

Application ref: 2022/3332/P
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Date: 6 February 2023

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

Phone: 020 7974 4444

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www.camden.gov.uk/planning

Hoban Design
43 Church Road
London
SW19 5DQ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**1 Frognal Gardens
London
NW3 6UY**

Proposal:

Replacement of external condenser unit set within an acoustic enclosure in rear garden
Drawing Nos: Site Location Plan 331 PL 201, 331 PL 202, 331 PL 211, 331 PL 220,
331 PL 311, 331 PL 320, M700 Rev T, Design and Access Statement, Noise
Assessment Report (prepared by Hann Tucker Associates dated 12/5/22),
Arboricultural Technical Note (prepared by SJA Trees dated July 2022), Condenser
Sustainability Note (prepared by Ralph T. King and Associates dated 11/01/2023)

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

Site Location Plan 331 PL 201, 331 PL 202, 331 PL 211, 331 PL 220, 331 PL 311, 331 PL 320, M700 Rev T, Design and Access Statement, Noise Assessment Report (prepared by Hann Tucker Associates dated 12/5/22), Arboricultural Technical Note (prepared by SJA Trees dated July 2022), Condenser Sustainability Note (prepared by Ralph T. King and Associates dated 11/01/2023)

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

- 3 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved Tree Protection Plan. The protection shall then remain in place for the duration of works on site and works should be undertaken in line with the approved arboricultural method statement, unless otherwise agreed in writing by the local authority.

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 and NE2 of the Hampstead Neighbourhood Plan 2018.

- 4 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical 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 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 installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017 and DH1 of the Hampstead Neighbourhood Plan 2018.

- 5 Prior to use, machinery, plant or equipment at the development 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 ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017 and DH1 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 Reasons for granting permission.

The proposal involves the replacement of a single condenser unit in the rear garden. The unit would be located in the same location as the existing in the northwest corner of the rear garden adjacent to the boundary wall with no. 1a. It would be enclosed within an aluminium acoustic enclosure with a louvred flat roof. The footprint of the enclosure would be modest in size in relation to the overall rear garden area and would be lower than the height of the boundary wall. The enclosure would not be visible in public views. It is considered that the siting and scale of the condenser and enclosure would not harm the character and appearance of the host building or 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 proposal involves the removal of a Tibetan Cherry tree in the rear garden, and this is not considered to have a negative impact on the natural environment. The proposals have been reviewed by the Council's Tree officer who has confirmed the details are satisfactory. Conditions are attached to ensure the protection and retention of the other trees.

The submitted noise assessment report has been reviewed by the Council's Environmental Health officer who has confirmed the details are sufficient subject to conditions to ensure the condenser will operate within the Council's minimum noise standards.

It is considered that by virtue of its size and scale, the unit and enclosure would not have a detrimental impact upon the amenity of neighbouring occupiers regarding noise, outlook and light.

Normally new condenser units are not supported in residential properties. Given that the proposal is for the replacement of an existing unit it is necessary to ensure that the replacement unit operates more efficiently. A sustainability note has been submitted detailing that the replacement unit would have a greater seasonal efficiency than the existing, using less energy and is considered to be more efficient.

One comment was received by a neighbouring resident regarding noise from the condenser. It is considered that the siting and scale of the acoustic enclosure and compliance with the attached conditions would ensure that no detrimental amenity impacts would arise in relation to noise or disturbance.

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, A2, A3, A4, D1 and D2 of the Camden Local Plan 2017 and policies DH1, DH2 and NE2 of the Hampstead Neighbourhood Plan 2018. 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:

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

Yours faithfully



Daniel Pope
Chief Planning Officer