

**Location**                                **11 Beresford Road London N2 8AT**

**Reference:**                            **19/5717/HSE**                                Received: 23rd October 2019  
Accepted: 4th November 2019

Ward:                                        East Finchley                                        Expiry 30th December 2019

Applicant:                                Mrs Lior Linevitz-Matthews

Proposal:                                 Installation of 4no air conditioning units at the rear of the house on the flat roof

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

'Rear elevation and side elevation as proposed'  
11-005LT

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 air con units here by approved shall be removed within 3 months of the date of this permission should the requirement set out in (i) not be met:

i) within three months of the date of this decision the screening of the air con units should implemented as shown on the plan 'Rear and Side Elevation as Proposed' using the materials as specified, and shall be permanently retained in accordance with these details thereafter.

Reason: To safeguard the amenities of neighbouring residents, 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).

- 3 The level of noise emitted from the air con 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 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 2015.

- 4 The screening hereby approved shall be installed prior to first use of the air con units and shall be permanently maintained in accordance with the approved thereafter.

Reason: To ensure that there is not harmful noise and disturbance to neighbouring residents.

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 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. A pre-application advice service is also offered. 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.
- 2 The documents accompanying this application are:  
  
KP Acoustics Ltd '11 Beresford Road. Planning Compliance Review. Report 20200.PCR.01'

## **Officer's Assessment**

### **1. Site Description:**

The application site is located at 11 Beresford Road consisting of a two-storey end of terrace dwelling house with front and rear amenity space. The area surrounding proposed site is mainly residential consisting of similar two-storey terrace dwellinghouses with front and rear amenity spaces. The site is located within the East Finchley ward.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights.

### **2. Site History:**

Reference: 19/2698/HSE

Address: 11 Beresford Road, London, N2 8AT

Decision: Approve subject to conditions

Decision Date: 8 July 2019

Description: Single storey rear extension following demolition of the existing conservatory. Alterations to roof of the existing side extension.

Reference: 19/2623/192

Address: 11 Beresford Road, London, N2 8AT

Decision: Lawful

Decision Date: 3 June 2019

Description: Extension to roof including 1no rooflight to front roof slope and 1no. side/rear dormer

Reference: C16829/06

Address: 11 Beresford Road, London, N2 8AT

Decision: Lawful

Decision Date: 6 November 2006

Description: Single storey side extension following demolition of garage.

### **3. Proposal:**

This application seeks retrospective planning permission for 4no air conditioning units at the rear of the house on the first floor flat roof.

Screening will be erected around the air conditioning units as advised by the LPA's Environmental Health department. The screening will measure 1.2 metres in height and will fully enclose the units.

### **4. Public Consultation**

Consultation letters were sent to 8 neighbouring properties.

During the initial consultation period, 19 letters of objection were received, and 2 letters of support were received. The objections can be summarised as follows:

- The units will be noisy and disruptive to neighbours day and night
- Will make it difficult to work from home due to the noise
- Units will be used as heaters in the winter months and therefore will be used all year round, creating noise
- The units will destroy the quiet gardens behind the properties
- Excessive amount of units
- The current air con units at the Ismaili Jamatkhana building on East End Road can already be heard and that is over 50m away.
- The units are visible from the adjoining property rear window
- Adjoining property party wall surveyor advises distance between the units and a neighbouring property needs to be a minimum of 1 meter. The current measurement is 20cm
- Adjoining neighbour unable to sell property due to these units having no permission
- The units are visually obtrusive

A second consultation period was undertaken following the receipt of an acoustics report. 1 objection was received which can be summarised as follows:

- Noise concerns remain unless they are enclosed as described in the acoustics report

A third consultation period was undertaken following receipt of details of the screening which will be put in place, as recommended in the acoustics report. This consultation was sent out to ensure neighbours were aware of the measures being put in place to mitigate any potential noise. During this consultation period, 3 representations were received which can be summarised as follows.

- The 4 AC units would only be acceptable if it meets the recommended noise reduction set out in Section 6 of the Acoustic report. If noise is created, I will complain to the council.

#### **4.1 Internal Consultation**

The LPA's Environmental Health Department were consulted regarding the air conditioning units.

Given that the air con units are already in place, an acoustics report was requested. Environmental health confirmed that the report was satisfactory.

The acoustics report recommended noise mitigation measures that could be put in place, such as an enclosure for the units. For residents' assurance and, given that the air conditioning units are already in place, the LPA requested details of the proposed enclosure.

Environmental health confirmed that the details of the proposed enclosure would be satisfactory to mitigate any noise.

### **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 amended on 19 February 2019. 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 2016

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 2050. 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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan.

### 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.

Policy DM04 states that proposals which locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise

will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- 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 October 2016)

- 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**

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The proposed air con units and associated screening will sit on the flat roof of the original two storey outrigger. The screening will be a wooden enclosure located over all 4 units. The flat roof has a parapet wall on the rear elevation and the side with no.13 Beresford Road. Given the sitting of the air-con units on the roof, the units are not considered to harm the character and appearance of the dwelling or surrounding area. Due to the parapet walls, the air con-units will not be overly visible when viewed from the surrounding

properties and is therefore not considered to materially harm the appearance of the property or appear as a dominant feature.

- Whether harm would be caused to the living conditions of neighbouring residents.

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The LPA's Environmental Health department were consulted throughout the process. The main concern regarding the amenity of neighbouring sites, in this case, is the potential noise produced from the air con units.

Following receipt of an acoustics report, Environmental health reviewed the information and confirmed that the noise levels produced from the units would be satisfactory in a residential location. As such, the units are considered to be satisfactory in this location.

The acoustics report recommended noise mitigation measures that could be put in place, such as an enclosure for the units. For residents assurance and, given that the air conditioning units are already in place, the LPA requested details of the proposed enclosure. The enclosure would be made of wooden panels.

Environmental health confirmed that the details of the proposed enclosure would be satisfactory to mitigate any noise emitted from the units.

Therefore, the proposed air con units are not considered to have a detrimental impact on the amenity of neighbouring occupiers.

5.4 Response to Public Consultation:

- The acoustics report concluded that the proposed air con units would not produce noise levels that would have a detrimental impact on the neighbouring properties. Screening will also be put in place to ensure there are noise mitigation measures in place
- Concerns over party wall issues are not a material planning consideration.

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.

