

Application Number : **HGY/2024/1821**

Application Address : **48 Queens Avenue, Hornsey, London, N10 3NU**

We have been appointed by Mr Hazem El-Akhawy of 50b Queens Avenue as Planning Consultants in order to review planning application **HGY/2024/1821** and prepare and submit representation on his behalf.

This application seeks consent for:

"Installation of air source heat pump in private rear garden enclosed by timber louvred unit. Dimensions shown in the attached proposed elevations".

The submitted application proposes the installation of an air source heat pump (ASHP) within the private rear garden of No.48 Queens Avenue, a single family dwelling house. The submitted drawings appear to indicate that the proposed heat pump will be located 0.2m from the Eastern boundary with No.46 Queens Avenue, approximately 10.8m from the Western boundary with No.50 Queens Avenue. The overall size of the heat pump housing is indicated as being 0.5m x 1.1m x 1.65m high, sitting atop a 100mm high concrete slab.

The submitted application consists of:

1. A site location plan
2. Drawing QA_P_012 with existing and proposed part plans, indicating the ASHP position
3. Drawing QA_P_013 with existing and proposed part elevations, indicating the ASHP size and appearance.
4. An "MCS Sound Assessment" document indicating the noise calculation procedure and process.

We wish to **OBJECT** to the current proposal for the following reasons:

1. The proposed ASHP unit does not appear to be clearly specified within the application. Without the full specification of the ASHP model make and detail, it's not possible to establish the likely noise output level.
2. As the ASHP has not been specified it's not possible to establish whether the proposed unit is capable of providing cooling as well as heating. This makes it impossible to establish the extent to which the equipment may generate noise, for example if it will only function when it is cold to heat the property or also when it is hot to help cool the property. As a result the potential exposure to noise that may occur cannot be determined.
3. As the ASHP has not been specified it's not possible to establish whether or not the proposed timber housing is sufficiently sized to enclose it. The supplied drawings illustrate a timber housing measuring 0.5m x 1.1m x 1.65m high but this would match the annotated ASHP unit size and therefore is unable to enclose it. If the ASHP dimensions are correct, then the proposed housing would need to be larger than indicated in the submitted application to safely enclose the unit using manufacturer clearance requirements. Full specification of the ASHP would likely clarify this matter.
4. It is not clear from the submitted information if this housing is serving a sound mitigation function, or the minimising effect of any such mitigation on the potential noise impacts. Provision of an *acoustic housing* could help minimise noise, but this has not been detailed nor demonstrated.
5. The submitted application fails to address potential fire risks associated with housing plant machinery within a timber enclosure, seemingly without safe clearances and in proximity to boundaries.

6. The submitted application does not identify the use of neighbouring buildings, nor the size, quantity, positioning nor distance to the range of potential receptors. No drawings or imagery have been provided identifying potentially affected openings. Due to the lack of information, it is not possible to establish the quantity, positioning or distance from the external noise generating pump to surrounding receptors and it appears that the application has failed to consider these.

- No.46 Queens Avenue is believed to be a mixed use building with a doctors surgery located on the ground floor and the upper floors converted into **two** self contained residential dwellings.

- No.50 Queens Avenue is a residential building divided into **four** self contained residential dwellings. Mr El-Akhnawy is the owner and occupier of 50b, the ground floor unit adjacent the application site. He has confirmed to us that the bedrooms to his property have windows that open up onto the side passage between No.48 and 50, and that it is often possible to hear noise from the rear gardens when in those bedrooms. Habitable living spaces open to the rear garden where there is a patio that is used by Mr El-Akhnawy and his family year round.

7. The submitted MCS Sound Assessment suggests that the closest window would be more than 13m away at No.50 Queens Avenue, on the other side of the boundary fence. It tests this screened opening indicating that it will comply with MCS standard by 1dB. However, there appear to be **no assessments** made to **any** other openings meaning the application fails to consider ground and first floor openings surrounding the application site. It appears clear to us that there would in fact be other receptors well within 13m of the proposed ASHP, such as those to the rear of No.46 Queens Avenue. Furthermore, first floor windows, whether closer or further away, would not benefit from screening and so there appears to be a very real risk of the MCS standard not being met for them. Each receptor must be individually assessed to determine the impact to each.

Without a comprehensive assessment of **all** receptors it is not possible to demonstrate that the proposed development meets the MCS standard nor planning policy.

Some of the potentially affected openings mentioned in 6 and 7 above are indicated in the image below using orange, with the estimated ASHP position marked in yellow:



8. The MCS standard considers the impact as measured in relation to neighbouring windows but does not address potential noise impact on neighbouring private garden space. We believe that rear gardens could be considered tranquil spaces that form a critical part of the amenity of neighbours and so may also require an assessment of noise impact.

9. The MCS standard makes an assumption of the background noise level being 40dB, which is often considered a strong standard for an urban setting. However, the application site is in an area that could be considered sub-urban, with long rear gardens backing onto an open bowling green, features which may lend themselves to a quieter and more tranquil environment. Given that the proposed development falls to be a planning application we consider that the submission should, in line with planning policy and practice, identify the *actual* environmental background noise level in order to provide a clear understanding of how audible any new ASHP may be in-situ.



10. The MCS Sound Assessment does not indicate who has carried out the assessment, providing no confirmation nor assurance that it has been completed by a Certified MCS Contractor to ensure that it is correct.

Whilst it is accepted that the MCS Standard is used to help homeowners navigate Permitted Development Installations of Air Source Heat Pumps, the submitted application falls to be a planning application and therefore is required to ensure compliance with various planning policies. We consider that the following would be relevant;

National Planning Policy Framework

The NPPF 2023 is applicable to this development.

Para 191: states that planning decisions should ensure that development is appropriate taking into account the likely effect on health and living conditions. It specifically notes a requirement to "(a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development*". Furthermore it notes that decisions should "(b) *identify and protect tranquil areas which have remained relatively undisturbed by noise*".

The NPPF references the **Noise Policy Statement for England**, which aims to firstly avoid significant adverse impacts or otherwise mitigate and *minimise* any adverse impacts from noise (in this case from neighbours).

We consider that the submitted application provides insufficient information to determine the potential impact on the health and living conditions of neighbours (their amenity). The application fails to identify noise receptors, including the potential impact on neighbouring gardens and therefore cannot demonstrate that it has taken into account potential impacts.

We consider that the submitted application does not demonstrate that it has avoided significant impact, nor mitigated nor *reduced to a minimum* potential adverse impacts. For example, even IF the proposed development complied with the MCS Standard, there could nevertheless be *further mitigation* measures taken to *minimise* noise in line with the NPPF – such as the provision of attenuation and a specifically designed and detailed acoustic housing.

We consider that the surrounding rear gardens could be identified as tranquil areas which have remained relatively undisturbed by noise and should therefore be appropriately protected.

London Plan

The London Plan 2021 is applicable to this development.

Policy D14 – Noise: Part A states that

"In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by;

- 1) avoiding significant adverse noise impacts on health and quality of life;*
- 2) reflecting the Agent of Change principles as set out in Policy D13 Agent of Change;*
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses;*
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes.*
- 5) separating new noise-sensitive development from major noise sources;*
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles.*
- 7) promoting new technologies and improving practices to reduce noise at source, and on the transmission path from source to receiver".*

Policy D13 – Agent of Change: Part C states that:

"New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses".

Part E states that:

"Boroughs should not normally permit development proposals that have not clearly demonstrated how noise and other nuisance will be mitigated and managed".

We consider that the submitted application provides insufficient information to establish how it will reduce, manage and mitigate noise nor that it will avoid significant adverse noise impacts. The application does not identify nor quantify measures put in place to protect neighbours.

We consider that, as the application has not clearly demonstrated how noise will be mitigated and managed, that the proposed application, in its current form, could not be permitted according to Policy D13(E).

Local Plan 2013 / 2017

The Haringey Local Plan is applicable to this development. The Local Plan includes the Development Management Policies 2017.

Policy DM1 – Delivering High Quality Design: Part D and D(c) state that:

"D. Development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that: D(c) Address issues of vibration, noise, fume, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development".

Policy DM23 – Environmental Protection: Parts D 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". And

Part E, along with the **Sustainable Design and Construction SPD 2013. Section 7 – Pollution** both state that:

"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".

We consider that the proposed development has not demonstrated that it will *ensure* a high standard of amenity for its neighbours. The application fails to identify surrounding noise receptors and fails to assess and address the impacts to these.

We consider that the new development has not suitably demonstrated that measures will be implemented to mitigate its impact.

We consider that the submitted MCS Sound Assessment is incomplete, only testing one receptor. Further tests should be made and a more comprehensive Noise Assessment is likely to be more suitable for the purposes of a planning application. This should include assessment to the ground floor bedroom windows of No.50b, from where Mr El-Akhrawy says it is often possible to hear noises coming from the garden of the application site.

Planning Practice Guidance

The Government has published planning practice guidance relevant to noise and applicable to this development.

Paragraph 001 identifies that noise needs to be considered when development may create additional noise with **paragraphs 002** and **003** noting that it is important to look at noise in the context of the proposal and its surroundings with decision making needing to take account of the *specific acoustic environment* to establish whether a good standard of amenity can be achieved or if the development may be above the *"significant observed adverse effect level"*.

Paragraph 005 explains how noise can become observable and create adverse effects by requiring changes in behaviour and attitude, for example, having to turn up the volume on the television if inside, or having to speak more loudly to be heard whether inside or outside. It presents a *"Noise Exposure Hierarchy Table"*.

Paragraph 010 indicates 4 types of possible mitigation including engineering, layout, use of planning conditions and mitigation.

Summary

As a result of the aforementioned, we consider that the submitted proposal;

- Fails to suitably specify sources of noise generation to allow assessment;
- Fails to suitably explain the level and extent of noise generation to allow assessment;
- Fails to provide accurate designs and details of any housing, and fails to take opportunities for any such housing to *minimise* potential adverse noise impacts;
- Fails to consider or explain the potential fire risks created by the proposal;
- Fails to suitably identify ALL potential receptors, including openings and garden spaces, nor assess the impact of noise on these;
- Fails to consider the site specific acoustic environment and fails to demonstrate that the development would fall below the "significant observed adverse effect level".
- Fails to provide suitable assurance that the noise calculation provided has been carried out by a certified contractor or assessor.
- Fails to suitably define, demonstrate and quantify mitigation or management measures that can reduce adverse impacts;
- Fails to demonstrate that it has *minimised* potential adverse impacts;

As such, we consider that the application **FAILS** to meet the requirements of the Local Plan.

We have identified various ways in which the proposed development may give rise to harms, in particular to the amenity of adjoining neighbours, how it fails to properly identify, and clearly demonstrate how it will mitigate, manage and *minimise* potential harms to ensure a high standard of amenity and how these contribute to the proposed development failing to meet relevant policy.

The London Plan Policy D13 (D) states that: "*Boroughs should not normally permit development proposals that have not clearly demonstrated how noise and other nuisance will be mitigated and managed*".

We therefore request that, in the absence of additional detailed and clarifying information, the Local Planning Authority use their powers to refuse consent.

We believe that the provision of additional, more detailed information from the applicant could help to alleviate concerns and facilitate approval. This might include manufacturer details of the proposed ASHP, drawings identifying receptors, a comprehensive noise assessment of all receptors, details of specifically designed acoustic housing / attenuation and quantifying the minimisation this may have on the adverse impacts. As a result, we request to be informed of any updated information.

Yours sincerely

Luis Nieves (*on behalf of Mr Hazem Akhnawy*)