

Delegated Report		Analysis sheet		Expiry Date:		29/12/2022	
		N/A / attached		Consultation Expiry Date:		11/12/2022	
Officer				Application Number(s)			
Obote Hope				2022/3750/P			
Application Address				Drawing Numbers			
29 Prowse Place London NW1 9PN				Please refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Installation of no. 2 x air condenser units on the rear elevation at roof level (Retrospective).							
Recommendation(s):		Refused and Warning of Enforcement Action to be Taken					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:				No. of responses	06	No. of objections	06
Summary of consultation responses:		<p>A site notice was displayed from 17/11/2022 to 11/12/2022. Press notice was displayed on 16/11/2022 to 10/12/2022.</p> <p>No response was received at the time of determining this planning application.</p>					
Jeffrey Street CAAC comments:		No response has been received.					

Site Description

The host building is a two storey Victorian building subdivided into three flats located on the Southside of Prowse Place to the East of Royal College Street. The host building is constructed with a pitched slate roof containing a number of rear rooflights and has a shallow mono pitched two storey rear outrigger. The front elevation of the host building is set back from Prowse Place with the rear elevation facing towards the rear elevations of properties on Camden Street.

The site is also located within the Jeffrey Street Conservation Area. The host building is not considered to make a positive contributor. However, both of the neighbouring properties no's 25 and 27 Makes a positive contribution to the Jeffrey Street Conservation Area.

Relevant History

Application Site:

2014/4777/P- Garages (1-3,5-6) rear of 174 Camden Street and 29 Prowse Place- Erection of a 2 x 3 storey buildings to create 2x residential units with garages at ground floor level, along with extension of ground flat at 29 Prowse Place into garage 1, following demolition of 5 existing garages. Granted, subject to s106, 30/03/2015.

2015/2766/P - 29 Prowse Place- Construction of a rear dormer and rear roof terrace at second floor. Granted, 06/08/2015.

2015/2767/P - Erection of a rear roof extension with inset terrace. Refused, 15/07/2015.

The proposed rear extension by reason of its location on the roof, bulk, detailed design and materials would be harmful to the character and appearance of the host building and the Jeffrey's Street conservation area. The proposal would therefore be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

It should be noted the development description of application 2015/2766/P and 2015/2767/P were mixed up as an administrative error.

Garages (1-3,5-6) rear of 174 Camden Street, and 29 Prowse Place

2014/4777/P- Erection of a 2 x 3 storey buildings to create 2x residential units with garages at ground floor level, along with extension of ground flat at 29 Prowse Place into garage 1, following demolition of 5 existing garages. Granted, 30/03/2015.

2016/2137/P- Variation of condition 2 of planning permission ref: 2014/4777/P (Erection of a 2 x 3 storey buildings to create 2x residential units with garages at ground floor level, along with an extension of ground floor flat at 29 Prowse Place into garage 1, following demolition of existing garages) to allow Minor Material Amendments consisting of a 3 storey infill addition containing a replacement garage at ground floor level and additional residential floorspace above, external alterations including alterations to the window design and internal alterations including a change in the housing mix to 1 x 2 bed unit & 1 x 3 bed unit). Granted subject to s106 29/11/2016.

2019/5330/P- Erection of rear roof extension and inset roof terrace. Granted 17/02/2020.

2021/3742/P - Ground floor bay window extension at the front elevation. Granted 13/07/2022

2022/3748/P - Installation of non-extendable door canopy to rear 2nd floor level. Granted 29/11/2022

Relevant policies

National Planning Policy Framework 2021

London Plan March 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A4 Noise and vibration

Policy D1 Design

Policy D2 Heritage

Policy CC1 Climate change mitigation

Policy CC2 Adapting to climate change

Supplementary Guidance

CPG Home improvements (2021)

CPG Energy efficiency and adaptation (2021)

CPG Design (2021)

CPG Amenity (2021)

Jeffrey Street Conservation Area Appraisal and Management Strategy 2002

Assessment

Background

1.1 Planning permission is sought for the retention of 2 air conditioning units on the rear roof of the host building.

2 Assessment

2.1 The main considerations in relation to this proposal are:

- Design and Heritage (the of impact of the proposal on the character and appearance of the host building and wider Hampstead Conservation Area);
- Amenity (the impact of the proposal on the amenity of adjoining occupiers);
- Energy and Sustainability, and;
- Enforcement

3.0 Design and Heritage

3.1 Policy D1 of the Local Plan requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building. Through Policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas.

3.2 CPG 'Design' states that the Council will only permit development within conservation areas that preserves and where possible enhances the character and appearance of the area. It further explains that when making a balanced judgment having regard to the scale of any harm or loss and the significance of the asset(s) affected, the Council will take account of the desirability of sustaining and enhancing the significance of any heritage asset/s and putting them to viable uses consistent with their conservation; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality and health and wellbeing; and the desirability of new development that affects heritage assets to preserve and enhance local character and distinctiveness.

3.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires

that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

3.4 Para 153 of the NPPF (2021) states that 'Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

3.5 Moreover, para 154 states that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, which can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

3.6 The Jeffrey Street Conservation Area Management Strategy advises new development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings.' The strategy also advises that great care should be taken for plant equipment near residential dwellings, it advises particularly in visually sensitive locations and in the proximity of residential accommodation, to ensure that local amenity is protected'.

3.7 The 2 x air condenser units are located to the rear at roof level and as installed the proposal would not be readily visible at street level, although there are no public views of the air condenser units both units would be visible from oblique views of the properties to the rear on Jeffreys Street. The intention to limit visual intrusion from the public domain would mitigate some harm of the proposal to the wider Conservation Area. The conservation officer was consulted and the air condenser units in this location in terms of design and heritage would not be considered harmful to the character and appearance of the host property or the wider conservation area. However, it is unacceptable on sustainability grounds as discussed below.

4.0 Amenity

4.1 Policies A1 of the Local Plan seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight. Policy A4 of the Local Plan seeks to ensure that noise and vibration is controlled and managed.

4.2 An acoustic assessment has been submitted with the application, which addresses the impact of the air condenser units and the nearest sensitive residential receptors are identified in the acoustic submission as the roof to the rear of 29 and Prowse Place. Based on the results of the environmental noise survey, the applicant proposes adequate levels to be achieved at 1 metre from the nearest noise sensitive window.

4.3 If the proposal was otherwise acceptable 2 x conditions would be attached to mitigate potential harm to the neighbouring residential occupiers, the first condition attached would require the reduction of the air condenser units cumulative sound pressure level by 10dB below the typical background level which would be in line with Camden's Noise standards and the full wording of the condition is attached below:

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

The final condition would be worded to prevent vibration of the 2 x air condenser units, the exact wording is attached below;

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.

In this case suitable conditions could be suitably worded to address potential noise concerns. Accordingly the units would not have a detrimental impact on the amenity of neighbouring occupiers.

5.0 Energy and Sustainability

5.1 As the application is for active cooling, as per policy CC2 and Energy Efficiency and Adaption CPG, schemes are required to demonstrate that other adequate measures have been considered and modelled before active cooling. 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. As a result, air-conditioning units are only permitted where thermal modelling demonstrates that there is a clear need for it after all preferred measures are incorporated in line with the London Plan cooling hierarchy. In addition, passive measures should be considered first. If active cooling is unavoidable, applicants need to identify the cooling requirement and provide details of the efficiency of the system.

5.2 The applicant has not provided any information demonstrating the cooling hierarchy, thermal modelling or overheating analysis has been undertaken to show that there is a clear need for the proposed units. Due to the lack of the abovementioned information, the Council cannot take an informed view if the development would comply with policies CC1 and CC2.

5.3 It is considered that, due to lack of information on active cooling, thermal modelling or an overheating analysis the application fails to comply with policies CC1 and CC2 and advice in the Energy Efficiency and Adaption CPG, which seek to minimise carbon dioxide emissions and would therefore be a reason for refusal.

6.0 Refused and Warning of Enforcement Notice to be issued:

6.1 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to remove the 4 x air conditioning units and the canopy on the front elevation and officers be authorised in the

event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

6.2 The notice shall allege the following breaches of planning control:

1. Installation of 2 air conditioning units to the rear at roof level.

WHAT ARE YOU REQUIRED TO DO:

1. Permanently remove the 2 air conditioning units;
2. Make good any resulting damage.

PERIOD OF COMPLIANCE:

6.3 The Notice shall require the removal of the units take place within a period of 3 months of the Notice taking effect:

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The proposal has failed to justify the need for active cooling by reducing and mitigating the impact of dwelling overheating through the application of the cooling hierarchy, thereby failing to minimise carbon dioxide emissions, contrary to policies CC1 (Climate change mitigation) CC2 (Climate change adaptation measures) of the Camden Local Plan 2017.