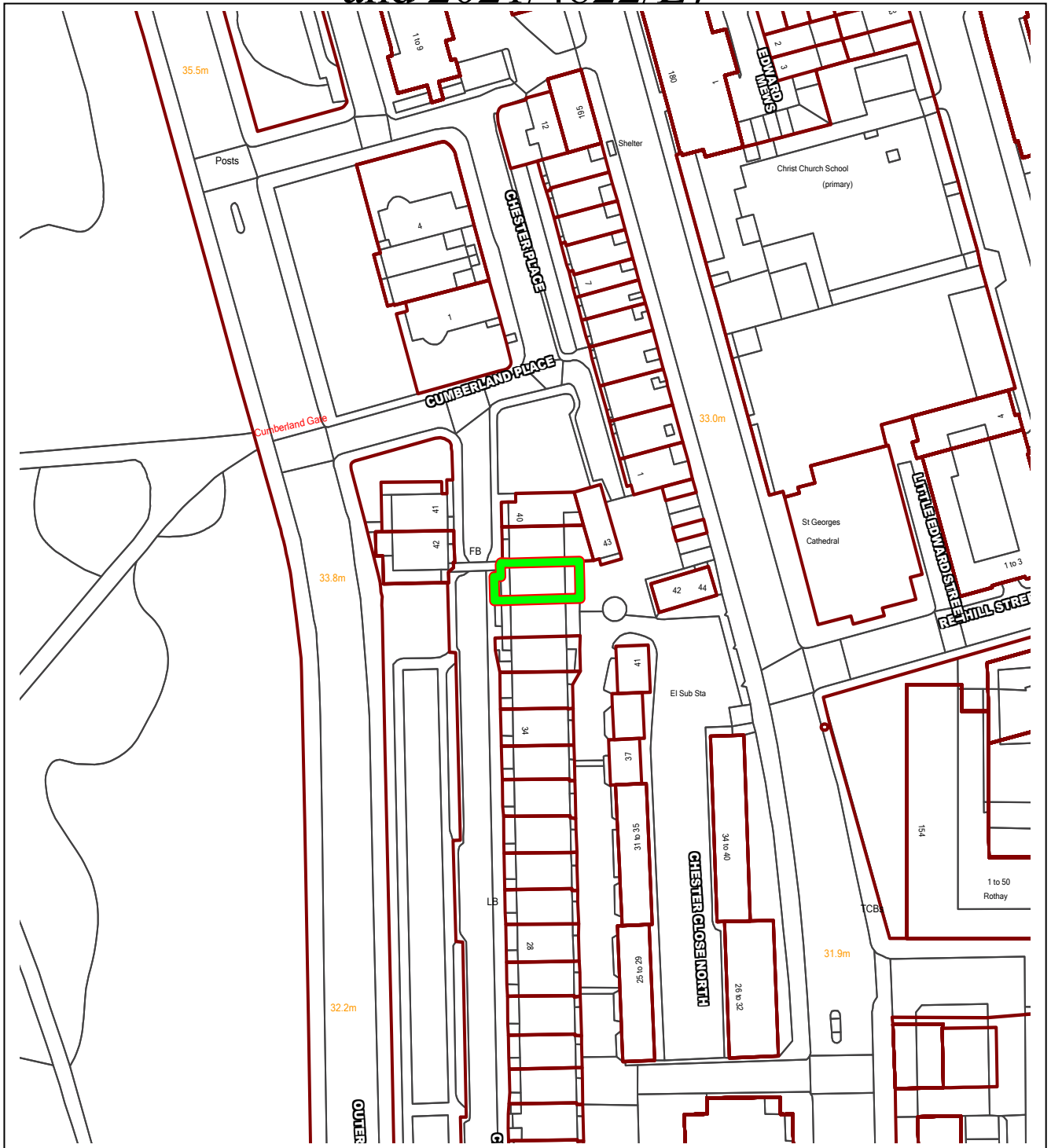


# 38 Chester Terrace, London (2021/4041/P and 2021/4822/L)



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38 CHESTER TERRACE, LONDON

SITE PHOTOS



Photo 1: Ariel view of the application site



Photo 2: Front elevation of the site from Chester Terrace



Photo 3: Existing rear elevation from



Photo 4: View of existing courtyard at the rear

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>28/10/2021</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	25/10/2021 (original) 04/03/2022 (re-consultation)
<b>Officer</b>			<b>Application Number(s)</b>		
Elaine Quigley			(i) 2021/4041/P (ii) 2021/4822/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
38 Chester Terrace London NW1 4ND			See draft decision notices		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
(i) Installation of two external air conditioning units and associated acoustic enclosure in the rear lower ground floor courtyard and associated internal works.					
(ii) Installation of two external air conditioning units and associated acoustic enclosure in the rear lower ground floor courtyard and associated internal works including the relocation of the fan coil unit (FCU) on the first floor.					
<b>Recommendation(s):</b>		(i) Grant conditional planning permission (ii) Grant conditional listed building consent			
<b>Application Type:</b>	(i) <b>Householder Application</b> (ii) <b>Listed Building Consent</b>				

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notices</b>					
Informatives:						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>	<p>Site notices were displayed on 06/10/2021 that expired on 30/10/2021 and a press notice was published from 07/10/2021 to 31/10/2021. Following revisions to the proposal which resulted in a revised description of development further public consultation was required. A second site notice was displayed on 21/02/2022 to 17/03/2022 and press notice was published from 17/02/2022 to 13/03/2022.</p> <p>No consultation responses were received from local residents following either round of consultation.</p>					
<b>REGENT'S PARK CAAC and HISTORIC ENGLAND</b>	<p><b>Regent's Park Conservation Area Advisory Committee (CAAC) – objects</b></p> <p><b>Original proposal</b> The CAAC <b>objected</b> to the <u>original</u> proposal on the following grounds:</p> <p>We appreciate the provision of the overheating report which helps address the need to engage with the climate crisis as required by Policy CC2 “Adapting to Climate Change” but we question this report</p> <p>We question whether it had addressed the realistic opportunities to maximise natural ventilation; for example, there is no examination of the possibilities of through-ventilation, that is when windows to the front and rear if the property are opened even when security locks are in place.</p> <p>Systems need to be in place to ensure that natural ventilation is the first choice of occupiers – the policy will not be effective if this is not the case.</p> <p>Systems also need to be in place to ensure that air-conditioning s only used when really necessary.</p> <p>We advise that the present submission does not conclusively demonstrate the minimising of energy use, the objective of Camden’s climate change policy.</p> <p><i>Officer response: Please refer to paragraph 6.3 of the report</i></p> <p><b>Revised scheme</b> Following the receipt of revised drawings these were sent to the CAAC for further comment. No additional comments were received from the CAAC.</p> <p><b>Historic England – no comments</b> Flexible authorisation to determine the applications in line with Camden’s policies and guidance.</p>					

## Site Description

The application site is located on the east side of Chester Terrace. No 38 Chester Terrace is a mid-terrace 3 storey house with basement and attic accommodation that lies to the west of Chester Close North. Following damage in WWII, the terrace was subject to major refurbishment works behind the facades in 1966 by the Louis de Soissons Partnership. The result is that the main staircase seems to be the only original feature remaining.

Chester Terrace is the longest of Nash's grand stucco terraces that form a backdrop for Regent's Park. The terrace is set back from the Outer Circle and framed by projecting pavilion blocks at each end, linked to the main façade by triumphal arches that span the private drive. The rhythm of the façade is modulated by alternating groups of free-standing or attached Corinthian columns with double attic storeys above the cornice.

Chester Terrace was rebuilt in 1966 after war damage – as 42 houses behind the restored original façade by the Louis de Soissons Partnership. They are all Grade I listed buildings. Although some of the original spirit was carried over it was not a scholarly reconstruction – a more 'modern' 1960's interpretation prevailed - the internal layout was significantly altered, lifts installed to all houses, and the rebuilt structure includes reinforced concrete floors. Notwithstanding this, key elements, such as the plan form, proportions of internal spaces and volumes, and the hierarchy of these spaces and volumes in the building were retained, and constitute important elements of the significance of the Listed Building.

The building is Grade I listed building and the site is located in Regents Park Conservation Area.

## Relevant History

### APPLICATION SITE

Planning permission was **granted** on 18/05/2021 (ref 2020/5801/P) for external and internal works to existing residential dwelling including creation of a plant room and wine cellar within pavement vaults, new louvred doors to the vaults, creation of roof terrace at existing roof level, replacement conservation style rooflights and replacement of ground floor window to door on the rear (east) elevation, installation of metal gate and stair within the rear courtyard and installation of new privacy screen at the rear.

Listed building consent was **approved** on 18/05/2021 (ref 2021/0239/L) for external and internal works to existing residential dwelling including creation of a plant room and wine cellar within pavement vaults, new louvred doors to the vaults, creation of roof terrace at existing roof level, replacement conservation style rooflights, replacement of ground floor window to door on the rear (east) elevation, installation of metal gate and stair within the rear courtyard and installation of new privacy screen at the rear. Internal works to include alterations to room layouts at ground, first, second and third floors; installation of lift within existing lift shaft, secondary glazing to stairwell window, and new flooring with underfloor heating, new suspended ceilings, new partition walls and new skirting.

Listed building consent was **approved** on 14/05/1991 (ref 9070526) for alterations to provide new glazed screen to front hall and new dining room door

Listed building consent was **approved** on 02/07/2002 (ref LEX0200393) on 02/07/2002 for alterations to internal layout. This included alterations to the kitchen and recessing the entrance in line with the rear of the lift.

### NEIGHBOURING SITES

Over the last 15 years there have been a number of permissions at neighbouring residential properties within Chester Terrace that included the installation of air conditioning units both on the roof of the buildings and in the basement courtyard area. These include no 30 (granted in 2006 on the roof); no 24 (granted in 2006 in the basement courtyard); no 31 (granted in 2011 on the roof); no. 28 (granted in 2016 on the roof).

## 18 Chester Terrace

Planning application (ref 2020/0062/P) and listed building consent (ref 2020/0698/L) was submitted on 07/01/2020 for removal of existing air conditioning units at lower ground floor level; and installation of new air conditioning unit inside existing vault at lower ground floor level. The applications were **withdrawn** on 17/09/2020.

## **Relevant policies**

### **National Planning Policy Framework 2021**

### **The London Plan 2021**

### **Camden Local Plan 2017**

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

CC1 Climate change mitigation

CC2 Adapting to climate change

### **Camden Planning Guidance**

CPG Amenity 2021

CPG Design 2021

CPG Home Improvements 2021

CPG Energy efficiency and adaptation 2021

Regent's Park Conservation Area Appraisal and Management Strategy (July 2011)

## **Assessment**

### **1. PROPOSAL**

- 1.1 Planning permission and listed building consent is sought for the following works:
- Installation of 2 air conditioning units in the lower ground floor rear lightwell fronting onto Chester Close North.
  - Relocation of the fan coil unit (FCU) on the first floor from floor level to ceiling level.
- 1.2 The 2 air conditioning units would measure 1.1m (length) by 0.4m (width) by 1.4m (height). An acoustic enclosure would be installed around both air conditioning units. This would be constructed from powder coated metal and finished in a colour to match the courtyard walls. The units would be positioned next to external steps that provide access from lower ground floor to ground level onto Chester Close North. The units would sit 0.1m above street level on Chester Close North.

### **2. AMENDMENTS**

- 2.1 During the course of the application the proposal has been revised to relocate the 2 air conditioning units from the roof level of the property to the lower ground floor courtyard. This is due to the fact that the roof terrace that was approved in 2021 is no longer feasible and is not being constructed. Various options were considered including replacing the roof slates with louvres but this would have resulted in the loss of historic fabric and was considered unacceptable.
- 2.2 The following updated reports were also submitted:
- A revised environmental noise report
  - A revised overheating risk assessment report
  - Updated elevation and section drawings of the internal fan coil unit

### **3. ASSESSMENT**

- 3.1 The principle considerations material to the determination of this application are considered in

the following sections of this report:

- 4. Design and conservation
- 5. Impact on neighbouring amenity
- 6. Sustainability

#### **4. Design and conservation**

4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

4.3 Policies D1 and D2 of the Camden Local Plan and CPG (Design) are relevant. Policy D1 seeks to secure high quality design in all development by requiring development to respond to local character and context, be highly sustainable in design and construction, integrate well to the surrounding streets and townscape, comprise high quality architecture, and be accessible for all. 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 and listed buildings. In line with the statutory tests, Policy D2 states that the Council will not permit the loss of or substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm.

##### Internal works

4.4 At first floor level the proposal would include the relocation of the fan coil unit from the joinery in the drawing room to the ceiling level within the bar area. Historically the majority of the building was lost as a result of bomb damage with only the front façade remaining so there are no historic features remaining within this part of the building. The proposed works would be carried out where there are modern pilasters and associated walls/ ceilings. The proposed works would not harm the architectural significance of the building.

##### External works

4.5 The size, height and detailed design of the proposed air conditioning units and enclosure are considered acceptable. They would not add additional unacceptable scale or bulk within the courtyard area and the size and appearance (including materials used) would be similar to bin stores which are a common feature in external courtyard areas. The proposed location of the air conditioning units and associated acoustic enclosure at lower ground floor would not be visible from wider public vantage points. As part of the previous planning permission that was approved in 2021 a privacy screen was approved around the rear courtyard area. If the 2021 permission is implemented, the privacy screen would restrict any immediate views of the lower ground floor courtyard from Chester Terrace North. The air conditioning units would be set away from the main rear elevation of the building by 2.3m. The proposed air conditioning units would not result in harm to the character and appearance of the listed building or the surrounding conservation area and would be considered acceptable. The Council’s Conservation Team raised no objection to the development.

#### **5. AMENITY**

5.1 Policy A1 seeks to ensure that development protects the quality of life of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight. CPG Amenity provides further specific guidance with regards to privacy and outlook. Policy A4 seeks to ensure that noise or vibration is controlled and managed and would not cause harm to amenity of neighbouring occupiers.

5.2 The location of the air conditioning units within an enclosed private courtyard at lower ground



floor level would not have an adverse impact on the amenity of neighbouring occupiers in terms of loss of daylight, sunlight or loss of privacy.

- 5.3 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. The Council's Environmental Health officer has reviewed the report and is satisfied with its details subject to the standard noise conditions. A condition would also be attached for the submission of details of noise levels once the acoustic enclosure is installed prior to use of the air conditioning units. This is to ensure the acoustic mitigation measures are operating as specified in the noise report.

## **6. SUSTAINABILITY**

- 6.1 Local Plan Policy CC1 requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards. Policy CC2 states that the Council will require development to adopt appropriate climate change adaptation measures. Given the current global environmental crisis and the Council's strategic vision there is an expectation that all development that includes air conditioning units should go through the cooling hierarchy set out in the policy CC2(d), and demonstrate that there are no other options to provide the cooling required. CPG Energy Efficiency and adaptation supports these policies and confirms that active cooling (air conditioning) will only be permitted where its need is demonstrated and the steps in the cooling hierarchy are followed.
- 6.2 Paragraph 8.42 of the Camden Local Plan states that active cooling (air conditioning) will only be permitted where dynamic thermal modelling demonstrates there is a clear need for it after all of the preferred measures are incorporated in line with the cooling hierarchy. Active cooling is the lowest option in the cooling hierarchy.
- 6.3 An Overheating Risk Assessment Report has been submitted in support of the application. The CAAC has raised concerns about the report and is concerned that all method of natural ventilation of the building have not been fully assessed. The overheating assessment was revised during the course of the application and now takes into account internal blinds on the windows and insulation of hot water pipes. The report demonstrates that there will still be an overheating risk. Although the assessment has only been undertaken for TM59 (overheating risk in homes) and hasn't assessed for TM49 (Design summer years in London) this would be expected to show a greater overheating risk. The external shading from the building design and natural ventilation have also been considered. Given this is an existing building reasonable consideration of the cooling hierarchy has been undertaken and a remaining overheating risk has been proven. As such in this case if the measures to install blinds and insulate pipes are undertaken, to minimise cooling demand, then the need for air conditioning is accepted. The Council's sustainability officer has reviewed the report and accepts its findings, recommendations and conclusions.
- 6.4 It is acknowledged that opportunities to thermally insulate listed buildings are limited such as changing the internal layouts/orientations/ceiling heights, or increase thermal masses. It is considered, on balance, that passive measures could not control excess heat, given the heritage constraints associated with this Grade I listed building.
- 6.5 Therefore, in this particular instance, and having regard to all the supporting information submitted including the constraints of the application site, it is considered that the need for cooling is justified and demonstrated in general accordance with Camden Local Plan Policies D1 (Design), D2 (heritage), CC1 (Climate change mitigation) and CC2 Adapting to climate change), and related Camden Planning Guidance.

## **7. CONCLUSION**

- 7.1 On balance, the proposals are considered to preserve the special character of the host Grade I Listed Building, preserve the character and appearance of the wider Regents Park Conservation Area, and would not harm the amenity of the neighbouring occupiers and would

be considered acceptable.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 30<sup>th</sup> May 2022, 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: 2021/4041/P  
Contact: Elaine Quigley  
Tel: 020 7974 5101  
Email: [Elaine.Quigley@camden.gov.uk](mailto:Elaine.Quigley@camden.gov.uk)  
Date: 25 May 2022

**Development Management**  
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[www.camden.gov.uk](http://www.camden.gov.uk)

Marek Wojciechowski Architects  
66-68 Margaret Street  
London  
W1W 8SR

# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## Householder Application Granted

Address:

**38 Chester Terrace**  
**London**  
**NW1 4ND**

# DECISION

Proposal:

Installation of two external air conditioning units and associated acoustic enclosure on the rear lower ground floor courtyard and associated internal works.

Drawing Nos: P0200; P0999; P1999 rev E; P1001; P1005; P1102; P1201; P2001 rev D; P2201 rev G; P2202; P2103; P2292 rev E; Design and Access Statement rev A prepared by Marek Wojciechowski Architects dated 11/02/2022; Overheating Risk Assessment rev P03 prepared by Cundall dated 17/12/2021; Environmental Noise Report for Planning rev P03 prepared by Cundall dated 01/02/2022.

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:

P0200; P0999; P1999 rev E; P1001; P1005; P1102; P1201; P2001 rev D; P2201 rev G; P2202; P2103; P2292 rev E; Design and Access Statement rev A prepared by Marek Wojciechowski Architects dated 11/02/2022; Overheating Risk Assessment rev P03 prepared by Cundall dated 17/12/2021; Environmental Noise Report for Planning rev P03 prepared by Cundall dated 01/02/2022.

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 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 of the air conditioning units hereby approved, details shall be submitted to and approved in writing by the Council of the external noise level emitted from equipment and mitigation measures as appropriate to ensure acoustic mitigation measures are operating as specified. The measures shall ensure that the external noise level emitted from equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved mitigation details as set out in the Environmental Noise Report for Planning rev P03 prepared by Cundall dated 01/02/2022 shall be implemented prior to commissioning of the installation and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical equipment in accordance with the requirements of policies A1 and A4 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 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 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

Application ref: 2021/4822/L  
Contact: Elaine Quigley  
Tel: 020 7974 5101  
Email: [Elaine.Quigley@camden.gov.uk](mailto:Elaine.Quigley@camden.gov.uk)  
Date: 25 May 2022

**Development Management**  
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Marek Wojciechowski Architects  
66-68 Margaret Street  
London  
W1W 8SR

# DRAFT

Dear Sir/Madam

## DECISION

Planning (Listed Building and Conservation Areas) Act 1990

### Listed Building Consent Granted

Address:  
**38 Chester Terrace**  
**London**  
**NW1 4ND**

# DECISION

#### Proposal:

Installation of two external air conditioning units and associated acoustic enclosure in the rear lower ground floor courtyard and associated internal works including the relocation of the fan coil unit (FCU) on the first floor.

Drawing Nos: P0200; P0999; P1999 rev E; P1001; P1005; P1102; P1201; P2001 rev D; P2201 rev G; P2202; P2103; P2292 rev E; Design and Access Statement rev A prepared by Marek Wojciechowski Architects dated 11/02/2022; Overheating Risk Assessment rev P03 prepared by Cundall dated 17/12/2021; Environmental Noise Report for Planning rev P03 prepared by Cundall dated 01/02/2022.

The Council has considered your application and decided to grant subject to the following condition(s):

#### Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

P0200; P0999; P1999 rev E; P1001; P1005; P1102; P1201; P2001 rev D; P2201 rev G; P2202; P2103; P2292 rev E; Design and Access Statement rev A prepared by Marek Wojciechowski Architects dated 11/02/2022; Overheating Risk Assessment rev P03 prepared by Cundall dated 17/12/2021; Environmental Noise Report for Planning rev P03 prepared by Cundall dated 01/02/2022.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

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