



Officer Report

Application Number: HGY/2023/0388
Application Type: Householder planning permission
Address: 207 Hermitage Road, Tottenham, London, N4 1NW
Proposal: Installation of air-conditioning/heating unit (condenser unit) at ground floor level in the rear garden.
(AMENDED DESCRIPTION)
Case Officer: Daniel Boama
Valid Date: 08/02/2023
Applicant: Mr Jakub Miara
Agent: Mr Gareth Evans

RECOMMENDATION

Approve with Conditions

1. SITE DESCRIPTION

The subject site is a two storey mid-terraced residential dwellinghouse located on the northern side of Hermitage Road. The surrounding area is predominantly residential in character. The site is not located within any conservation area and does not fall within the curtilage of a listed building.

2. THE PROPOSAL

This is an application for the installation of condenser unit at ground floor level in the rear garden.

Originally, the condenser unit was above the two storey outrigger. The application has been revised on two occasions. Firstly, by moving the condenser unit closer to the rear of the outrigger to reduce the impact on the neighbour at No.205. However, it was considered that its siting with the acoustic enclosure would be visually intrusive on the rear street scene. Therefore, the application has been revised again by placing the condenser unit at ground floor level in the rear garden to reduce the visual impact without the acoustic enclosure.

3. Relevant Planning and Enforcement history

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

HGY/2017/1979 – Single storey ground floor side and rear extension – Granted permission on 09/8/2017

4. CONSULTATION RESPONSES

Internal & External Consultees

The following were consulted on the planning application:

LBH Noise & Pollution: no comment
LBH Carbon Management: Raise no objection

Neighbour Consultation

The number of representations received from neighbours in response to notification and publicity of the application were as follows:

No of individual responses: 2

Objecting: 2

The following issues were raised by neighbours:

- Too close to neighbouring property by being under 1m away which is under the guidelines.
- The unit would be undercutting the guideline of 1 metre minimum distance to the edge of a flat roof to which they object.
- The noise and disturbance will be inevitable because of vibration alone, and would severely compromise the enjoyment of their living space as well as raise health concerns.
- The Plant Noise Assessment harbours several factual inconsistencies and if referred to as a basis to giving permission, needs to be corrected.
- The Plant Noise Assessment document only considered the property no.209 in its impact assessment.
- The Plant Noise Assessment identified that the rear window of no.209 is the nearest residential receptor at a distance of 5 metres.
- Noise impact on their bedroom and working/ study spaces.
- The low frequencies cause irritation, headache, nausea, disorientation, digestive disorders and most significantly, disturbed or no sleep.
- Having installed such a noise emitting unit to the very nearest of the sleeping area and above the second floor, appears hardly advisable nor acceptable.
- The guideline of 1 metre distance to the flat roof exists for a reason and a concern would be that undercutting this would also lead to travelling low frequencies into the sleeping area of my property.

5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

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

Design and appearance

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 first revision was advised to prevent the condenser unit from causing an impact on the neighbours amenity. However, it was further advised that its position above the two storey outrigger would be visually intrusive to the rear street scene and the surrounding area. Therefore, the drawings were revised again by replacing the condenser unit at ground floor level in the rear garden, to reduce the visual impact. Therefore, the proposal is considered acceptable.

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 vibrations and noises that would be produced from the use of the condenser unit above the two-storey outrigger have raised concerns with the neighbour at no.205, who have stated that it would impact on the health and the sleeping patterns. Therefore, the second revision has placed the condenser unit at ground floor level in the rear garden so that is further away from the habitable rooms at No.205. At ground floor level, it is not considered to have an impact on neighbouring amenity because it is over 1m away from the habitable rooms from neighbouring properties in accordance with guidelines, and so the harm caused by vibrations would be mitigated.

Noise Impact

DPD Policy DM1Dc 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

DPD Policy DM23 'Environmental Protection' states that the Council will seek to ensure that new noise sensitive development is located away from existing or planned sources of noise pollution. Proposals for potentially noisy development must suitably demonstrate that measures will be implemented to mitigate its impact. A noise assessment will be required to be submitted if the proposed development is a noise sensitive development, or an activity with the potential to generate noise.

The predicted plant noise emissions are outlined in the specifications submitted, namely it would have a sound pressure level of 57/60 dB(A), for cooling and heating. It would not be visible from neighbouring properties considering that it would be at ground floor level in rear garden following advice to revise the drawings.

The Noise Impact Assessment was revised according to the revised drawings to assess the noise impact of the condenser unit from the rear garden adjacent to the boundary with No.209. The acoustic enclosure would be required for the condenser unit in order that the adopted plant noise emission limits may be achieved at nearest sensitive receptor, 209 Hermitage Road. In the revised location it is further away from the habitable rooms at No.205 who raised the objections to the condenser unit. A condition will be imposed that ensures the condenser unit meets the required noise restrictions to protect residential amenity.

Conclusion

The proposal is considered not acceptable in terms of the design and appearance, impact on neighbouring amenity, and noise impact.

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.

6. CIL APPLICABLE

N/A

7. 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 design and installation of new items of fixed plant shall be such that, when in operation, the cumulative noise level LAeq 15 min arising from the proposed plant, measured or predicted at 1 metre from the facade of nearest residential premises shall be a rating level at least 5dB(A) below the background noise level LAF90. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:2014 +A1:2019.

Within 30 days of any request by the Council a noise report shall be produced by a competent person and shall be submitted to and approved by the Council to demonstrate compliance with the above criteria.

Reason: To protect residential amenity in accordance with Policy DM1 of the 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: 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.