

Officer's Report

Application Number	HGY/2023/0675
Type	Householder planning permission
Location	106 Priory Road, Hornsey, London, N8 7HR
Proposal	Proposed Installation of 3 x AC units to existing family dwelling above the flat roof on side flank wall. (Retrospective application)
Case Officer	Kwaku Bossman-Gyamera
Valid Date	09/03/2023
Applicant	Mr M Tabashiri
Agent	Mr Moni Rahman

RECOMMENDATION

Refuse

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

The applicant is seeking retrospective planning permission for three air condition units (AC units) located to the side flank wall elevation at first floor of the rear outrigger projection.

Site and Surroundings

The subject site is a two-storey mid terrace property with loft space incorporating front and rear dormer windows. The property is situated on the northern side of Priory Road, close to the junction with Redston Road. Surrounding area is wholly residential in character.

The site is not located within any conservation area and does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement History

The most recent planning history in relation to the site is as follows.

- HGY/2022/0378 – Approved 08/03/2022 - Demolition of Existing single storey extension for single storey L shaped wrap round extension with internal reconfigurations and Solar Panel on roof of existing outrigger.
- HGY/2022/0264 – Permitted Development 08/03/2022 - Certificate of lawfulness for the proposed erection of a rear dormer above the main roof.

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team: no objection on transport grounds.

LOCAL REPRESENTATIONS

The application has been publicised by way of 13 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 7

Objecting: 7

Supporting: 0

The following issues were raised in representations that are material to the determination of the application and are summarised and addressed in the next section of this report:

- Objects on the grounds that their location is inappropriate, units are located close to adjoining boundary at first floor level and causes a high level of noise which echoes and reverberates around this area,
- They are very industrial and unsightly so close to our property,
- The first floor flat looks out onto the units directly and is unsurprisingly unhappy with view and the noise from them,
- The 3 air conditioning units were installed without planning permission and their location is damaging the views from our property,
- The installation of the three air conditioning units is totally out of place,
- We are particularly concerned about their impact, especially from the resulting noise pollution, during the summer months when we use our garden on a daily basis,
- Strongly recommend that these units are removed immediately as it will effect those living next door with continuous noise and pollution,
- The noise and fumes they emit are disturbing to the enjoyment of my flat and garden and to sleeping at night, I am unable to have the bedroom window open for ventilation as a result.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and appearance.
2. Impact on neighbouring amenity;
3. Sustainability

Design and impact on the character and appearance of the area

DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

The proposed AC units are located to the rear of the existing dwelling on the side flank wall elevation of the outrigger projection and are outside of the public realm, therefore the development would have no impact on the street-scene. The AC units would be seen from No.104 Priory Road. The AC units can be seen from various area within the side elevation of 106 Priory Road (this property has been converted into several flats) including side windows and the rear garden area.

AC units are not usual on residential dwellings, other than perhaps flats above commercial uses and then the units are viewed as unacceptable and inappropriate within what is essentially a residential use. Such development of a 'traditional' dwelling within a built up and established residential context is regarded as inappropriate. This does not however mean that such development is inappropriate, but it does mean that a more sensitive approach must be sought in terms of reducing the visual intrusion. As it stands the AC units that have been attached to host property's side elevation wall can be seen by the neighbour at No.104 from their garden and from an upper floor bedroom window, albeit it is considered that the outlook from these windows would have oblique views of the AC units.

The level of AC units is significant at 3 and the existing positioning and the cumulative number as a cluster does amplify their visual appearance. The AC units are prominent protrusions at first floor level on the side. They are also a visual intrusion when viewed from the adjoining neighbours.

The air conditioning units appear as utilitarian bolt on additions to this side façade, unrelated to the architecture of the house. As such, it is considered that they detract from the architecture of the dwelling and the overall character and appearance of the street scene. The AC units also amount to poor design due to their prominence when approaching from the side tunnel back and when looking directly at the dwelling. The Council's adopted policies seek to ensure high quality development and considers good design is critical in ensuring that proposals create sustainable, connected, characterful and healthy places. The units are contrary to Policy DM1 which requires, amongst other things, that development responds to the site's immediate and wider context and local character to create buildings which draw the best out of that local character without harming it.

Impact on neighbouring amenity

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

The AC units would be installed closer to the party wall with no.104, no information has been provided in the application which outlines predicted noise emissions and mitigating measures. Nonetheless if the Local Planning Authority were mindful to grant planning permission, a condition would be imposed requesting further details to be submitted regarding noise mitigation measures and test to adhere with allowable limits for the impact. It is considered that the noise emitted by the units is unlikely to result in unacceptable harm to the living conditions of the occupiers of No 104.

Sustainability

The London Plan Policy SI 4 'Managing heat risk' requires development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials, and the incorporation of green infrastructure. Passive ventilation should be prioritised, considering external noise and air quality in determining the most appropriate solution. The increased use of air conditioning systems is not desirable as these have significant energy requirements and, under conventional operation, expel hot air, thereby adding to the urban heat island effect. If active cooling systems, such as air conditioning systems, are unavoidable, these should be designed to reuse the waste heat they produce.

Haringey's DM Policy DM21 'Sustainable design, layout and construction' requires all new development, to consider and implement sustainable design. Proposals should apply the cooling hierarchy to reduce the potential for overheating and limit reliance on mechanical air conditioning systems. The Council will support appropriate measures to sustainably retrofit existing homes and buildings. Proposals that fail to demonstrate adequate consideration for sustainable design will be resisted.

No information has been submitted to demonstrate why the property has a particular need for this form of air conditioning or that alternative more sustainable approaches have been considered and found to be unsuitable. In the absence of any justification for the installation of the proposed air-conditioning unit the proposal is not considered to meet the above policy requirements.

Conclusion

The proposed A/C units by reason of their size, number, design and prominent elevated position would have a visually intrusive, incongruous and unattractive appearance, at odds with the character and appearance of the application property and surrounding area and harmful to the visual amenities of neighbours and the locality contrary to Policy D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 and DM12 of The Development Management DPD 2017.

In the absence of any noise survey setting out the cumulative noise impact of the proposed A/C units, the application has not demonstrated that the development would have an acceptable impact on the residential amenities of neighbouring occupiers, contrary to Policy D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 and DM12 of The Development Management DPD 2017

The proposed installation of air conditioning units on the property does not follow the Haringey or Mayor for London's cooling hierarchy, would contribute to the urban heat island effect and would require unnecessary energy usage. In the absence of any justification as to why the application property has a particular need for this form of air conditioning or that alternative more sustainable approaches have been considered, the proposal is considered contrary to the sustainability aims of the National Planning Policy Framework (NPPF) and contrary to policy SI 4 of the London Plan (2021) and Policy DM21 of Haringey's Development Management DPD (2017).

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

CIL

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

REFUSE PERMISSION for the following reason(s):

Refusal Reasons:

The proposed A/C units by reason of their size, number, design and prominent elevated position would have a visually intrusive, incongruous and unattractive appearance, at odds with the character and appearance of the application property and surrounding area and harmful to the visual amenities of neighbours and the locality contrary to Policy D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policy DM1 and DM12 of The Development Management DPD 2017.

In the absence of any noise survey setting out the cumulative noise impact of the proposed A/C units, the application has not demonstrated that the development would have an acceptable impact on the residential amenities of neighbouring occupiers, contrary to Policy D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017, Policies DM1 and DM12 of The Development Management DPD 2017.

The proposed installation of air conditioning units on the property does not follow the Haringey or Mayor for London's cooling hierarchy, would contribute to the urban heat island effect and would require unnecessary energy usage. In the absence of any justification as to why the application property has a particular need for this form of air conditioning or that alternative more sustainable approaches have been considered, the proposal is considered contrary to the sustainability aims of the National Planning Policy Framework (NPPF) and contrary to policy SI 4 of the London Plan (2021) and Policy DM21 of Haringey's Development Management DPD (2017).