

Statement of Case

Site at 40 Grey's Inn Road, London, WC1X 8LR.

LB Camden ref: EN20/1065.

Appeal by Mr. Kamran Raza.

Installation of x 3 air conditioning units in the rear courtyard and installation of a shopfront.

Chartered Town Planners.

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1. Introduction.

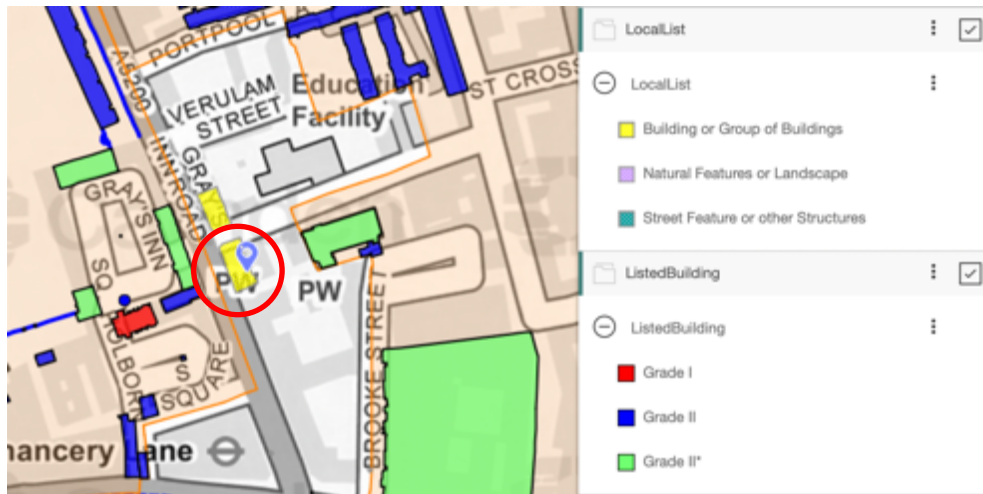
- 1.1. Hollins Planning have been appointed by the leaseholder of the ground floor shop unit to submit a written representations appeal against the council's decision to issue an enforcement notice for the retention x 3 air conditioning units and a shopfront at No. 40 Grey's Inn Road, London, WC1X 8LR.

2. Site



- 2.1. No. 40 is a 4-storey terraced property on the Eastern side of Grey's Inn Road. The building is occupied by a retail unit on the ground floor (with basement office/ storage), there is a dental practice on the first floor and a maisonette flat on the floors above.

2.2. The site is not in a conservation area, but the shopping parade is locally Listed. The site does not fall within the setting of any statutory Listed buildings.



Extract from Camden's online Policies Map

2.3. The site has no relevant planning history.

3. Reasons for issuing the notices.

- 3.1. The Council served an enforcement notice on the owner of the property on 21st February 2022.
The reasons for issuing the notice are as follows.

4. REASONS FOR ISSUING THIS NOTICE:

- a) The development has occurred within the last 4 years;
- b) In absence of an acoustic survey and noise assessment, given the close proximity to habitable rooms, the cumulative impact of the units give rise to potentially unacceptable levels of noise and disturbance detrimental to the neighbouring residents' amenity contrary to policies A1 (Managing the Impact of Development) and A4 (Noise and Vibration) of the Camden Local Plan (2017);
- c) The replacement shopfront, by reason of the inappropriate design and materials, is harmful to the character and appearance of the host building and the architectural and townscape significance of the locally listed terrace (nos. 38 to 54) of which the unit forms part, contrary to policy D1 (Design) and D2 (Heritage) of the Council's Local Plan adopted in 2017;
- d) In the absence of dynamic thermal modelling to demonstrate the need for the 3 x air conditioning units, the Council cannot be satisfied that the proposed works are necessary and that appropriate climate adaptation measures to reduce the impact of overheating could not be achieved by other preferred measures as set out in the cooling hierarchy proposal is therefore contrary to Policy CC2 (Adapting to climate change) of the Camden Local Plan 2017; and
- e) The air conditioning units and shopfront have been installed at 40 Gray's Inn Road within the last four years and it is therefore expedient to pursue enforcement action.

- 3.2. The statement of case shall address these reasons.

4. Policy Context.

4.1. The enforcement notice refers to the following policies from Camden's Local Plan.

Camden's Local Plan (2017)

Policy A1 Managing the Impact of Development.

Policy A4 Noise and Vibration

Policy D1 Design

Policy D2 Heritage

Policy CC2 Adapting to Climate Change

- The quality of Life for occupiers and neighbours will be protected (A1).
- Development will only be permitted if does not harm amenity (criterion J; noise and vibration) (A1).
- Noise and Vibration shall be controlled and managed (A4).
- Planning for noise generated plant and machinery will only be granted if it can be operated without cause harm to neighbouring amenity (A4).
- Development should respect local context and character (D1).
- It should preserve or enhance the historic environment (D1).
- Materials should be high quality and complement local character (D1).
- Camden's rich and diverse heritage assets will be preserved and where appropriate enhanced (D2).
- The council will seek to protect non designated heritage assets, including those on the local list (D2).
- Development should be resilient to climate changes (CC2).

5. The appellant's case.

Ground A

- 5.1. It is considered that planning permission should be granted to retain the 3 chiller units at the rear of the premises and the shop front.

The A/C units as installed



- 5.2. The 3 units have been installed in a basement lightwell at the rear of the property. This is very secluded part of the building. Visually it is considered they do not have any adverse impact on the character of the area. They are far less prominent than units that have been erected on other nearby properties.



Existing a/c unit r/o 46 Grey's Inn Road.

- 5.3. As a response to the council's enforcement notice the appellant has commissioned a Noise Impact Assessment. A copy of this document has been submitted in support of the appeal.
- 5.4. The assessment found that the measured noise levels to the nearest residential window (2nd floor of the property) was 57db. This was 18db above typical nighttime background noise levels.
- 5.5. The assessment has therefore recommended the installation of a permanent acoustic enclosure to reduce noise levels by a minimum of 28db. Drawings showing the detailed construction and build of the enclosures have been submitted in support of the appeal.
- 5.6. If the Inspector is satisfied with the recommendations of the acoustic report, then the notice can be amended to ensure the enclosures are installed to meet the recommendations of the acoustic report. Also, they are installed within a reasonable timeframe post decision.
- 5.7. The council have also referred to the fact that there is no information to demonstrate why these air condition units are needed. However, as detailed in the manufacturing specifications in the noise assessment these are chiller units and serve the refrigerators in the shop. These are essential to its operation.

The shopfront.

- 5.8. As detailed on the drawings the appellant has installed a dark grey, powder coated, aluminium shopfront. The shopfront incorporates a pair of sliding doors and a roller blind.



- 5.9. It is considered that as installed the shopfront does not harm the character of the area or the Locally Listed parade of shops. As detailed, in the following photos the design and appearance of the shopfront is very similar on but 1 of the other commercial properties in this locally listed parade. It therefore does not look particularly out of place and could not be reasonably said to be harmful.

No. 38



No. 44

No. 42



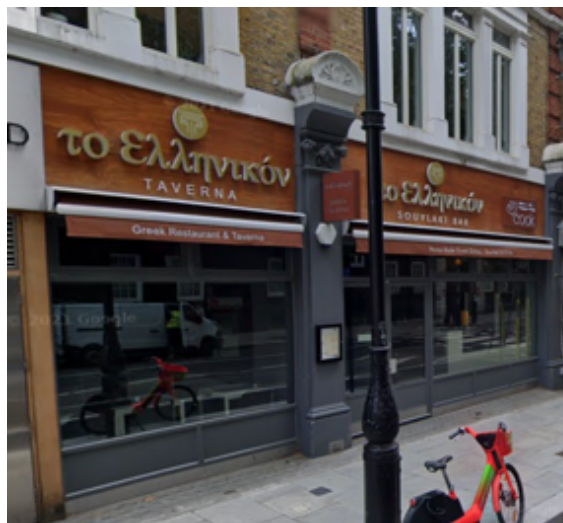
No. 46



No. 50



Nos.52-54



38-54 Grey's Inn Road

Two late 19th century residential blocks with shops at ground floor level, either side of Baldwins Gardens. Robust and boldly embellished building with large decorative console brackets to shopfronts, brick pilasters, decorative parapet wall, defined string courses. Blocks have chamfered corners onto Baldwins Gardens and create a strong townscape element marking this junction. Also related stylistically and visually to no's 24-28 to the south.

Camden's Local List Description

- 5.10. It is understandable why this small parade of shops is on the council's local list. The 2 blocks display a strong degree of uniformity. However, their heritage value stems from uniformity and verticality of the upper floors and the chamfered corner sections, which provide a strong entry point to Baldwin's Gardens. At ground floor the only architectural detailing that is left are the ornate

pilasters with their distinctive crescent shaped tops. Other than a coat of paint, the works to install the shopfront has not interfered with these features.

- 5.11. In accordance with Camden's local plan policy it is considered that the new shopfront would not harm the character of the host building or the wider locally listed parade. It could not be said to enhance its character, but it would preserve or at least have a neutral impact.

6. Conclusion.

- 6.1. For the reasons outlined in this statement the Inspector is respectfully asked to allow the appeal and to amend the requirements of the notice so the shopfront can be retained and the work to install acoustic screens be carried out within a set time frame and also meet the requirement of the Noise Impact Assessment report, prepared by Sound Licencing Ltd.

Andy Hollins

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April 2022.