

Location **41 Mountview Close London NW11 7HG**

Reference: **15/01761/RCU**

Received: 19th March 2015

Accepted: 19th March 2015

Ward: Garden Suburb

Expiry 14th May 2015

Applicant:

Proposal: Retention of 7no. air condition units to roof including proposed installation of imitation brickwork mesh banner screening (AMENDED DESCRIPTION)

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1669 PL3 100; 1669 PL3 101A; Product Specification; Noise Impact Assessment Report 9887-NIA-01.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 The imitation brickwork mesh banner enclosing the 7 air conditioning units shall be completed within three months from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the development shall match those as specified in the 'Product Specification', Drg No: 1669 PL3 101A and those specified in the application form.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The level of noise emitted from the air conditioning plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall

be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is a two storey end of terraced property located in Mountview Close which is a private residential development located on the northern side of Hampstead Way.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 15/00277/RCU

Address: 41 Mountview Close, London, NW11 7HG

Decision: Withdrawn

Decision Date: 16 February 2015

Description: Retention of installation of 7no. air condition units to roof

Reference: F/02407/14

Address: 41 Mountview Close, London, NW11 7HG

Decision: Approved subject to conditions

Decision Date: 4 June 2014

Description: Second storey side extension.

Reference: F/00664/14

Address: 41 Mountview Close, London, NW11 7HG

Decision: Withdrawn

Decision Date: 8 April 2014

Description: Second storey side extension.

Reference: F/03001/13

Address: 41 Mountview Close, London, NW11 7HG

Decision: Approved subject to conditions

Decision Date: 9 September 2013

Description: Single storey rear extension including a new raised patio. Two storey side extension. Replacement of existing uPVC windows and doors with new triple glazed uPVC windows. Alterations to existing rear fence. Internal alterations to second floor.

3. Proposal

The application seeks to retain the existing 7no air conditioning units to the roof, behind the chimney stack. The application also proposes the installation of an imitation brickwork mesh banner screening (as an imitation extended chimney stack) measuring 4.7m in width, 0.9m in depth and 2, in height. The brickwork would be on either side enclosing in the air conditioning units.

4. Public Consultation

Consultation letters were sent to 15 neighbouring properties.

9 responses have been received, comprising 9 letters of objection

The objections received can be summarised as follows:

- Loss of view/outlook
- Will set a precedent
- Comments in regards to the appearance of the units as they currently stand (i.e ugly)
- Out of character

The LPA's Environmental Health Team were also consulted as part of the application process. The LPA Scientific Officer has assessed the submitted Noise Report is is satisfied with its content. A condition has been recommended to be attached to the decision.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all

development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02:

Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM04 states that 'mitigation of noise impacts through design, layout and insulation will be expected where appropriate'.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Following a site visit to the property and comments received from the LPA Scientific Officer, the LPA is satisfied that the retention of 7no air conditioning units would not detrimentally impact on the residential amenities of neighbouring occupiers subject to appropriate Condition (No 4) to ensure that noise levels do not exceed a point where they will have a detrimental impact on the amenities of neighbouring occupiers.

It is acknowledged that the air conditioning units, as they currently, stand do have a negative impact on the visual amenities of neighbouring occupiers, particularly the residents of the flats (1-33 Mountview). However the proposed installation of the imitation brickwork mesh screening to both sides of the units as an imitation extended chimney stack, is considered to mitigate this impact and improve the character and appearance of the building as it currently stands thus improving the current view from the block of flats and other neighbouring properties. The proposed mesh screening with the imitation brickwork would match the brickwork on the original building and examples of such mesh screening has contributed positively to developments elsewhere.

5.4 Response to Public Consultation

Largely addressed in report above. Other matters discussed as follows:

- The setting of a precedent is not a material planning consideration as all planning applications are assessed on their own individual merits

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

