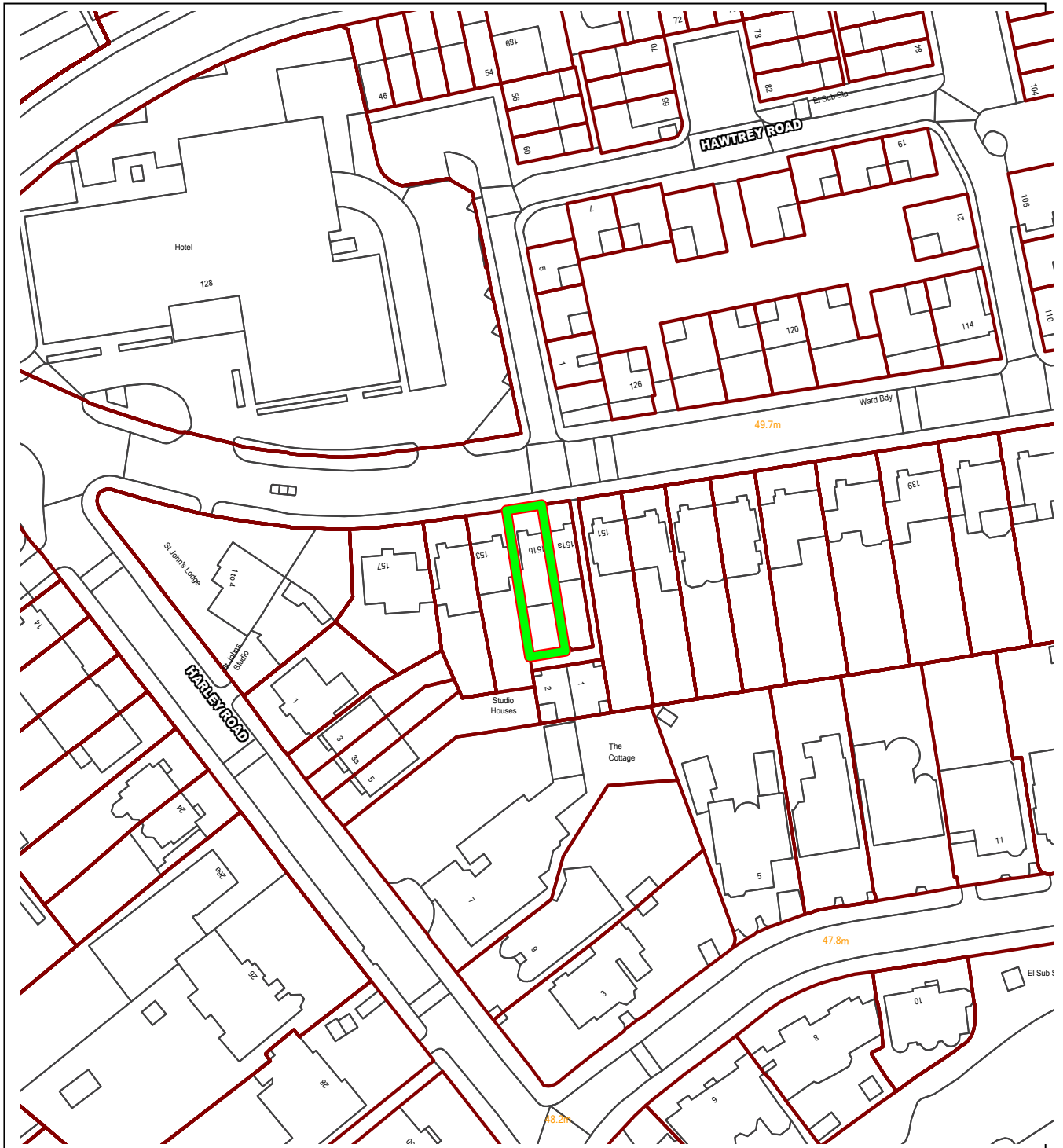
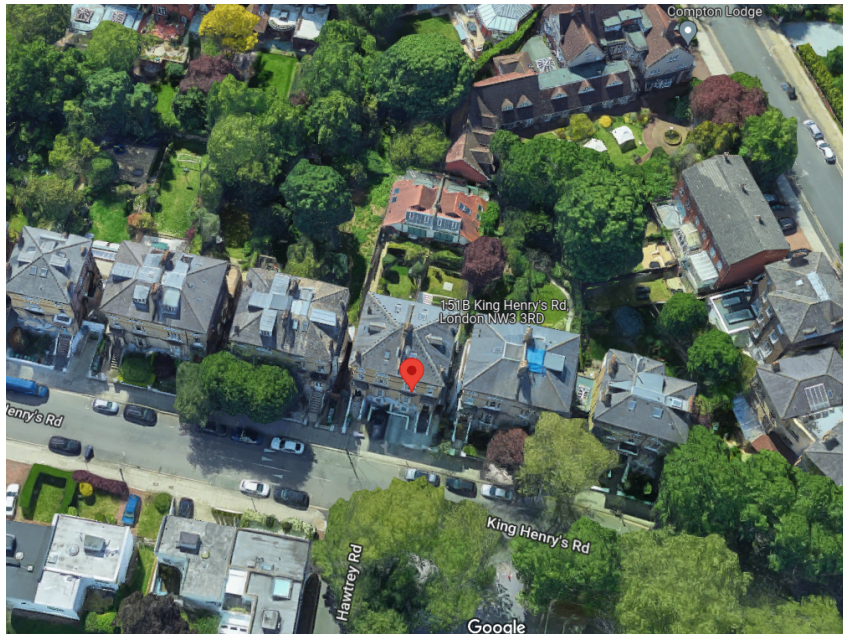


2020/4978/P 151 B King Henry's Road, NW3 3RD



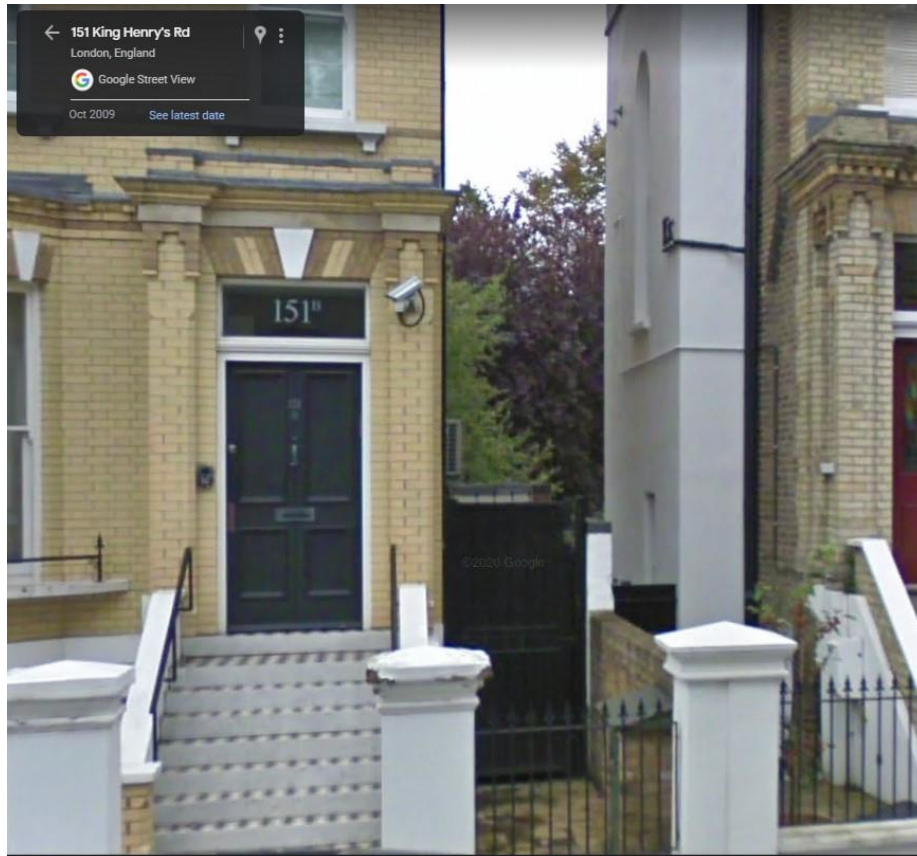
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1. Aerial view, application site with red dot



2. Street view, application site second left with the side wall visible.



3. Google Street view of the application site and A/C unit, from 2009.



4. Photo extract from Members Briefing Pack at the application site under app ref 2017/1916/P.

Delegated Report		Analysis sheet	Expiry Date:	16/02/2021
		N/A	Consultation Expiry Date:	21/02/2021
Officer		Application Number(s)		
Nora-Andreea Constantinescu		2020/4978/P		
Application Address		Drawing Numbers		
151 B King Henry's Road London NW3 3RD		See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of air-conditioning unit and acoustic enclosure to the side elevation at ground floor level, replacing a previous unit. (Retrospective)				
Recommendation(s):		Grant conditional planning permission		
Application Type:		Full Planning Permission		
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice		
Informatives:				
Consultations				
Summary of consultation responses:		<p>Site notices were posted on 27/01/2021 and expired on 20/02/2021. Press notices were issued on 28/01/2021 and expired on 21/02/2021.</p> <p>No objections have been received from any neighbouring occupiers.</p>		
Elsworthy CAAC		<p>Elsworthy CAAC have objected to this submission on the following grounds:</p> <ul style="list-style-type: none"> The proposed air conditioning unit and screen are too close to the existing window. <p><u>Officer response:</u></p> <ul style="list-style-type: none"> <i>The proposed A/C unit is discreetly located and not visible from the streetscene. It has no impact upon the appearance of the building or the Conservation Area. See paras 3.2, 3.3, 3.4</i> 		

Site Description

The application site comprises a four-storey semi-detached building located on the southern side of King Henry's Road. The building is in use as two flats. The proposal relates to 151 B which is the lower flat. The building has been altered previously in the form of single storey side and rear extensions.

The application site is not listed, but sits within the Elsworthy Conservation Area, and is identified as making a positive contribution to the conservation area within the Elsworthy Conservation Area Appraisal and Management Strategy 2009.

Relevant History

Planning records at the application site:

2017/1916/P - External alterations including erection of single storey rear extension at lower ground floor level and removal of existing side infill extension. – **Granted 20/06/2017**

Planning records in the vicinity of the site:

153 King Henry's Road:

2022/0216/P - Installation of 2 new outdoor air condenser units within acoustic enclosures, one to the front and one to the rear – **Refused 18/05/2022**

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden 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

Policy CC1 - Adapting to climate change

Camden Supplementary Planning Guidance

CPG - Design

CPG – Home Improvements

CPG - Amenity

CPG – Energy efficiency and adaptation

Elsworthy Conservation Area Appraisal and Management Strategy 2009

Assessment

1. Proposal

1.1 The application seeks consent for the retention of the installation of an air conditioning unit following the removal of a previous air conditioning unit.

1.2 The A/C unit measures approximately 1m x 1m x 0.4m (including the enclosure) and it sits

behind the existing side extension, being sited 1.2 – 2.2m above ground level and not visible from the street.

2. Assessment

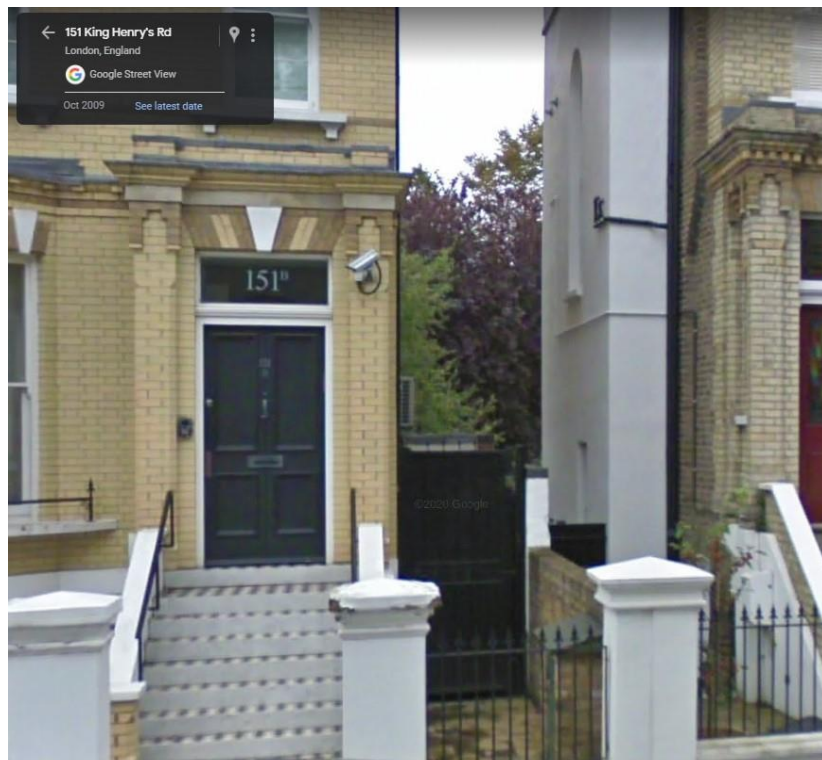
2.1 The material considerations for this application are as follows:

- Design and heritage
- Amenity
- Energy and Sustainability

3. Design and heritage

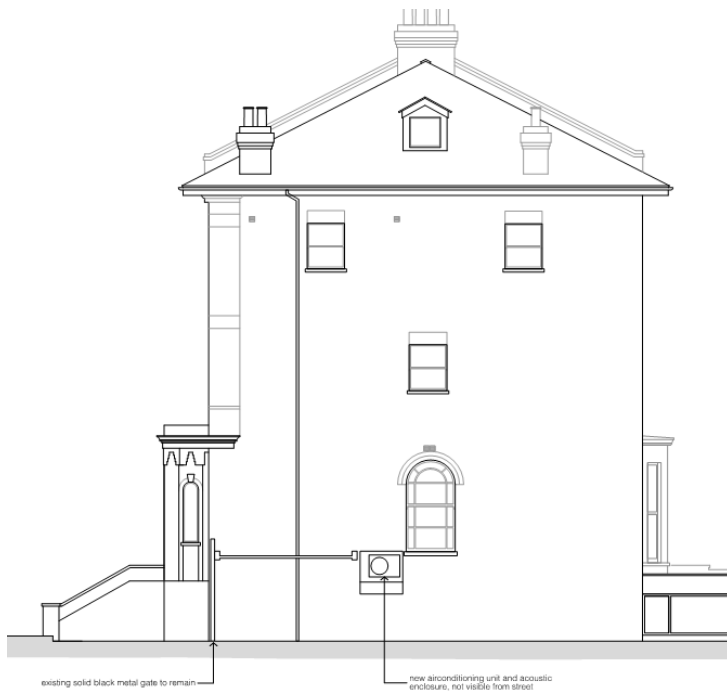
3.1 Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 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.

3.2 The building has been served by an A/C unit since 2009 and the previous unit became lawful, on balance of probability, through the passage of time, given that it had been in situ for more than four years. The unit was positioned on the side elevation, facing 153 King Henry's Road, above the side extension and it was visible from the streetscene, as illustrated in the Google screenshot below.



3.3 The replacement air conditioning unit which is proposed to be retained is discreetly located at the top of the lower ground floor behind an existing side extension (See side elevation below). The roof of the extension is level with the top of the air conditioning unit and its enclosure. The unit is located out of view from the street and it is only visible from the side windows at 153, such that the impact of its appearance on the area is negligible. The view

of the plant in the streetscene is further limited as the buildings is set back from the street.



3.4 As such, the installation of the A/C unit and enclosure does not have an adverse impact on the character and appearance of the host building, or conservation area, and it is considered acceptable in terms of design and heritage.

3.5 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.

4. Amenity

4.1 Policy A1 seeks to protect the quality of life of occupiers and neighbouring ones by only granting permission for development that would not harm their amenities. The main factors which are considered having impact on the amenity of neighbouring residents are overlooking, sense of enclosure, implications on daylight, sunlight, light pollution and noise.

4.2 The proposed A/C unit would be located opposite 153 King Henry's Road, at 2m distance. A noise assessment has been submitted and assessed by the Council's Environmental Health officer. The assessment indicates the rating noise levels exceed the background sound level by +9dB. According to BS4142, this indicates the potential for significant adverse impact. This is largely due to the proximity of the AC unit to the nearest sensitive receptors at 153 King Henry's Road. To ensure the likelihood of low impact, the submitted acoustic assessment assumes that all noise emissions fall a minimum of 5dB below the lowest measured background sound level, which although correct to current guidelines under BS4142 is not compliant under the Council's Local Plan which requires 10dB below. As such, a condition shall be attached to require details of a noise enclosure which complies with the noise limitations as set out in policy A4 of Camden Local Plan 2017.

4.3 Due to the nature and siting of the proposal, the A/C unit would not result in harm to the neighbouring amenity in terms of loss of light, outlook or overlooking.

5. Energy and sustainability

5.1 In accordance with Policy CC2 of the Local Plan, the Council discourages active cooling. Using active cooling systems increases energy consumption and carbon emissions contrary to the aims and objectives of policy CC1. Proposals for active cooling must therefore be

justified by way of evidence to demonstrate that other 'passive' measures have been considered and modelled.

5.2 As the building has been served by an A/C unit since approximately 2009, its replacement with one of a newer and more efficient generation would be a benefit in this instance. Whilst the proposed A/C would still promote active cooling, it will produce less carbon and it will therefore mitigate against carbon emissions when compared with the previous unit.

5.3 The applicant has indicated in 'CPG Appendix 1' that several passive cooling measures have been undertaken, for example, loft insulation, pipes/boiler tank insulation, draught proofing, LED lighting, room in roof insulation, internal wall insulation, floor insulation, upgraded windows. Other carbon reduction measures such as cavity wall insulation or Solar PV panels have been ruled out due to restricted access. Ground source heat pump and air source heat pumps were considered but prohibited by cost and space. External wall insulation was discounted given the property lies within a Conservation Area. Overall, the building has been subject to a considerable number of passive measures which make the building more energy efficient.

6. Conclusion

6.1 The proposed A/C unit and enclosure, due to their location and scale, would not be visible from the street and the character and appearance of the host building and Conservation Area would be preserved. On balance, considering the number of passive cooling measures implemented at the property and given the proposed A/C unit would replace an older less efficient A/C unit, it is considered that the proposal will reduce the carbon emissions from active cooling from this property. As such, the proposal is in line with policies A1, A4, D1, D2, CC1 and CC2 of Camden Local Plan.

7. Recommendation

7.1 Grant conditional planning permission.

Application ref: 2020/4978/P
Contact: Nora-Andreea Constantinescu
Tel: 020 7974 5758
Email: Nora-Andreea.Constantinescu@camden.gov.uk
Date: 6 December 2022

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Studio Carver
Alfred Place
37
London
London
WC1E 7DP
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

151 B King Henry's Road
London
NW3 3RD

DECISION

Proposal:

Retention of air-conditioning unit and acoustic enclosure to the side elevation at ground floor level, replacing a previous unit. (Retrospective)

Drawing Nos: 1606_PL_010; 1606_EX_201; 1606_EX_200; 1606_EX_020; 1606_PL_100;
1606_PL_101; 1606_PL_200; 1606_PL_201; Planning Statement dated 27/10/2020.

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 shall be carried out in accordance with the following approved plans:

1606_PL_010; 1606_EX_201; 1606_EX_200; 1606_EX_020; 1606_PL_100;
1606_PL_101; 1606_PL_200; 1606_PL_201; Planning Statement dated
27/10/2020.

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

- 2 The air-conditioning unit shall be provided with acoustic isolation, sound attenuation and anti-vibration measures to reduce the noise emission from plant to 10dB below the background noise level. Details shall be provided and implemented with three months of this decision. All measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1, A4, D1, CC1 of the London Borough of Camden Local Plan 2017.

- 3 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.

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) 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:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

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DECISION