

Officer's Report

Application Number	HGY/2023/0097
Type	Householder planning permission
Location	100 Alexandra Park Road, Hornsey, London, N10 2AE
Proposal	Re-location of existing fridge compressor/vent units (plant equipment) and installation of acoustic enclosure and screen
Case Officer	Mercy Oruwari
Valid Date	11/01/2023
Applicant	Mr Rajesh Patel
Agent	

RECOMMENDATION

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Approve with Conditions

1. REPRESENTATIONS

1.1 One representation was received in response to notification and publicity of the application from the Conservation Team. No objections were raised.

2. REASONS FOR GRANTING PERMISSION

2.1 The subject site is located within the Muswell Hill Conservation Area and a Local Shopping Centre. The property forms a parade of three storey buildings with commercial units on the ground floor with residential on the upper floors. Entrance to the residential units and commercial units is from street level, but they are serviced from a narrow road that runs along the rear of the terrace with access to Rosebery Road. To the south of the service road and backing onto it is Rosebery Mews which runs along the rear of this part of Alexandra Park Road.

2.2 The ground floor is used as a retail space with storage space provided in the back and the lower ground floor. At the rear there is a recently built part single, part two-storey rear extension, which accommodates a self-contained flat at upper ground floor level and a B8 storage unit to lower ground floor.

2.3 The planning history of the site has been taken into account when coming to this decision:

- UNW/2022/00431 – Unauthorised installation of exhaust/ventilation units on roof of new rear construction. Ongoing
- HGY/2021/0315 - Approval of details pursuant to condition 3 (Materials) attached to planning permission HGY/2020/0375. Granted
- HGY/2020/0375 - Construction of a part single, part two-storey rear extension to accommodate a self-contained flat at upper ground floor level and a B8 storage unit to lower ground floor. Roof extension involving a rear dormer with 3x front Velux roof lights and reconfiguration of existing first and second floor flats to create an additional self-contained flat. Granted

2.4 The proposal includes the re-location of the plant equipment serving the refrigeration units associated to the retail business on the ground floor at the front. The plant equipment was previously located on the first floor level but was moved due to the building works. They were repositioned on the flat roof of the new rear extension. The existing relocation is very close to the residential windows of No 98 and the upper floor flat of the host building. This application is the subject of an ongoing enforcement case regarding the unauthorised installation of the plant and the noise/disturbance it is generating for nearby neighbours.

2.5 The new location for the existing plant equipment will be set further back in a central point on the flat roof. To reduce the noise and disturbance the equipment will be housed within a 5m wide, 1.4m high three sided louvred plywood screened enclosure.

2.6 Although the plywood structure will be larger in scale as it will be set further back the structure will not be immediately in front of the habitable windows of No 100. The timber structure would also provide a better outlook for this flat and the adjacent flats.

2.7 The proposal is therefore acceptable with regards to design and character considerations.

2.8 The purpose of the relocation and the screened enclosure is to set it further away from the residential windows to mitigate any noise or vibration disturbances following the installation of the equipment and its maintenance.

2.9 A BS4142 (2014) noise assessment was carried out to assess the impact of noise from the relocation and enclosure of the existing plant. The survey was conducted between 12:40 on 6th December to 12:45 on 7th December 2022. The nearest affected noise sensitive property has been sited as No 98 but No 102 should also be considered but mainly the upper floor flat of No 100 above the shop. The closest noise sensitive receiver to the installation location of the plant is the living room/kitchen window of this first floor flat. This is located approximately 4.8 metres opposite the relocated plant equipment.

2.10 An assessment has been made in accordance with BS4142. The applicant has assessed the sound level from the existing fixed plant.

2.11 In addition to the control of airborne noise transfer, it is important to consider the transfer of noise as vibration to adjacent properties as well as any sensitive area of the same building (the unit below). The duct should be isolated from the structure of the building using anti-vibration. The isolators shall incorporate the rubber or steel spring isolators.

2.12 With these measures put in place this should give a desired rating level of 18 db during the day and night at the most noise sensitive receptors. The LPA are satisfied that sufficient information has been provided and therefore the proposal for the relocation of this plant would be acceptable.

2.13 The proposed development is in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

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

- 3 The noise level from any plant together with any associated ducting, shall be 10 dB(A) or lower below the measured background noise level at 1 metre from the façade of the nearest noise sensitive premises. The method of assessment should be carried in accordance with BS4142:2014 'Rating industrial noise affecting mixed residential and industrial areas'.

Should the predicted levels exceed those specified in this condition, a scheme of further noise mitigation measures shall be submitted to and approved in writing by the local planning authority. Any additional mitigation measures approved shall be installed within 2-months of their approval and retained thereafter as long as the plant remains in situ.

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Policy DM1 of The Development Management DPD 2017.

Informatives:

- **INFORMATIVE: Party Wall Act**
The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-
8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.
- **INFORMATIVE: Party Wall Act**
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.
- **INFORMATIVE: Land Ownership**
The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.