

Application ref: 2021/4728/P
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Date: 5 April 2022

Development Management
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Felix Lewis Architects Ltd
South Lodge
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**52 Savernake Road
London
NW3 2JP**

Proposal:

Installation of external air-conditioning unit with enclosure on side elevation of house.

Drawing Nos: 290(P)C: _001 0, _030 0, _031 0, _035 0, _036 0, _037 0, Noise Impact Assessment by Healthy Abode Acoustics dated 23/09/2021

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 drawings:
290(P)C: _001 0, _030 0, _031 0, _035 0, _036 0, _037 0, Noise Impact Assessment by Healthy Abode Acoustics dated 23/09/2021)

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

- 3 Prior to use, the air-conditioning unit hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration-isolated from the casing and adequately silenced and maintained as such.

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.

- 4 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 use, the air-conditioning unit hereby approved shall be provided with an acoustic enclosure in accordance with the recommendations of the noise impact report hereby approved.

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.

Informative(s):

- 1 Reasons for granting permission:

A 1.7m deep, 500mm wide, 1.5m high air-conditioning unit with associated enclosure is proposed on the side elevation of the building 7m from the front elevation (towards the rear of the side passage). It would be 2.2m above ground level, visible above the gate to the side passage and between the level of the ground floor and first floor bay windows.

Due to its siting 7m back from the front elevation and due to the narrowness of the gap between the buildings, the proposal would be of limited visibility from the public domain and it would largely not impact upon the character and appearance of the streetscene and Conservation Area, when looking up and down Savernake Road.

The NPPF 2021 advises that, in considering proposals for development affecting heritage assets (e.g. Conservation Areas), a balancing exercise should be undertaken between the harm to the significance of the heritage

asset and the benefits arising from a proposal. In this case, in which the proposal is needed to cool the internal temperature for the occupier's medical reasons, the benefits are considered to outweigh the 'less than substantial' harm that would be caused to the character and appearance of the Conservation Area.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The submitted Plant Noise Assessment indicates that the noise levels which would be generated would achieve the Council's noise level limits, subject to mitigation measures provided by an acoustic enclosure. Conditions are imposed to ensure that this is provided as well as to ensure that the noise levels remain below the ambient levels at neighbouring premises and that anti-vibration measures are undertaken.

The provision of mechanical/electrical equipment to provide air-conditioning would normally be contrary to the Council's policies and guidance for climate change mitigation and energy efficiency and adaptation, unless it can be demonstrably shown by way of thermal modelling that natural, passive ventilation methods are not feasible. However, in this case, in which it is noted that natural, passive ventilation methods would not achieve cool air all year round for the medical condition of the occupier, it is considered that the need for thermal modelling can be waived.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, Z4, CC1, CC2, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 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.

- 4 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) 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



Daniel Pope
Chief Planning Officer