

## 10 Ferncroft Avenue (2021/0190/P)



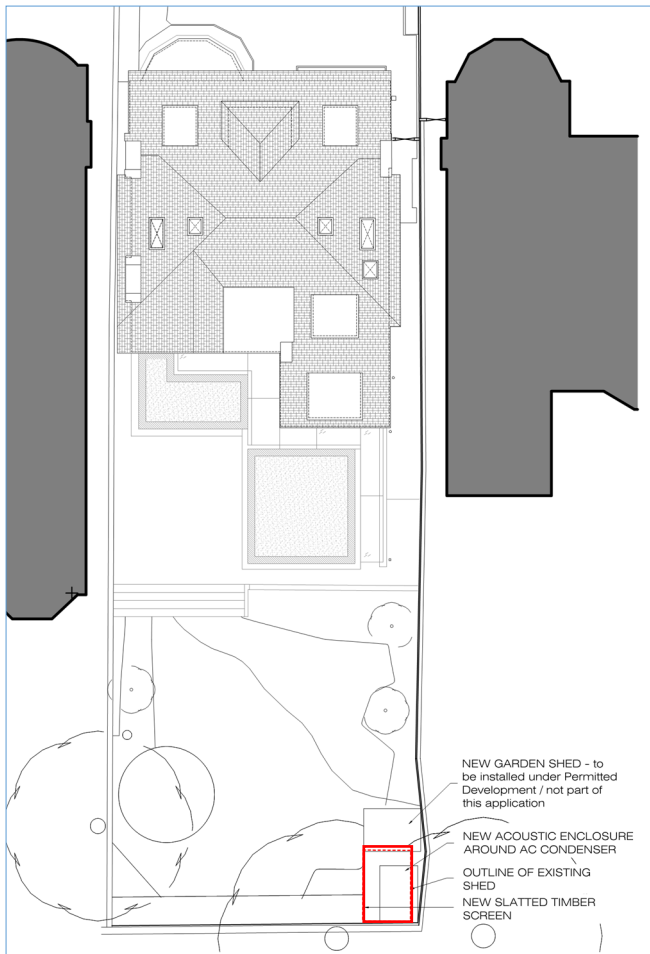


View of rear garden from rear upper floor window of dwelling.

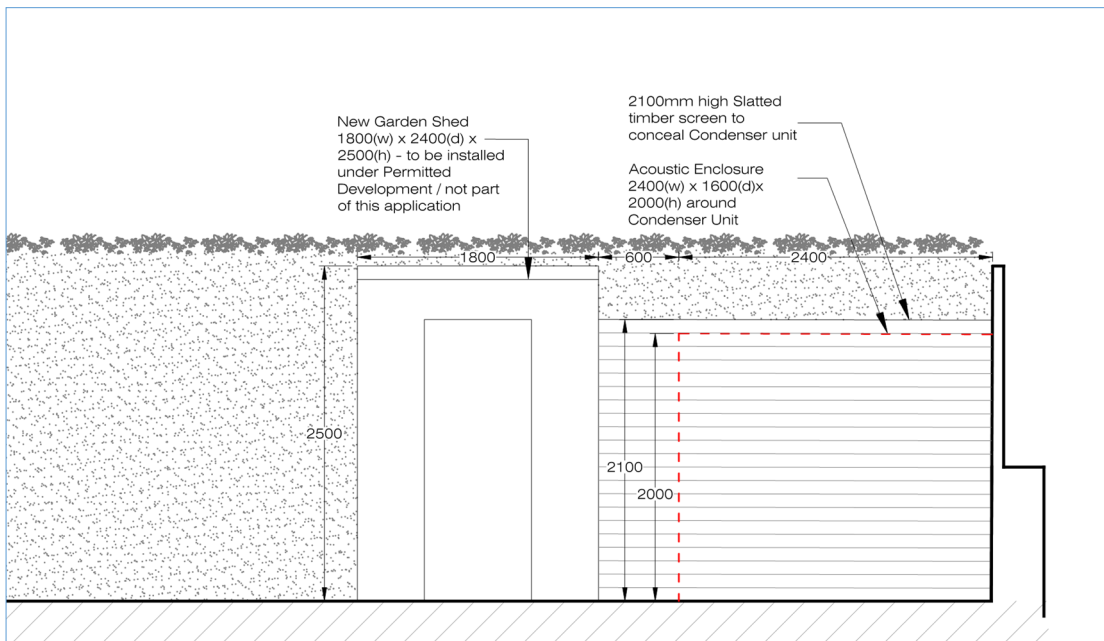


Location of proposed condensor unit





Left: location of A/C and enclosure



Above: elevation of proposed A/C enclosure

|   |  |                              |                                      |            |
|---|--|------------------------------|--------------------------------------|------------|
| <b>Delegated Report<br/>(Members Briefing)</b>  | <b>Analysis sheet</b>  |                              | <b>Expiry Date:</b>                  | 12/03/2021 |
|   | N/A / attached   |                              | <b>Consultation<br/>Expiry Date:</b> | 13/03/2021 |
| <b>Officer</b>  |  | <b>Application Number(s)</b> |                                      |            |
| Gavin Sexton  |  | 2021/0190/P                  |                                      |            |
| <b>Application Address</b>  |  | <b>Drawing Numbers</b>       |                                      |            |
| 10 Ferncroft Avenue<br>London<br>NW3 7PH  |  | Refer to decision notice     |                                      |            |
| <b>Proposal(s)</b>  |  |                              |                                      |            |
| Installation of an air conditioning unit in acoustic enclosure and associated timber screen in the rear garden. |  |                              |                                      |            |
| <b>Recommendation(s):</b>   | Grant conditional planning permission  |                              |                                      |            |
| <b>Application Type:</b>  | Householder Application  |                              |                                      |            |
| <b>Consultations</b>  |  |                              |                                      |            |
| <b>Summary of consultation responses:</b>   | <p>Site notices were placed on Ferncroft Avenue on the 17<sup>th</sup> February 2021 for three weeks.</p> <p>A notice was placed in the press on 18<sup>th</sup> February 2021, continuing the statutory consultation until 14<sup>th</sup> March 2021.</p> <p>No responses were received.</p>   |                              |                                      |            |
| <b>CAAC/Local groups* comments:</b><br><small>*Please Specify</small>   | <p><b>Redington Frogнал Neighbourhood Forum:</b></p> <p>The Forum objects to the proposal to install air conditioning plant in the rear garden.</p> <ul style="list-style-type: none"> <li>• Loss of garden space and amenity: Neighbourhood Plan policy BGI 1</li> <li>• Adapting to climate change: Camden Local Plan policy CC2 8.40.</li> </ul> <p>Tree planting is likely to present a better alternative to mitigate the urban heat island effect, in accordance with Camden Local Plan policy CC2 8.41</p> <p><i>Officer response: see assessment below.</i></p> <p><b>Redington Frogнал Conservation Area Advisory Committee:</b> No response.</p> |                              |                                      |            |

## Site Description

The site is a two-storey single-family detached dwelling house located on the north east side of Ferncroft Avenue. The site is in Sub-Area two ('the Crofts') of the Redington/Frogna Conservation Area (CA) and the property is noted in the Conservation Area Statement as making a positive contribution to the character and appearance of the Conservation Area.

## Relevant History

2021/0188/p: Planning permission **refused** on (23/11/21) for  
*'Installation of sliding metal gates, railings, brick piers and replacement brick wall to front boundary; replacement of front entrance door and steps and side gate; erection of pergola to rear garden and various hard and soft landscaping works to front and rear gardens.'*  
Reason for refusal : *'The proposed front boundary treatment, by reason of its size, design and materials, would be a discordant and hostile addition to the street scene, causing harm to the character and appearance of the host property and the Redington Frogna Conservation Area'*

2020/0113/p: Planning permission **granted** (04/08/2020) for *"Erection of single storey rear extension and enlargement of rear garden terrace; installation of one dormer window to the front and one dormer to the rear roof slope; replacement of pebbledash to front bay window with hanging tiles; re-paving of driveway."*

2021/0186/P: Approval granted for *"Approval of condition 3 (Green roof) and 6 (external materials) pursuant to planning permission ref no: 2020/0113/P for; Erection of single storey rear extension and enlargement of terrace; installation of two dormers and other alterations dated 04/08/2020"*

2021/0189/P: Planning permission was granted 29/03/2021 for *"Variation of condition 2 (approved plans) of permission ref:2020/0113/P dated; 04/08/20 (Erection of extensions, two dormers and other alterations) namely to amend glazing details to the south east and rear facing elevations, brick panels to rear elevation, brick slips to the front bay, lead cladding to rear elevation of existing ground floor and link to rear extension, new door and concrete steps to north west elevation, new gutter, rainwater and soil vent pipework, new vent tiles and brickwork, and boiler and fireplace flues to side and rear elevations."*

## Relevant policies

### NPPF 2021

### London Plan 2021

### Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

A2 Open space

A3 Biodiversity

CC2 Adapting to Climate Change

### Redington Frogna Neighbourhood Plan (NDP) May 2020

SD 5 Dwellings: extensions and garden development

BGI 1 Rear gardens and ecology

BGI 2 Tree planting and preservation

### Redington Frogna Conservation Area Statement

### Supplementary Guidance

CPG Home improvements (2021)

CPG Energy efficiency and adaptation (2021)

CPG Amenity (2021)

CPG Design (2021)

### 1. Proposals

- 1.1 The application seeks planning permission to install an air conditioning unit at the end of the garden, within an acoustic enclosure behind a 2.1m tall slatted timber screen.
- 1.2 The submitted existing drawings show three existing air conditioning units fitted to the side of the house. The proposals include the removal of those units.

#### ***Principle of air conditioning units***

- 1.3 Policy CC2 of the Local Plan discourages the use of air conditioning and excessive mechanical plant on the basis that it increases the demand for energy and the expelled heat from a building can contribute to making the local micro-climate hotter. The policy requires development to address the cooling hierarchy, and to justify the use of active cooling where passive measures have been discounted.
- 1.4 The Neighbourhood Forum has objected to the principle of air conditioning on the basis of the loss of garden space and need to adapt to climate change. The existing dwelling has three air conditioning units in place on the side wall. These would be replaced by the new unit which would be located further from neighbouring windows than the existing arrangement. On the basis that the development seeks to reproduce the existing operation with newer plant equipment, it is not considered appropriate to require a justification for the continued use of air conditioning, or to require exploration of how the dwelling should be adapted instead. The principle of the replacement plant equipment is therefore acceptable, subject to condition 5 which requires the existing plant to be removed prior to first operation of the new unit, in order to avoid the impact of cumulative equipment.

#### ***Impact of proposals***

- 1.5 The key issues for consideration are the impact of the proposals on :
- the character of the conservation area
  - ability of the site to support biodiversity
  - neighbouring amenity

#### ***Character of the conservation area***

- 1.6 The plant would be located at the end of the garden, screened from local view behind the boundary, a relocated rear shed and the tree canopies from neighbouring gardens. The shed would not require planning permission due to its small size and height and it does not form part of this application. The enclosure would only be visible from a limited number of upper floor windows. Its concealed position and the slatted timber screen would mean that it would not appear out of character as a rear garden structure and it would therefore cause no harm to the character and appearance of the host property nor to the Redington Froggnal Conservation Area. Furthermore the removal of the three units from the side of the house would have a positive impact on the appearance of the host dwelling. The proposals therefore accord with policy D2 of the Local Plan.

#### ***Supporting Biodiversity***

- 1.7 The footprint of the acoustic enclosure and slatted screen would be less than 4sqm, approximately 2% of the area available to soft landscaping in the rear garden. Policy BG1 of the Neighbourhood Plan emphasises the need for

development to expand the potential to support biodiversity. The proposals would slightly reduce the area available for planting, but in a corner of the garden which is heavily shaded by trees and enclosed by tall hedges on two sides, which would be retained. It is therefore considered that the placement of the air conditioning unit at the end of the garden would not undermine the ability of the retained area of soft landscaping to support biodiversity as expected by the policy.

- 1.8 The air conditioning unit would sit beneath existing tree canopies from neighbouring trees, and therefore there is the potential for the works to have an impact on the health of the trees. Council tree officers have reviewed the proposals and accept that the principle of the development is acceptable, subject to condition 3 which requires details of the tree protection measures which would be put in place prior to commencement of the works.
- 1.9 The Neighbourhood Forum recommend the use of tree planting to mitigate the impact of heating on the building. It is noted that planning permission 2020/0113/P included a condition requiring a heavy-standard tree to be planted in the rear garden following the removal of an existing cherry tree. The proposals are acceptable in terms of local plan policy A3 (Biodiversity), D1 (design).

**Amenity of neighbours**

- 1.10 The application is accompanied by an acoustic report which identifies the nearest noise sensitive receptors and demonstrates that the equipment will achieve the Council's acoustic criteria when screened by an acoustic enclosure which achieves a sound reduction of Rw20dB. Condition 5 would secure the recommended mitigation set out in the acoustic report and applies the Council's 10dB condition to ensure future compliance. As noted above, condition 4 also requires the existing plant to be removed prior to first operation of the new equipment. Subject to these measures the proposals would not cause harm to neighbouring amenity, in accordance with policies A1 (managing the impact of development) and A4 (noise and vibration).

**Conclusions**

- 1.11 The proposals are acceptable as a replacement for existing plant equipment, and would not cause harm to the character and appearance of the host property and the wider conservation area. They would have minimal impact on neighbouring amenity and are acceptable.

**Recommendation**

- 1.12 Grant conditional planning permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 6th December 2021, 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'.***

Application ref: 2021/0190/P  
Contact: Jennifer Dawson  
Tel: 020 7974 8142  
Email: [Jennifer.Dawson@camden.gov.uk](mailto:Jennifer.Dawson@camden.gov.uk)  
Date: 30 November 2021

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

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

SM Planning  
80-83 Long Lane  
London  
EC1A 9ET

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:

**10 Ferncroft Avenue  
London  
NW3 7PH**

Proposal: Installation of an air conditioning unit in acoustic enclosure and associated timber screen in the rear garden.

Drawing Nos: 18107-LP-00 Location and Site Plan;  
Prefix 18107-AC-: PA-07 rev P-01 Proposed AC condenser; PA-05 Rev P-00 Proposed Side Elevations; Sp-00 rev P-01 Existing and Proposed Site Plan.  
Drawing EC18066-DWG-01 Acoustic Enclosure on Plan and Elevations;  
10 Ferncroft Avenue, London, NW3 7PH: Environmental noise assessment (reference PC-20-0054-RP1 Rev C) by Pace Consult Ltd, 25/11/2020. EEC Salamander Acoustic Enclosure.

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).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans :

18107-LP-00 Location and Site Plan;  
Prefix 18107-AC-: PA-07 rev P-01 Proposed AC condenser; PA-05 Rev P-00 Proposed Side Elevations; Sp-00 rev P-01 Existing and Proposed Site Plan.  
Drawing EC18066-DWG-01 Acoustic Enclosure on Plan and Elevations;  
10 Ferncroft Avenue, London, NW3 7PH: Environmental noise assessment (reference PC-20-0054-RP1 Rev C) by Pace Consult Ltd, 25/11/2020. EEC Salamander Acoustic Enclosure;

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

- 3 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 4 Prior to first operation of the plant equipment, an acoustic enclosure which achieves the recommended acoustic mitigation set out in section 6 of the Environmental Noise Assessment hereby approved, shall be installed.

The plant equipment shall not be operated unless the acoustic screen remains in place.

Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to first operation of the plant equipment here approved, the existing external air conditioning units shown on the submitted drawings, shall be permanently decommissioned from use and removed from the building.

Reason: To safeguard the amenities of the adjoining premises and the area generally, to preserve the character and appearance of the conservation area, and to minimise the impact on climate change, in accordance with the requirements of policies A1, A4, D2 and CC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 2 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer