

**LOCATION:** 45 Hampstead Way, London, NW11 7DY  
**REFERENCE:** F/01052/12 **Received:** 14 March 2012  
**Accepted:** 13 March 2012  
**WARD(S):** Garden Suburb **Expiry:** 08 May 2012  
**Final Revisions:**  
**APPLICANT:** Trustees of the Lloyd Dorfman Settlement  
**PROPOSAL:** Installation of 3no air conditioning condensers to the south east side of the house.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Design and access statement, Drawings A1000, A150, A1600, A100, Noise report.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.  
Reason:  
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 The level of noise emitted from the three Daikin 5MXS90 air conditioning units 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 any neighbouring property which existed at the time of this decision notice.

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 any existing neighbouring property at the time of this decision notice.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

- 4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the visual amenities of the locality.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).  
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1 (Character), GBEnv2 (Design), D1 (Design), D2 (Built Environment / Character), D5

(Outlook), HC1 (Conservation Areas), HC5 (Special Character) and H27 (Extensions to Houses and Detached Buildings), ENV12 (Noise). Design Guidance Note 5 - Extensions to houses, Hampstead Garden Suburb Character Appraisal 2010, Hampstead Garden Suburb Design Guidance 2010

Core Strategy (Examination in Public version) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Examination in Public version)2012:

Relevant Policies: DM01, DM02, DM06

ii) The proposal is acceptable for the following reason(s): The proposed enclosure and air conditioning units would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the enclosure is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character. Subject to conditions, the use of the air conditioning units would be acceptable and would not harm the amenity of neighbouring occupiers.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies:GBEnv1 (Character), GBEnv2 (Design), D1 (Design), D2 (Built Environment / Character), D5 (Outlook), HC1 (Conservation Areas), HC5 (Special Character) and H27 (Extensions to Houses and Detached Buildings), ENV12 (Noise). Design Guidance Note 5 - Extensions to houses.

Hampstead Garden Suburb Character Appraisal 2010

Hampstead Garden Suburb Design Guidance 2010

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02 and DM06.

Relevant Planning History:

**Site Address:** 45 Hampstead Way, London, NW11 7DY  
**Application Number:** 02539/09  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 09/09/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **New door and windows to garage. Replacement glazing to loggia. Rear extension to garage linking property to garage. New window to rear of property. Removal of garden shed. Addition of bay window to rear.**  
**Case Officer:** David Campbell

**Site Address:** 45 Hampstead Way, London, NW11 7DY  
**Application Number:** F/03498/11  
**Application Type:** Householder  
**Decision:** Approve with conditions  
**Decision Date:** 06/12/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conversion of garage into habitable room. Single storey rear extension, including new timber painted windows with leaded window lights. Replacement to side timber gate with new archway brickwork. Installation of new flat roof between existing garage and kitchen. Erection of new cantilevered lead roof canopy over front door. Alterations to rear fenestration. (THE INITIAL LETTERS INCORRECTLY REFERRED TO THE PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990, THIS RECONSULTATION RELATES TO A CHANGE TO THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED). MINOR ALTERATIONS TO THE SUBMITTED PLANS HAVE ALSO BEEN RECEIVED, INCLUDING (1) REMOVING THE CCTV CAMERAS FIXED TO THE EXTERNAL WALLS, (2) LOWERING THE HEIGHT OF THE PROPOSED CANOPY OVER THE FRONT DOOR AND (3) CHANGING THE PROPOSED FENESTRATION FROM PAINTED TO STAINED.)**  
**Case Officer:** David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 6 Replies: 4  
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- noise and disturbance
- pollution

- impact on listed buildings and conservation area
- once installed the units should be tested annually
- inaccurate information submitted by the applicant in their noise survey

#### Internal /Other Consultations:

The Environmental Health department do not object to the application subject to conditions.

The Urban Design and Heritage team do not object to the application due to the limited visibility of the proposals.

The HGS CAAC suggested than an alternative location should be sought.

Date of Site Notice: 22 March 2012

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:

The property is a single family residential dwelling house in the Hampstead Garden Suburb Conservation Area.

#### Proposal:

The application seeks planning permission for the installation of three air conditioning condensers to the south east side of the house.

#### Planning Considerations:

The proposed enclosure to the side of the house would not have any public visibility. It would result in a small addition to the site that would not harm the established character and appearance of the site, the setting of nearby listed buildings or this part of the Hampstead Garden Suburb Conservation Area.

The proposed enclosure and air conditioning units would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the enclosure is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

The Environmental Health department has advised that a noise report has been done to demonstrate that the noise from the air conditioning units can be mitigated so that the Council's standard noise requirements are met at the nearest neighbouring properties. The Environmental Health department is satisfied that the acoustic enclosure will reduce noise levels sufficiently. The applicant has offered to do post installation noise testing if necessary to ensure the noise levels are as predicted. They have also stated that they will have an annual maintenance contract for the air conditioning units.

Subject to conditions, the use of the air conditioning units would be acceptable and would not harm the amenity of neighbouring occupiers.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Planning matters are considered to have been covered in the above appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

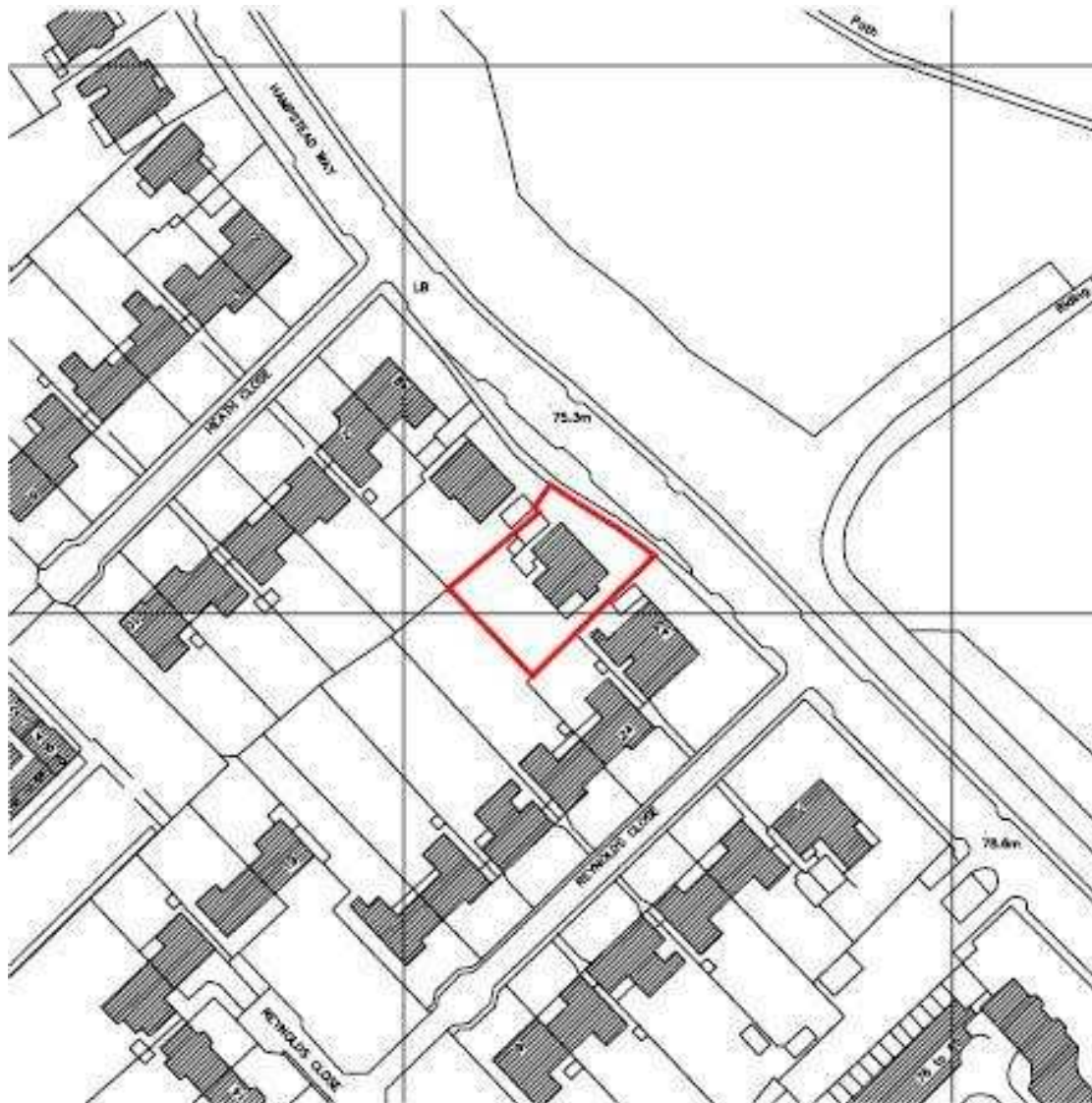
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposed enclosure and air conditioning units would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the enclosure is such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character. Subject to conditions, the use of the air conditioning units would be acceptable and would not harm the amenity of neighbouring occupiers. **APPROVAL** is recommended.

**SITE LOCATION PLAN:** 45 Hampstead Way, London, NW11 7DY

**REFERENCE:** F/01052/12



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