



Officer Report

Application Number: HGY/2023/2689
Application Type: Householder planning permission
Address: 86 Muswell Road, Hornsey, London, N10 2BE
Proposal: Installation of external air conditioning unit (AMENDED DESCRIPTION).
Case Officer: Cameron Sturges
Valid Date: 06/10/2023
Applicant: Mr Sal Cilenti
Agent: Miss Kamila Oszywa

1. SUMMARY OF RECOMMENDATION

GRANT PLANNING PERMISSION, Subject to conditions.

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Site and Surroundings

2.1 The application site is a two-storey terrace property located on the south side of Muswell Road. The dwellings is characterised by a front two storey bay windows, brick or render finish and two storey outriggers to the rear. The site is in Muswell Hill conservation area however is not a Listed Building.

Description of Development

2.2 This proposal is for the installation of an air conditioning unit to the rear gardens.

Relevant Planning and Enforcement History

2.3 The planning and enforcement history pertaining to the subject site is listed below:

HGY/1996/1636- Erection of ground floor rear extension, replacement of two ground floor rear windows with one double hung sash and one rear door with a second sash window – APPROVED 18/03/1997

HGY/2007/0562- Use of property as a single dwelling house -LAWFUL DEVELOPMENT GRANTED – 03/05/2007

HGY/2022/2032 - Works to trees protected by a TPO – APPROVED 11/11/2022

HGY/2023/0290 - Proposed single-storey ground floor extension and loft conversion with rear dormer extension and front rooflights – APPROVED 22/05/2023

CONSULTATION RESPONSE

2.4 The below internal departments were consulted:

1) LBH Conservation: No objections, subject to the below:

- The unit proposed is relatively small and would be placed in a flowerbed on the ground with enough space around it so it would be a fairly unobtrusive addition if appropriately screened, including by planting. However, the main concern here is that there are no details to the proposed screening for the unit, while the drawings and application form says that this would be as per the acoustic report, there are a few options/examples within the report. Ideally this information would be sought prior to determination as this information would determine its visual impact, however if it was considered that a type of screening is likely to have an acceptable visual impact, it could be conditioned.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way press advert, site notice and 8 letters to neighbouring properties. No representations were received in response to notification and publicity of the application.

4. MATERIAL PLANNING CONSIDERATIONS

4.1 The main planning considerations raised by the proposed development are:

1. Design, impact and appearance of the conservation area; and
2. Impact on neighbouring amenity

Design and appearance

4.2 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.

4.3 London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non[1]designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

4.4 DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

4.5 The proposed air conditioning unit as shown on the submitted plans would be located in the rear gardens of the host property between the trees and adjoining boundary fence. The dimensions of the unit are: 940mm W x 823mm H x 490mm D. The noise report submitted with the application indicates that the air conditioning unit will be fitted with an acoustic louvre enclosure with 25mm to 50mm thick acoustic panels. It is considered that the size, location and design of the air conditioning unit would ensure that it is not visually dominant in appearance and would not be considered to have a detrimental impact upon the host building and conservation area. Therefore, the local character and visual amenity of the conservation area will be protected.

Impact on neighbouring amenity

4.6 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.

4.7 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.

4.8 The minor scale and discreet siting of the AC unit means that it will result in no material loss of sunlight or daylight or have an overbearing appearance to the neighbouring property. There will be no material loss of privacy to neighbouring properties considering its siting away from habitable rooms/windows.

4.9 The maximum noise levels of the equipment would be unlikely to cause noise and disturbance to the nearest neighbouring window. A Noise Impact Assessment by Philip Acoustics Ltd dated September 2023 has been submitted with the application and concludes that the external air conditioning unit would not be harmful to the amenity of neighbouring residences as the noise generated will be below existing minimum background noise levels. It will be conditioned that the proposed air conditioning unit when operating the cumulative noise level LAeq TR arising from the unit, measured or predicated at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB9A) below the background noise level LAF90 Tbg. The measurement and/or predication of the noise should be carried out in accordance with the methodology contained within BS 4142:2014.

4.10 The proposal is acceptable in amenity terms and is in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 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.

Conclusion

4.11 The proposal is considered acceptable in terms of its impact upon the character and appearance of the host property and surrounding area. Furthermore, the scheme complies with Policies DM1, DM9 and DM12 of the Development Management, Development Plan Document 2017, and Policy SP11 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.

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

5. CIL APPLICABLE

5.1 N/A

6. RECOMMENDATION

GRANT PERMISSION subject to conditions:

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 air conditioning unit shall be such that when operating that the cumulative noise level LAeq TR arising from the unit, measured or predicated at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or predication of the noise should be carried out in accordance with the methodology contained within BS 4142:2014.

Reason: To protect neighbouring resident's amenity.

Informatives:

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.

INFORMATIVE: Hours of Construction Work

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.