).
- 3.4 Other policy documents that are material considerations in the determination of planning applications include the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) and the London Plan Supplementary Planning Guidance (SPG).
- 3.5 The planning policy relevant to the consideration of applications therefore comprises three levels of policy – national, regional and local. The three tiers of policy are introduced within this chapter and a detailed assessment of the proposed development against the relevant policy is provided in Section 5.

#### **National Planning Policy**

##### *National Planning Policy Framework (2021)*

- 3.6 The National Planning Policy Framework (NPPF) was updated in July 2021 by the Ministry of Housing, Communities and Local Government. The document sets out the government's economic, environmental and social planning policies for England.
- 3.7 The overarching national planning policy theme evident from the NPPF is a presumption in favour of sustainable development, which the Government have advised should be at the heart of the planning system. In terms of development management, it advises that the primary objective is to foster the delivery of sustainable development and should not hinder or prevent future development. Paragraph 8 identifies 3 objectives to achieving sustainable development, these being economic, social and environmental objectives. Development proposals are considered sustainable if each of these objectives are met.

- 3.8 Paragraph 126 states that good design is a key aspect of sustainable development. Paragraph 130 requires development proposals to ensure that they function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site; and create places that are safe, inclusive and accessible.

### **Regional Planning Policy**

#### *London Plan (2021)*

- 3.9 The 2021 London Plan provides the strategic policy context for Greater London and provides an integrated framework for its development over the next 20-25 years. One of the main themes of the plan is Good Growth, with a focus on affordable homes and a more socially integrated and sustainable city. Its main themes are economic development, social development and improvement of the urban environment.
- 3.10 Policy SI 4 (Managing Heat Risk) seeks to ensure that major development proposals demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

### **Local Planning Policy**

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

- 3.11 The London Borough of Camden's Local Plan was adopted in July 2017 and sets out the vision, strategic objectives and policies for development in Camden over 15 years. The relevant policies contained within this document are set out below:
- Policy A1 – Managing the Impact of Development;
  - Policy A4 – Noise and Vibration;
  - Policy CC2 – Adapting to Climate Change;
  - Policy D1 – Design;
  - Policy D2 – Heritage.

### **Material Considerations**

#### *Supplementary Planning Guidance*

- 3.12 LB Camden has a number of SPD's which provide additional guidance on the Local Plan policies. The SPD's relevant to this application area:
- CPG – Amenity (January 2021);
  - CPG – Design (January 2021);
  - CPG – Home Improvements (January 2021).

## 4. ASSESSMENT OF THE PROPOSALS

- 4.1 This section assesses the principle of development and its potential impact against the aims and objectives of the Development Plan.

### **Principle of Development**

- 4.2 Policy CC2 (Adapting to climate change) of Camden's Local Plan states that all development should adopt appropriate climate change adaptation measures such as measures to reduce the impact of urban and dwellings overheating including the application of the cooling hierarchy. Policy SI 4 of the London Plan, underlines that major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the following cooling hierarchy:

- 1. Reduce internal heat generation through energy-efficient design;*
- 2. Reduce the amount of heat entering a building through orientation, shading, albedo, fenestration, insulation and green roofs and walls;*
- 3. Manage the heat within the building through exposed internal thermal mass and high ceilings;*
- 4. Passive Ventilation;*
- 5. Mechanical Ventilation;*
- 6. Active Cooling Systems (ensuring they are the lower carbon options).*

- 4.3 As is demonstrated in the accompanying Cooling Justification report, the decision to install the Air Conditioning Units was carefully undertaken by the applicant. The report thoroughly and systematically applies the Cooling Hierarchy, in turn, demonstrating it to be the most appropriate measure of cooling the property. It is therefore considered that the development accords with the requirements as set out in Local Plan Policy CC2 and should be considered acceptable.

### **Design & Heritage**

- 4.4 Local Policy D1 (Design) of the Local Plan sets out the Council's approach to design. The Council requires that all new development should respect local character, preserve and enhance the historic environment, comprise high-quality materials and preserve and enhance strategic and local views.

- 4.5 The A/C units will not be visible from the public realm, as demonstrated in the accompanying drawing. The applicant aims to achieve this through, shifting the units downwards below the height of the fence which 10 Antrim Grove shares with no. 12. The provision of screening and an acoustic enclosure will further consolidate this, by shielding the A/C units.
- 4.6 The acoustic screens proposed under this appeal ensure that the units are appropriately screened from view and do not impact on any strategic or local views. The screens comprise high-quality design which is appropriate for the site and the surrounding areas and comply with the requirements of Policy D1 of the Local Plan. In terms of detail, the Applicant agrees to a condition to ensure the specification of the screens is approved by the Council prior to installation.
- 4.7 Given the site's location within the Belsize Conservation Area, it is necessary to make an assessment under Policy D2 (Heritage). Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. The Council will not permit the loss of or substantial harm to a designated heritage asset (including conservation areas) unless substantial public benefit outweighs the harm.
- 4.8 The air conditioning units and associated screens subject of this appeal do not cause any harm to the Belsize Conservation Area and therefore they comply with the requirements of Policy D2.
- 4.9 As is evidenced in the table below, Camden has recently approved a number of applications for air conditioning units located within conservation areas. A selection of recent examples are included below. A map is included in Appendix 4 which details the location of these applications in relation to the Appeal Site;

Address	Reference	Description	Decision
21 Belsize Road London NW6 4RX	2020/2383/P	External alterations including erection of ground and first floor rear extension, including first floor rear roof terrace, air conditioning unit in rear garden and infilling windows to flank elevation	Granted, June 2020

90 Camden Mews London NW1 9BX	2020/2222/P	Installation of air conditioning unit within timber clad enclosure on front terrace space at loft floor level to residential dwelling.	Granted, August 2020
6 Rosecroft Avenue London NW3 7QB	2019/6384/P	Installation & Relocation of 2 no. air conditioning units (AC) to main roof level.	Granted, March 2020
17 Boscastle Road London NW5 1EE	2019/2713/P	Installation of air conditioning condensing unit with acoustic enclosure screening on the north side elevation at first floor of the existing single family dwelling.	Granted, August 2020

- 4.10 The examples outlined above, which do not comprise an exhaustive list, demonstrate that the Council has approved planning permission for a range of AC units within conservation areas across the Borough and accepted that there is no harm as a result of their installation. Furthermore, the provision of acoustic screening is considered an appropriate and sensitive addition and does not harm the conservation area. As outlined above, it is proposed that the acoustic screens are conditioned when planning permission is granted.
- 4.11 When assessing proposals in conservation areas, an assessment of harm must be made in terms of the impact on the area **as a whole** instead of isolated views. In this instance, it is relevant to consider how the air conditioning units at the site would impact on the “journey through” the Belsize Conservation Area rather than focussing on specific vantage points or glimpse views.

- 4.12 As part of this application, the applicants propose to shift the A/C units downwards, below the fence of the height to ensure that there is no harm to the Conservation Area and so that they cannot be viewed from the public realm. As can be seen from the plans which support this application, it is evident that the visibility of the air conditioning units is extremely limited and cause no harm to the Belsize Conservation Area.
- 4.13 Overall it is considered that the placement of the air conditioning units and the associated acoustic screens ensure there is no harm to the Belsize Park Conservation Area and the proposals accord with Policy D2 of the Local Plan.
- 4.14 Overall, considering the above policies and guidance, it is clear that the air conditioning units and their accompanying acoustic screens will cause no harm on the Belsize Conservation Area's character given their extremely limited visibility from public and private vantage points, particularly as they are to be shifted below the height of the neighbouring fence. The units and screens accord with Policy D2 of the Local Plan and should be considered acceptable. Furthermore, the design of the acoustic screens is high quality which accords with Policy D1 of the Local Plan. In conclusion, it is demonstrated that the air conditioning units have no detrimental impact on the site, the immediate context or the conservation area.

#### **Residential Amenity**

- 4.15 Policy A1 (Managing the impact of development) of Camden's Local Plan 2017 states that the Council will seek to ensure that the amenity of communities, occupiers and neighbours is protected. In doing so, the Council will consider noise and vibration levels. Policy A4 (Noise and Vibration) underlines that development should have regard to Camden's Noise and Vibration Thresholds. Under Policy A4, permission will not be granted to development that is (a) likely to generate unacceptable noise and vibration impacts; or (b) development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided and will not harm the continued operation of existing uses. Permission will only be granted for noise generating development, including any plant and machinery if it can be operated without causing harm to amenity
- 4.16 In order to confirm compliance with Policies A1 and A4, an acoustic assessment has been undertaken by KP Acoustics. The report confirms that noise levels from the existing plant units would not have an adverse impact on the nearest residential receivers provided that the noise control strategy outlined in the report is followed.
- 4.17 Overall, it is considered that the existing plant equipment complies with the guidance outlined in Policies A1 and A4 of the Local Plan.
- 4.18 In accordance with Policies A1 and A4, the air conditioning units do not present any harm the amenity of the community, occupiers and neighbours, as they do not generate unacceptable noise or vibration impacts. Evidence supporting this is outlined in the Noise and Vibration Impact Assessment prepared by KP Acoustics.

## 5. CONCLUSION

- 5.1 The proposed retrospective planning applications refers to three no. air conditioning units and associated screening on the western elevation of 10 Antrim Grove. For clarity, the air conditioning units are already in situ but the acoustic screens are proposed as part of this retrospective planning application. Furthermore, to ensure further reduce the visibility of the A/C units, as demonstrated in the accompanying drawings, they are to be shifted downwards, below the height of the fence the site shares with no.12.
- 5.2 The decision to install the Air Conditioning Units was carefully undertaken by the applicant. The accompanying cooling justification report thoroughly and systematically applies the Cooling Hierarchy, in turn, demonstrating it to be the most appropriate measure of cooling the property. It is therefore considered that the development accords with the requirements as set out in Local Plan Policy CC2 and should be considered acceptable.
- 5.3 The air conditioning units and their accompanying acoustic screens will cause no harm on the Belsize Conservation Area's character given their extremely limited visibility from public and private vantage points, particularly as they are to be shifted below the height of the neighbouring fence. All in all, it is demonstrated that the air conditioning units have no detrimental impact on the site, the immediate context or the conservation area.
- 5.4 The proposed air conditioning units do not present any harm the amenity of the community, occupiers and neighbours, as they do not generate unacceptable noise or vibration impacts. Evidence supporting this is outlined in the Noise and Vibration Impact Assessment prepared by KP Acoustics.

## **APPENDIX 1 – SITE LOCATION PLAN**



GENERAL NOTES:

DO NOT SCALE FROM THIS DRAWING  
ALL DIMENSIONS TO BE CHECKED ON SITE  
ANY OMISSIONS OR DISCREPANCIES TO BE  
REPORTED TO THE ARCHITECT IMMEDIATELY  
IF IN DOUBT ASK

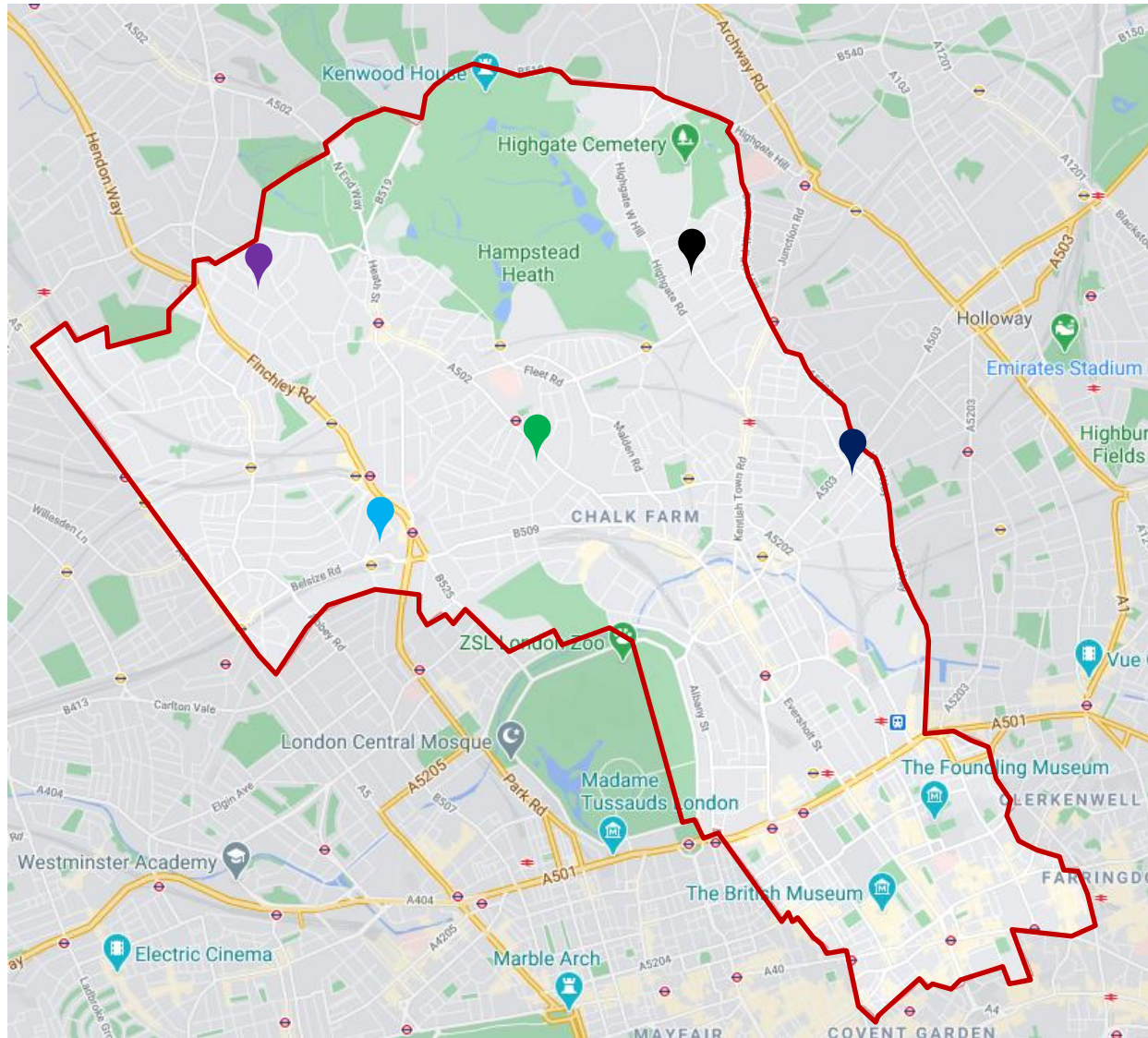






1 SITE LOCATION PLAN  
1:1250

<div>FINKERNAGEL ROSS</div> <div>Unicorn House 221-222 Shoreditch High Street London E1 6PJ</div> <div>Tel: 020 7377 5114 info@finkernagelross.com www.finkernagelross.com</div>		<div>P1 20.10.21 PLANNING</div> <div>REVDATENOTES</div>			CLIENT		DRAWING STATUS		PROJECT	DRAWING NO	REVISION
					A LESTER & P BLOOM		PLANNING		10 ANTRIM GROVE NW3	10ANT-000	P1
					DRAWN	DR. DATE	CHECKED	SCALE	SHEET SIZE	DRAWING TITLE	
					FG	18.10.21	AB	1:1250	A3	LOCATION PLAN	

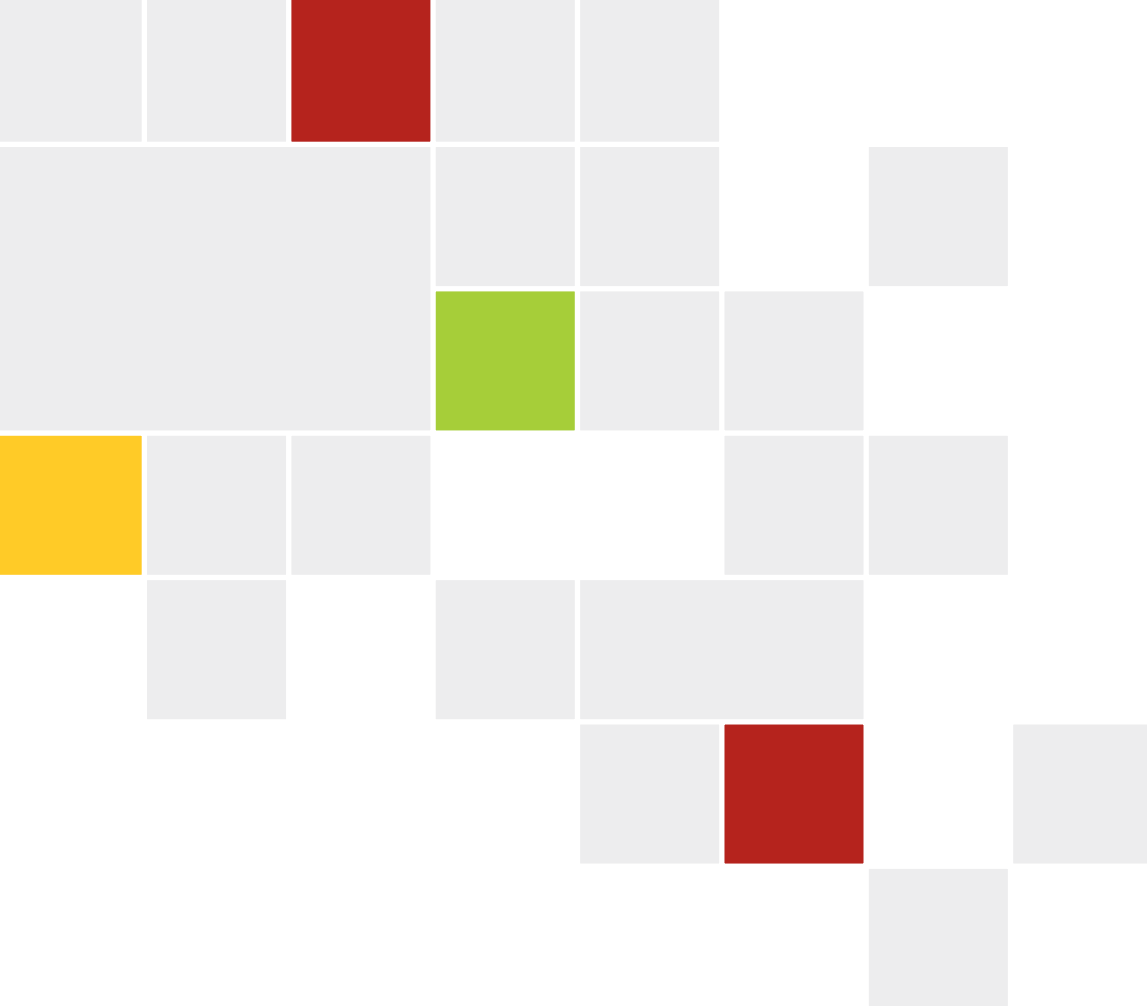
## **APPENDIX 2 - MAP SHOWING COMPARABLE LOCATIONS**

## LOCATION OF PLANNING APPLICATIONS FOR AIR CONDITIONING UNITS WHICH HAVE BEEN GRANTED



-  **10 Antrim Grove** (Appellants Property)
-  **2020/2383/P: 21 Belsize Road** (**Ward** – Swiss Cottage)
-  **2020/2222/P: 90 Camden Mews** (**Ward** – Cantelows & CA)
-  **2019/6384/P: 6 Rosecroft Avenue/Enforcement Notice** (**Ward** – Frognal & Fitzjohns & CA)
-  **2019/2713/P: 17 Boscastle** (**Ward** – Finkemagel Ross & CA).





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