

Officer Report

Application Number:	HGY/2024/1821
Application Type:	Householder planning permission
Address:	48 Queens Avenue, Hornsey, London, N10 3NU
Proposal:	Installation of air source heat pump in private rear garden enclosed by timber louvred unit. Dimensions shown in the attached proposed elevations
Case Officer:	Zara Seelig
Valid Date:	01/07/2024
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Applicant:	Mr Yoni Jacobs
Agent:	Sabrina Teacher

RECOMMENDATION

Approve with Conditions

SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) The design and installation of Air Source Heat Pump hereby approved shall be such that, when in operation, the cumulative noise level arising from the proposed plant, measured or predicted at 1m from the facade of nearest residential premises shall be not exceed the proposed level of 45dB. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997. Upon request by the local planning authority a noise report shall be produced by a competent person and shall be submitted to and approved by the local planning authority to demonstrate compliance with the above criteria.

Reason: The level of noise from the air source heat pump is, so far as practicable kept to a minimum so as to minimize its effect on the amenity of the surrounding properties and general area. In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and Policies DM1 and DM23 of The Development Management DPD 2017.

Informatives:

- 1) Land ownership
- 2) Hours of construction
- 3) Party Wall Act

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the installation of an air source heat pump in the rear garden of the application dwelling.

Site and Surroundings

The application site is a two storey semi detached dwelling situated on the Northern side of Queens Avenue. The site is located within the Muswell Hill conservation area and it is a locally listed building.

Relevant Planning and Enforcement history

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

HGY/1996/0072,

Address: 48, Queens Avenue, London, N10 3NU, London

Proposal: Construction of crossover and hardstanding to front garden to facilitate off street parking provision.,

Received Date: 24 January 1996

Valid Date: 24 January 1996

Decision Date: 21 May 1996

Decision: Refuse

HGY/2005/0450,

Address: 48, Queens Avenue, London, N10, London

Proposal: Creation of vehicular crossover.,

Received Date: 16 March 2005

Valid Date: 16 March 2005

Decision Date: 20 April 2005

Decision: Approve with Conditions

HGY/2011/0003,

Address: 48, Queens Avenue, London, N10 3NU, London

Proposal: Certificate of lawfulness for replacement of existing conservatory and verandah with new rear ground floor extension,

Received Date: 23 December 2010

Valid Date: 23 December 2010

Decision Date: 15 February 2011

Decision: Withdrawn

HGY/2011/0298,

Address: 48, Queens Avenue, London, N10 3NU, London

Proposal: Demolition of existing conservatory/verandah and erection of single storey rear extension (Householder Application),

Received Date: 14 February 2011

Valid Date: 14 February 2011

Decision Date: 28 March 2011

Decision: Approve with Conditions

HGY/2011/0958,

Address: 48, Queens Avenue, London, N10 3NU, London

Proposal: Non-material amendment following a grant of planning permission HGY/2011/0298, to increase the amount of glazing to cover the full roof area,

Received Date: 25 May 2011
Valid Date: 25 May 2011
Decision Date: 13 June 2011
Decision: Approve with Conditions

HGY/2002/1381,

Address: 48, Queens Avenue, London, N10 3NU, London
Proposal: Demolition of front boundary wall to provide access to front garden for car parking space.
Provision of vehicular cross-over.,
Received Date: 18 September 2002
Valid Date: 18 September 2002
Decision Date: 13 November 2002
Decision: Refuse

HGY/2004/2654,

Address: 48, Queens Avenue, London, N10 3NU, London
Proposal: Creation of a vehicular crossover to a metropolitan road.,
Received Date: 22 December 2004
Valid Date: 22 December 2004
Decision Date: 14 February 2005
Decision: Refuse

HGY/2023/2922,

Address: 48 Queens Avenue, Hornsey, London, N10 3NU
Proposal: Erection of a rear facing dormer and a garden unit, instillation of rooflights and adaption to front boundary wall serving driveway.,
Received Date: 30 October 2023
Valid Date: 30 October 2023
Decision Date: 18 January 2024
Decision: Approve with Conditions

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

LBH EHS – ASB Specialist - Noise: Consulted – No response received
LBH Conservation Officer: Consulted - No response received

External: None

LOCAL REPRESENTATIONS

The application has been publicised by way of 10 neighbour consultation letters and a site notice posted. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses:

Objecting: 1
Supporting: 0

The following local groups/societies made representations:

- None

The following Councillor(s) made representations:

- None

The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- No specification, unsure if provides cooling as well as heating. Therefore unsure as to noise impact
- Not clear as to whether the ASHP housing provides a sound mitigation function
- Potential fire risk
- Submitted drawings do not identify the potential impact on neighbouring properties and no assessment made to other openings
- MCS sound assessment submitted assesses potential impact on openings but not neighbouring gardens

Officer comment:

The agent was contacted regarding the above points and responded as follows:

*1. The proposed unit is the **12kW Vaillant aroTHERM plus & AI VWL 125/6 A 230V S2 - 1100mm (W) x 1565mm (H) x 490mm (D)**. The heat pump feet add an extra 165mm height. It's an ultra quiet heat pump and it's likely noise output is specified in detail in the "MCS Sound Assessment" - including its sound output at the unit, and its estimated sound as would be measured at 50b Queen Avenue's closest opening to the heat pump.*

*- **A- weighted sound power level of the heat pump as obtained from the manufacturer's data: 60dB**
- **Sound pressure level from the heat pump at the assessment position at 50 Queens Avenue: 24dB**
(comparable to the sound level of a quiet natural area without wind)*

The heat pump will provide heating only, no cooling.

2. The timber enclosure can wrap the heat pump tightly - 100mm away from it.

3. An acoustic enclosure is not required from the perspective of compliance of MCS020 Planning Standards.

4. Timber enclosures are very commonly combined with heat pumps and their fire risk has never been raised before in our company's history of installing hundreds of heat pumps.

5. Provided in the drawings.

6. I wasn't aware there were habitable dwellings at 46 Queen's Avenue - happy to provide an alternative MCS Sound Assessment to no. 46?

7. The heating / heat pump doesn't operate during warmer weather, the season in which rear gardens are used. It is only used for ~1hr hot water reheat, which can easily be scheduled to run outside of waking hours.

8. This is making an argument for an acoustic site assessment on the basis of the area being unusually quiet.

9. Carried out by Next Step Heating, who is a Certified MCS Contractor.

A revised MCS Assessment was provided to include no. 46.

The following issues raised are not material planning considerations:

- None

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

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

Design and appearance and Impact on 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.

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, 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.

The proposed Air source heat pump is a minimal addition to the garden area and would not be visible from the street scene. The proposal is acceptable in terms of design and its impact on the 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. 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.

There would be no impact on neighbouring amenity by way of overbearingness, loss of daylight/sunlight or loss of privacy as a result of this proposal. The points raised in the objection have been considered and matters relating to the specification of the unit model proposed have been provided. In addition, an updated MCS Assessment has been provided to include the neighbouring properties raised in the objection. The proposal is considered acceptable, additionally the noise levels are to be conditioned to be limited to an acceptable level.

Conclusion

The proposal is considered acceptable and complies with relevant planning policy. 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.

CIL APPLICABLE

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

RECOMMENDATION

GRANT PERMISSION subject to conditions

1. Time Limit
2. In accordance with approved plans
3. Noise level restriction

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.

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.

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 Air Source Heat Pump hereby approved shall be such that, when in operation, the cumulative noise level arising from the proposed plant, measured or predicted at 1m from the facade of nearest residential premises shall be not exceed the proposed level of 45dB. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997. Upon request by the local planning authority a noise report shall be produced by a competent person and shall be submitted to and approved by the local planning authority to demonstrate compliance with the above criteria.

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