



Officer Report

Application Number:	HGY/2024/0249
Application Type:	Householder planning permission
Address:	15 Broadlands Road, Hornsey, London, N6 4AE
Proposal:	Installation of 1 air conditioning condenser unit in the rear garden.
Case Officer:	Roland Sheldon
Valid Date:	30/01/2024
Applicant:	Mr Seb Timpson
Agent:	Mr Will McGuinness

RECOMMENDATION

Approve with Conditions

1. Site and Surroundings

The subject site contains a detached two-storey dwellinghouse (with accommodation at roof level) located on the southern side of Broadlands Road. The site is located within Highgate Conservation Area, specifically within the Bishops Sub-Area of the Highgate Conservation Area. Broadlands Road is a fairly spacious road originally developed by detached houses within large plots, although many have been replaced on the opposite side of the road by blocks of flats. The application site backs onto school open space that is designated Metropolitan Open Land (MOL).

2. The Proposal

The proposal seeks to install 1 air conditioning condenser in the rear garden.

3. Relevant Planning and Enforcement history

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

HGY/2023/1863: Installation of 3 condenser units (2 heat pumps, 1 air conditioning unit) in the rear garden – Withdrawn 04/12/2023

HGY/2023/1791: Approval of details pursuant to condition 4 (Replacement trees & additional landscaping) of planning permission HGY/2021/0048 dated 30/05/2022 – Approved 23/10/2023

HGY/2023/1416: Installation of 3 condenser units (2 heat pumps, 1 air conditioning unit) in the rear garden. – Withdrawn 04/12/2023

HGY/2023/1265: Certificate of lawfulness for the proposed installation of 21 solar panels on the property (7 on the side roof slope, 6 on the rear roof slope and 6 on the flat roof of the side extension). – Permitted development 01/08/2023

HGY/2023/0843: Certificate of lawfulness for the proposed erection of an outbuilding in the rear garden – Permitted development 08/06/2023

HGY/2022/4456: Non-material amendment application following grant of planning permission HGY/2021/0048 to provide a new internal staircase from basement to ground floor. – Approved 16/01/2023

HGY/2022/4452: Certificate of lawfulness: Blocking up an existing window opening to East side elevation and creating a new window opening to East side elevation – Approved 16/01/2023

HGY/2022/1871: Approval of details reserved by condition 3 (materials) and condition 5 (tree protection) attached to application HGY/2021/0048 – Approved 08/08/2022

HGY/2021/0048: Demolition of existing rear ground and first floor timber extension and side garage, erection of new single storey side extension to ground floor, erection of part single, part two-storey rear extension, erection of rear dormer, installation of 2 side and 1 rear rooflights, replacement of entrance canopy (AMENDED DESCRIPTION) – Approved 30/05/2022

4. CONSULTATION RESPONSE

a. The following were consulted on the planning application:

Internal

- LBH Conservation: No comments received.
- LBH Arboriculture: No comments received.

External

- Highgate CAAC (See comments below)
- The Highgate Society
- Highgate Neighbourhood Forum
- The Highgate School:

LOCAL REPRESENTATIONS

The application has been publicised by way of a site notice displayed in the vicinity of the site, a notice placed in the local press, and letters sent to neighbouring occupants. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

Objecting: 0
Supporting: 0
Neither: 0

The following local groups/societies made representations:

Highgate Conservation Area Advisory Committee: Objection on the following grounds:

- Insufficient information provided with regards to sustainability and energy performance of proposed unit.
- The applicant has not considered alternative cooling methods as part of the submission.
- Impact on biodiversity due to vibration noise.

5 MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and heritage;
2. Impact on neighbouring amenity;
3. Trees and landscaping and
4. Sustainable design.

Design & Heritage

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.

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-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.

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. 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.

The property is currently undergoing extensions and renovations that were granted planning permission under planning reference HGY/2021/00048. The current proposal seeks to install an air conditioning condenser unit in the far end of the rear garden to serve the dwellinghouse. The air conditioning unit would be installed behind the outbuilding that is proposed to be built following a lawful development certificate application HGY/2023/0843.

As measured on plan, the air conditioning unit would be 1.86 metres height including the concrete slab on which it would be placed, 0.6 metres depth and 1.1 metres width. It would not be visible from neighbouring properties and would have very limited impact on the setting of the dwelling, given its positioning at the rear end of the garden and likely behind the outbuilding previously deemed lawful.

Taking the above into consideration, the proposal would not result in an unacceptable impact on the character and appearance of the host building, and would preserve the character and appearance of the Highgate Conservation Area.

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.

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 the amenity of neighbouring residents.

Pertinent to this application, part c of the policy requires proposals to address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

The air conditioning unit is positioned within the far end of the rear garden of the dwelling, which would be approximately 40 metres from the rear windows of neighbouring no. 13 and a greater distance to those of no. 17 Broadlands Road. Given the separation distances, the unit is unlikely to be audible when in operation from these neighbouring windows.

Whilst the unit may be audible when in operation by occupants of the neighbouring properties when in the far end of their rear gardens, the air conditioning unit is domestic in scale and would not give rise to an unacceptable level of noise disturbance to be incurred in such circumstances that would unduly detract from the enjoyment of the use of their rear gardens.

A restrictive condition can be imposed on the development that sets out that the air conditioning unit shall be maintained and serviced so as to prevent the transmission of noise and vibration into neighbouring premises. The noise level from any plant together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at 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'.

Subject to compliance with this condition, the proposal would be acceptable with regards to amenity impact considerations.

Trees and landscaping

Policy G7 of the London Plan (2021) sets out that development proposals should ensure that, wherever possible, existing trees of value are retained. Policy SP13 of the Haringey Local Plan (2017) outlines that all development shall protect and improve sites of biodiversity and nature conservation, including private gardens through its:

- o Contribution to wildlife and ecological habitats and, where possible, include green and brown roofs, rainwater harvesting, green walls, bird and bat nesting/roosting opportunities; ▪ Protection, management and maintenance of existing trees and the planting of new trees where appropriate.

Policy DM1 of the Development Management Plan DPD (2017) sets out that development proposals demonstrate how the landscaping and planting are integrated into the development as a whole.

In support of the application, a Arboricultural Impact Assessment produced by Connick Tree Care has been submitted. The report outlines that the development would only encroach into the root protection area of 1 tree within the site, which is a mature Sycamore. However, the level of encroachment is minimal with a maximum impact of 0.28%. The submitted Arboricultural Method Statement outlines that specific steps will be taken to protect this tree (identified as T11 on the

survey), including a hand-dig form of excavation. The measures outlined would ensure that the health of the tree would not be unduly harmed by the construction works. The scale of the air conditioning unit would have no impact on the canopy spread of this tree, and the minor scale of development would not require any associated landscaping scheme.

Taking the above into consideration, the proposal is acceptable with regards to trees and landscaping considerations.

Sustainable Design

DM policy DM21 sets out that all new development will be expected to consider and implement sustainable design, layout and construction techniques, including limiting the reliance on air conditioning systems. In this case, the host building is an existing old building so this is a retro-fit measure and not a new-build development. The applicant had previously sought to apply for 3 condenser units; consisting of 2 air source heat pumps and an air conditioning unit under planning application HGY/2023/1863.

However, due to objections received to the application, the applicant decided not to proceed with the development and withdrew the application. The inclusion of an air conditioning unit, whilst not a sustainable measure is on balance considered to be acceptable given that it is being added to an old building. It is also noted that the applicant has applied to install 21 solar panels for energy/heat generation under planning reference HGY/2023/1265, which would provide some form of on-site energy and heat for occupiers in the interests of sustainability.

Conclusion

The proposed air conditioning unit would be acceptable with regards to design/heritage, amenity impact and tree impact considerations.

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

6. CIL APPLICABLE

The additional floorspace is less than 100 square metres and as such is not liable for CIL.

7. RECOMMENDATION

GRANT PERMISSION subject to conditions

Subject to the following 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 design and installation of the air conditioning unit shall be such that when operating the cumulative noise level LAeq TR arising from the unit, measured or predicated at 1m from the façade 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, in accordance with policy DM1 of the Haringey Development Management DPD (2017).

Informatives:

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.

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 their ownership.

INFORMATIVE: Proactive Statement

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our pre-application advice service and published development plan, comprising the London Plan 2021, the Haringey Local Plan 2017 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.