

Officer Report

Application Number:	HGY/2022/4238
Application Type:	Full planning permission
Address:	Flat 24, Berkeley House, 163 Tottenham Lane, Hornsey, London, N8 9FD
Proposal:	Installation of external air conditioning unit
Case Officer:	Josh Parker
Valid Date:	05/04/2023
Applicant:	Miss Effie Karacosta
Agent:	Mr Andrew Lester

RECOMMENDATION

Approve with Conditions

Proposed development

This is an application for the Installation of external air conditioning unit.

Site and Surroundings

The application site/flat is a part of Berkeley House; an attractive new multi storey development comprised of apartments. The area has a mixture of uses, being, commercial typically on the ground floor and residential above. The building made of brick, black cladding and balconies have frosted glazing balustrades.

The building is not listed however is sited in the Crouch End Conservation area.

Relevant Planning and Enforcement history

HGY/2017/2001 - Redevelopment of the site to provide 26 residential units together with 1,172sqm of commercial floor space within 2 ground floor premises and plant and store room within basement (use classes A1, A2, B1, B2 restricted to MOT testing, mechanical servicing and repairs of motor vehicles and D1 restricted to medical use).

HGY/2018/2529 - Removal of Condition 1 (Time limit) and Variation of Condition 2 (approved drawings), Condition 3 (materials), Condition 5 (waste storage), Condition 8 (cycle parking) and Condition 24 (landscaping) attached to planning permission HGY/2014/0484.

HGY/2019/0748 - Variation of conditions 2 and 3 attached to planning permission HGY/2017/2001, as amended by HGY/2018/1874, to include the demolition of the existing rear southern boundary wall and erection of new wall with 1.2m high trellis above.

Consultation response

The responses below were received following consultation on the application:

Internal:

- 1) LBH Acoustic Officer: No response

LOCAL REPRESENTATIONS

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

No responses were received.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design and impact on the character and appearance;
2. Impact on neighbouring amenity;

Design and impact on the character and appearance of the conservation 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.

Flat 24 Berkeley House is sited on the top floor or 'penthouse' in the recently completed apartment block. The top floor has brick and black cladding along with additional materials which attract and retain heat. In summer the applicant has found it difficult to live, sleep and enjoy their apartment. The proposal is to install and air conditioning unit to combat the heat over hot periods. The proposed Daikin machine is a lightweight AC box designed for domestic residential use. The dimensions are as follows 0.55m (h) by 0.765m by 0.285. The officer has taken a site visit on the 5th of May 2023 and made a handful of observations including the flat being hot and stuffy despite all the windows and doors being open on a cloudy mild afternoon.

- The balcony where the air conditioning unit is proposed has frosted glass over 1.4m height.
- The unit will only be visible from the applicant's balcony.
- The brick wall that the unit runs parallel with is a hallway on the opposite side of the wall (not habitable).

This context and size, would ensure that the proposed air source heat pump and air conditioning unit to the rear would not cause discernible changes to the character or appearance of the house or conservation area. The unit is small, lightweight and cannot be seen from any public space and therefore acceptable in terms of design.

Sustainability

As mentioned above in the site history, the application has undergone numerous changes and variations before completion. The original proposal had an energy report demonstrating what the measures have been implemented to specifically mitigate overheating. The report from 2017 suggest that there would be a "slight to medium overheating risk during the summer months." The report then goes further to suggest "As the residential units are located on the upper floors there is a low security risk; therefore, it is possible to allow the windows to be open during the night, for night time cooling. The units used for the sample SAP calculations all comply with Criterion 3 of Part L1A 2013 of the Building Regulations".

The subject flat in this energy strategy report is one of 2 flats that are identified to have greater overheating risks before the additional windows were added in that could be opened overnight to lower temperatures. It should be noted that it is difficult to predict the intensity of future seasons as climate variables are beginning tougher to gauge and temperatures are typically rising. Applications and designs are becoming more robust in terms of energy use and sustainability to align with the London Plan and all other framework however, after retrospectively reviewing the overheating section in the initial design the council accepts that flat (24) was identified to have issues and the solutions are not sufficient so the addition air conditioning unit will help improve the living conditions.

A building as new as this should be self sufficient in regards to and cooling the building however, it is evident that the overheating response/mitigation identified in the report is not sufficient for cooling the top or penthouse apartment and therefore additional cooling is acceptable in this case.

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 proposed unit would be behind a brick wall that leads into a hallway and then another flat. The physical presence and distance between the neighbouring flat and especially habitable rooms would mean insufficient harm created on neighbouring residential amenity when considering noise generated. To safeguard this, a condition has been agreed upon; the condition follows: The noise level from air source heat pump shall at all times remain 5dB(A) below background levels when measured at any nearby residential window or other noise sensitive receptor. The proposal is acceptable in amenity terms with the conditions agreed to below.

Conclusion

The proposal is considered acceptable as it would preserve the Crouch End conservation area and would not harm neighbouring residential amenity.

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

Conditions:

- 1 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.

- 2 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.

- 4 The noise level from air source heat pump shall at all times remain 5dB(A) below background levels when measured at any nearby residential window or other noise sensitive receptor.

The plant/ equipment shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it

is able to comply.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and 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.