

Location 7 Hill Close London NW11 7JP

Reference: 22/5891/HSE Received: 9th December 2022
Accepted: 13th December 2022

Ward: Garden Suburb Expiry 7th February 2023

Case Officer: Tina Oliveira

Applicant: Mr David Gilbert

Proposal: Installation of air source heat pump in timber enclosure and air-conditioning units adjacent to existing shed with planting screen. Extensions to rear and side patio with reconfiguration of steps to the main entrance (Amended Plans and Description)

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) 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:

Details about Air Source Heat Pumps dated 09/12/22
Guidance on installation Arotherm Plus dated 09/12/22
Product Information Inverter Heat Pump dated 09/12/22

910917/NIA Acoustic Report revision 2 dated 04/04/23
Photograph of Enclosure to air con units dated 13/12/22
Design and Access Statement dated 19/01/23
Garden Planting Design Letter dated 19/01/23
Image of Boundary Line dated 10/02/23
Title Plan dated 10/02/23

Arboricultural Report dated 24/03/23

2210_P_05 Site Location Plan
2210_S_01 Existing Ground Floor /Site Plan
2210_D_05 Heat Pump & Enclosure Specifications
2210_D_06 Rev A Air Con & Enclosure Specifications
Correspondence to HGST dated 19/01/23
2210_P_09 Paving/Gate Specifications
2210_D_09 Rev A Retaining Wall Foundation Details
2210_L_31 Rev D Proposed Block Plans
2210_P_07 Rev A Existing/Proposed Elevations
Rev A Landscaping Proposal - Garden Planting and Design dated 21/03/23

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 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 materials to be used in the external surfaces of the building(s) shall match those consented to within the attached plans and specification(s).

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 proposed machinery plants 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 D14 of the London Plan 2021.

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft

landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G5 and G7 of the London Plan 2021.

- 6 The temporary tree protection measures shown in the Arboricultural Report by Frank Parsons Arboriculturist (24th March 2023) hereby approved are to be erected around existing trees on site prior to the installation of the air source heat pump and air-conditioning units and landscaping works to the rear, side patio and main entrance. The protection specified in Arboricultural Report by Frank Parsons Arboriculturist (24th March 2023) shall remain in position until after these works are completed and no material or soil shall be stored within fenced areas and/or construction exclusion zones at any time. These works shall be implemented in accordance with the protection plan and method statement as approved.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

Informative(s):

- 1 The permission of the New Hampstead Garden Suburb Trust Ltd may also be

necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.

- 2 Tree and shrub species selected for landscaping/replacement planting shall provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below:

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

To ensure the replacement trees meet bio-security standards they should be purchased from a DEFRA accredited supplier that can be found here: <https://planthealthy.org.uk/certification>

- 3 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. 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 located at 7 Hill Close, London NW11 7JP consisting of a two-storey detached dwelling house with relatively large side amenity space. The property benefits from off-street parking space within the front amenity. The area surrounding the proposed site is mainly residential. The dwelling is within the Garden Suburb ward.

The subject building is a locally listed detached property in the Hampstead Garden Suburb Conservation Area. It reflects the arts and crafts style of the street and is constructed with a mix of brick and render, prominent gables, mullioned oak windows and tile roof. The host property is located at the end of the close and is bounded to the east by gardens of properties in Central Square more specifically the rear gardens to 1 and 2 South

Square, listed houses (Grade II). To the north, the host site is bounded by the tennis courts and to the west by the statutory listed house (Grade II) at 5 Hill Close. Along the Southern end of the dwelling lies a tritten/public footway that connects to South Square, followed on the other side by the locally listed dwelling at 8 Hill Close.

Furthermore, being a conservation area, all trees are protected even though there are no specific tree preservation orders to trees in the vicinity. The dwelling is within flood zone 1.

2. Site History

Reference: 23/1705/192
Address: 7 Hill Close London NW11 7JP
Decision: Pending consideration
Decision Date:
Description: Installation of air source heat pump

Reference: 22/4721/HSE
Address: 7 Hill Close London NW11 7JP
Decision: Approved subject to conditions
Decision Date: 02.11.2022
Description: Removal of existing roof tiles and refinishing in matching plain clay tiles.

Reference: 22/3698/HSE
Address: 7 Hill Close London NW11 7JP
Decision: Approved subject to conditions
Decision Date: 12.09.2022
Description: Replacement of the existing windows with double glazed timber windows. Replacement of the existing rear dormer window. Reconfiguration of the rear ground floor bay windows to form French doors.

Reference: 18/1912/HSE
Address: 7 Hill Close London NW11 7JP
Decision: Approved subject to conditions
Decision Date: 22.05.2018
Description: Erection of a timber shed to rear garden following removal of existing shed

Reference: C02790D/06
Address: 7 Hill Close London NW11 7JP
Decision: Approved subject to conditions
Decision Date: 06.03.2006
Description: Two storey rear extension following demolition of existing conservatory. Alterations to roof including rebuilding of front dormer windows, insertion of rooflight to rear. Insertion of two new dormer windows to both sides. Addition of a new window to side elevation at ground floor level. Retention of garden shed.

Reference: C02790C/01
Address: 7 Hill Close
Decision: Approved subject to conditions
Decision Date: 18.10.2001
Description: Playhouse in rear garden

Reference: C02790A

Address: 7 Hill Close NW11

Decision: Approved

Decision Date: 11.08.1982

Description: Retention of car port at the side of the house and widening of vehicular access.

Reference: C02790

Address: 7 Hill Close NW11

Decision: Approved subject to conditions

Decision Date: 10.06.1970

Description: first-storey extension

The dwelling also has some tree related applications.

3. Proposal

The application seeks approval for the Installation of an air source heat pump in timber enclosure and 2 nos. air-conditioning units in timber enclosure adjacent to an existing shed with planting screen. Extensions to the existing patio with associated retaining wall along the eastern boundary and reconfiguration of steps to the main entrance along the front elevation.

The proposed changes are purely related to elements within the garden of the dwelling.

The proposed changes to the front of the main dwelling would reorient the existing steps to create a half-arched set of four steps, which serve to access both the dwelling and the garden area. A side gate is proposed to be reinstated within the front amenity to segregate the private garden space of the dwelling, following this reorientation of the front steps.

The proposed gate will be 0.90 m wide and 1.83m high with 0.10 X 0.10m posts, stained black to match the windows at the dwelling.

The proposed extensions to the patio will increase the existing width of the patio on either side, to facilitate connections to the garden from the front of the house and to form connections from a new French door serving the rear end living room. The works to the patio would widen the existing patio along the front of the dwelling from 1.52m to 3.00m with a maximum width of 3.40m adjoining the proposed new stairway, maintaining the existing patio height as it follows the gradient within the front amenity area.

At the rear end of the dwelling, adjoining the boundary to the twitten, the patio will measure 2.70m in width and will wrap around to the main patio, following a stagger at 3.50m from the garden facing rear side of the house. The patio at this end will connect the French door serving the rear living room to the garden area and have a maximum width of 4.00m at the point of stagger. Along this eastern boundary of the dwelling, the patio will be bounded by an extended existing retaining wall with a maximum height of 0.90 metres closest to the dwelling, 0.50 m following the stagger in the patio and 0.30 metres towards the garden end.

The main patio width to the side of the dwelling, will be increased from the existing 5.00m to 10.50m and will have a maximum height of 0.30m through it's expansion. There will be no change to the depth of the existing patio into the garden but new steps are proposed with an associated retaining wall, to ascend into the rearward lawn area. An existing brick and tile motif in the middle of this main patio is proposed to be replicated within the new

extended side of the patio adjoining the rear living room.

The proposed air conditioning units (2 nos.) will be sited within a timber enclosure along the side wall of an existing garden shed with a screen to the front, to obscure any views from within the garden area. Each unit will measure 1.05m x 0.37m x 0.98m. The enclosure to the two air conditioning units will measure 2.65 metres in depth, 0.65 metres in width and 1.08 m in height.

The proposed air source heat pump will measure 1.02m x 0.42m x 1.35m. It will be housed within a timber enclosure that will measure 1.63 metres in depth, 1.03 metres in width and 1.58 m in height. It will be placed on a 0.15 m high concrete base having the same footprint as the proposed enclosure. The effective height of the enclosed unit will be 1.80m from the adjoining ground level to include the patio height.

Through the life span of this application, the description of works was amended to represent the proposed extensions to the existing patio and the reorientation of the front steps to access the main door to the dwelling. Further amendments were sought to relocate the proposed air source heat pump to be out of the root protection area of surrounding trees. Foundations to the associated retaining wall, bounding the patio were amended to be pile foundations to avoid detrimental harm on the root protection area of surrounding trees.

4. Public Consultation

Site Notice: 22.12.2022

Press Notice:22.12.2022

Consultation letters were sent to 7 neighbouring properties. 11 objections received.

Concerns raised:

- Undesirable impact on Character of the surrounding garden area and listed buildings.
- Potential encroaching on neighbouring land as boundary not clear. Insufficient space between garden shed and boundary to place ac units.
- Within line of sight to adjoining neighbours on account of being raised.
- Noise impact assessment not appropriate and not correctly indicative of noise impact at rear gardens. Noise impact assessment more of an aspiration than reality. Ageing will increase noise.
- Noise impact on rear gardens. Noise pollution 24 hrs x 365 days. Increased noise in summer when outdoors. Noise tolerances vary for different individuals.
- HGST policy to install heat pumps internally not adhered.
- Noise impact on natural habitat/wildlife. No ecological report to show impact on wildlife corridor in surrounding area.
- Emission of harmful gases.

- Concerns that the proposed ASHP unit may not be sufficient and additional ones may be required.
- Noise insulation should be provided, shock mounts considered.

4.1 Internal/Other Consultations

Hampstead Garden Suburb Trust: No objections raised to the proposed works.

Environmental Health: Following receipt of requested additional information, and the revised noise report to account for the relocation of the air source heat pump, the council's environmental health officer has raised no objections subject to conditions.

Heritage Officer: Following receipt of the Design and Access Statement, confirmation of materials and specification and the need for two air conditioning units, no objections have been raised by the council's Heritage Officer.

Tree Officer: Following amendments received to relocate the air source heat pump and associated service lines out of the root protection area of an adjoining beech tree and amendments to the foundations of the associated retaining wall along the eastern boundary of the dwelling, no objections have been raised by the council's tree officer subject to conditions.

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 revised National Planning Policy Framework (NPPF) was published on 20th July 2021. 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, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations and how these will be tested, is essential for achieving this". 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 2021

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. 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 new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, DM06

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.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 26th November 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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.

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. Clause 2.14.4 states that in order to affect the design process it is important to assess and address noise impacts arising or existing for a new development at the earliest stage. If there is insignificant noise and vibration, then mitigation requirements maybe unlikely and further assessment maybe unnecessary. However, if there are significant noise or vibration levels, then the noise affects would need to be assessed carefully using suitably qualified consultants providing a Noise Impact Assessment which identifies optimum mitigation measures to reduce the noise impacts to an acceptable level.

Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guidance (2010)

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposal

Proposal:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site 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), D1 and D4 (both of the London Plan 2021).

Para.8.20 of Barnet's Residential Design Guide (2016) states that:

Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible. Every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces.

The proposed extension to the existing patio will accommodate the reorientation of the stairway to the main door of the dwelling and widen the existing patio on either side. It will be made of materials that are seen acceptable within the garden suburb and is proposed to be Kandla grey Sandstone paving 900 x 600 x 22 with cleft finish from London Stone. These alterations are not considered to be contentious or result in any detriment to the significance of the host site. This is supported and considered to improve the existing appearance and setting of the locally listed dwelling house.

A gate is proposed to be reinstated to separate the front amenity from the private side/rear amenity to the dwelling. The proposed gate will be a Baywood Side Gate from Gates & Fences UK in slow grown European redwood with mortice & tenon joints and black stain finish to match the windows. This is considered to be an acceptable addition to the property frontage and is similar to others found elsewhere in the Conservation Area.

The works to the front elevation of the locally listed building to create a semi arched stairway to access the main door of the dwelling and the side/rear amenity space and the increased patio width, are seen as acceptable additions to the dwelling and in character and appearance of the Conservation Area. The proposed materials are acceptable and appropriate, ensuring no loss of significance to the host locally listed building. The increased width of the patio within the front amenity will accommodate easy access to the garden area from the front of the dwelling.

The proposed increased width to the existing patio within the private amenity space of the dwelling, is seen acceptable. It's height of 0.30 metres will be the same as the existing patio. The increased width of the patio towards the rear side of the dwelling will allow for garden access from the rear living room of the dwelling. Alterations to an existing retaining wall to further extend it rearward, along the southern boundary will retain the higher sited garden area and is seen acceptable and not detrimental to the character of the host site and the surrounding area.

Two air-conditioning units are proposed to the side of an existing garden shed which will be along the eastern boundary to the dwelling. A pedestrian footway adjoins this boundary and the proposed air conditioning units will be enclosed in slated timber enclosures. Further a plant screen is proposed to obscure views of the proposed enclosed units from within the garden space of the dwelling.

An air source heat pump is proposed within a slated timber enclosure along the eastern boundary in line with the proposed location of the air conditioning units. Following amendments, the proposed air source heat pump was relocated further away from the dwelling, to be out of the root protection area of a Beech tree. The foundations of the extended retaining wall were amended to pile foundations to reduce any incursion on roots of the surrounding mature trees.

The proposed air con and ASHP units will be enclosed within timber slated enclosures as per the design guidance of the suburb. Being within the private amenity space of the dwelling, and much lower than the adjoining boundary hedging, the units will be obscured from any views within the rear gardens of adjoining neighbours or the street. There is no objection in principle to these additions, subject to appropriate siting and noise attenuation. It is considered that the location of the air conditioning units to the side of the garden shed and the location of the ASHP is suitable, as positioned away from immediate boundaries with neighbours and hidden by the hedge.

The proposed units are therefore not considered to have an undesirable impact on the surrounding area. Installation of an air source heat pump can be undertaken within permitted development rights and the application site has an application pending consideration, for a certificate of lawfulness for the installation of an ASHP. On balance the proposed siting of the ASHP within this proposal is better having given due consideration to impact on trees in the surrounding area.

Air conditioning units and ASHP units are seen at other dwellings within the Hampstead Garden Suburb and the proposed units are not seen to detract from what has been allowed within the suburb. Within The Hampstead Garden Suburb, planning consents have been recently granted for air source heat pumps and air conditioning units at No.64 Deansway. Air conditioning units have been consented at No. 6 Meadway Close, 32 Gurney Drive, 13 Chalton Drive, 16 Raeburn Close and others.

Following amendments, the units as proposed within this planning application are seen to have an acceptable impact on the surrounding area. The proposed developments are not bulky and prominent compared to the size of the main building and garden to which they relate.

As such the proposed alterations to the patio within the front amenity and the private garden space with associated retaining wall and the installation of the air conditioning units and air source heat pump will be proportionate and subservient additions to the dwelling, respecting the design and proportions of the dwelling and the surrounding area and will not detract from the character of the dwelling and Hampstead Garden Conservation Area. The development is therefore acceptable on the grounds of impact on character and appearance.

Impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policies DM01 and DM04 of the Barnet Local Plan and policy D3 and HC1 (of the 2021 London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Impact on Nos.1 and 2 South Square:

The proposed works along the shared boundary to these dwellings are the increased patio width with an associated retaining wall and the air source heat pump. A site visit confirms

that a metal trellis runs across this shared boundary which is screened from views on account of the thick growth of shrubs, mature trees and plants. These obstruct any views into the private space of the host dwelling and the rear gardens of these adjoining neighbours. The proposed extension to the patio with the associated retaining wall will be set away from this neighbouring boundary fence by approximately 1.30 metres. The proposed ASHP will be within a timber enclosure and sited 0.73 metres from this garden fence. The proposed increased patio along this boundary will have a subordinate height of 0.30 metres.

Considering these developments would be screened from the views to these neighbours on account of the dense garden shrubs and plants to the rear garden of these neighbours and those within the application site, the proposed developments are not seen to be detrimental to the visual amenities of these adjoining neighbours nor are they seen to be causing any intrusion on neighbouring privacy. The proposed works are subordinate in height and not seen to be overbearing to these adjoining neighbours.

The proposed air conditioning units will be along the boundary to the tennis courts and will not have any impact on neighbouring visual amenity being sited away from views to any adjoining neighbours.

The noise impact report confirms that the nearest noise sensitive windows to the AC and ASHP units to 1 South Square is sited approximately 26.00 metres from the proposed units (Receptor R1). The nearest garden boundary within 2 South Square is approximately 2.00 metres from the ASHP unit (Receptor R3). Receptor R4 is at the middle of the garden to 2 South Square which is approximately 14 metres from the ASHP. The noise impact assessment report submitted with the application indicates that the combined predicted noise level of the plant at the noise sensitive receptor R1 closest to 1 South square and the receptor R4 in the middle of the rear amenity to 2 South Square complies with Barnet's requirements. Further the units are proposed within slated enclosures which has not been considered in the noise impact assessment but will definitely provide a further form of a noise barrier.

Impact on No.5 Hill Close:

The proposed alterations to the patio adjoining this boundary is within the extent of the front amenity of this neighbouring dwelling. The extended patio will be sited 1.00 metre away from this shared boundary and will not detrimentally impact the existing amenity relationship between these two adjoining neighbours. Further this shared boundary boasts of an evergreen hedge which allows for some screening between the front amenities of the two adjoining neighbours.

This adjoining neighbour holds the nearest noise sensitive windows (Receptor R3) to the AC and ASHP units measuring approximately 19.00 metres. The noise impact assessment report indicates that the combined predicted noise level of the plant at the noise sensitive receptor R2 in the middle of the rear amenity to 5 Hill Close complies with Barnet's requirements. The noise impact assessment has not considered any impact of the wooden enclosures to the units which will further create some noise barrier.

Impact on No.8 Hill Close:

No developments are proposed along the boundary to the twitten between the host dwelling and this neighbour.

The proposed developments are therefore not considered to have a detrimental impact on adjoining neighbouring properties in the way of residential amenities.

Whether harm would be caused to trees of special amenity value

Following, the amended relocation of an air source heat pump and amended foundations to the retaining wall, it is not considered that the proposed developments should give rise to any impact on the amenity of trees within the site.

Impact on parking and highways:

The application site benefits from off street parking within the front amenity space and the reorientation of the front steps to access the dwelling and gardens is not seen to have any impact on the parking provision at the dwelling.

5.4 Response to Public Consultation

Objections received are solely related to the air conditioning units and the air source heat pump. The responses to the raised concerns have been collated following officer's assessments and correspondence between the objectors and the environmental health officer.

- *Undesirable impact on Character of the surrounding garden area and listed buildings.*

Air conditioning units are found at many other dwellings in the suburb. Air source heat pumps can be installed under permitted development within the suburb and on balance are considered as acceptable additions with the conservation area. A recent planning consent has been granted at 64 Deansway. The proposed units are subordinate in nature in terms of their size and design and in context of the garden space within which they sit. Further the units will be enclosed within wooden slated timber enclosures, like those seen in the suburb. The enclosure is of a subservient height and sits subordinate in relation to the adjoining garden fence. No views of the said units would be available within the street context and as such the said units are seen to have an acceptable impact on the character of the host site, the surrounding area and the Hampstead Garden Conservation area.

- *Potential encroaching on neighbouring land as boundary not clear. Insufficient space between garden shed and boundary to place ac units.*

The plans attached with the application show the proposed units to be well sited within the curtilage of the host dwelling.

- *Within line of sight to adjoining neighbours on account of being raised.*

The raised siting of the air source heat pump will not be higher than the adjoining fence or the dense shrubbery that provides screening along the rear gardens to Nos.1 & 2 South Square. The host site further has plants and hedging along this shared boundary. As such no prominent views will be available to adjoining neighbours along the boundary where the units are proposed. In addition, the proposed units are sited at a considerable distance from the rear line of adjoining dwellings being approximately a minimum of 19 metres from No. 5 Hill Close and 26.00 metres from Nos 1 and 2 South Square.

- *Noise impact assessment not appropriate and not indicative of noise impact at rear gardens. Noise impact assessment more of an aspiration than reality. Ageing will increase noise.*

The report clearly specifies the location of various receptors and takes into consideration the proximity of the windows closest to the proposed units to assess cumulative noise impact. It has followed the required specifications set out in Barnet's supplementary planning document, Sustainable Design and Construction SPD (adopted October 2016). The report by NSL includes the cumulative noise impact of the plant, therefore, the potential noise impacts from all plant proposed has been taken into account. The outcome of the noise assessment is a material consideration in determining a planning application. The planning consent will be conditioned for noise levels to ensure that at quiet times these units will not result in unacceptable noise disturbance.

- *Noise impact on rear gardens. Noise pollution 24 hrs x 365 days. Increased noise in summer when outdoors. Noise tolerances vary for different individuals.*

The overarching principle that Environmental Health officers abide by when assessing such applications is the potential impact on/in residential buildings specifically; noise nuisance must be measured from within residential dwellings, and as such cannot consider potential noise affecting gardens. The requirement by law dictates that essentially gardens, cannot be taken into account when it comes to noise disturbance. Statutory noise nuisance must be measured from within a home.

The report assumes a worst case, 24-hour daily operation of these appliances; in actuality the air con units are not likely to be used during winter months or colder spring/autumn days, and the ASHP is less likely to be used for long periods of time during the summer.

- *HGST policy to install heat pumps internally not adhered.*

The HGST design guidance states that the impact of such technologies will have to be weighed up against any impacts on the special interest of buildings within the Conservation Area. Therefore, carefully considered design solutions will be required to ensure that the impact of such installations is minimised so that it does not have any detrimental impact on the character of the building or area. It further states that air source heat pumps can be installed internally or externally. If located externally, this should be located in a discreet location, with minimal noise impact on neighbours and placed in a timber or acoustic enclosure. The guidance has been adhered to and the ASHP and air con units are to be sited within timber enclosures.

- *Noise impact on natural habitat/wildlife. No ecological report to show impact on wildlife corridor in surrounding area.*

The noise impact assessment is made in relation to human occupants within dwellings. The proposed units are assessed to have an acceptable impact on the occupants of neighbouring dwellings. The noise report also predicts noise emissions from the air con units(s) and ASHP combined at level of 46 dBA at the boundary of the garden, which is a typical noise level associated with quiet suburban areas similar to the noise level of a conversation within a home or birdcall.

- *Emission of harmful gases.*

The specifications provided which is a material consideration in the determination of a planning application states that: GWP is a comparative value that indicates the greenhouse effect of a greenhouse gas, such as a refrigerant, if it were to be released into the environment. The higher the value, the worse the impact on the climate. The aroTHERM plus has a very low impact on the environment, with an outstanding GWP of three.

- *Concerns that the proposed ASHP unit may not be sufficient and additional ones may be required.*

This consent is related to a single air source heat pump and two air conditioning units. Any

additional appliances will have to be subject to a planning application where due assessments will be made for noise impact.

- *Noise insulation should be provided, shock mounts considered.*

Shock mounts are generally a requirement of planning conditions, and the applicant must install them regardless in order to operate the units correctly, however the distance between the units and neighbouring properties means that vibration is not very likely to be an issue. Since the noise report has demonstrated that noise levels will be very low by the time it reaches neighbouring properties, noise enclosures are not deemed necessary. In any case, the units are within timber enclosures which will further reduce any noise emitted from the units.

The planning consent will be conditioned to deal with the potential disturbance when these appliances break. This condition is not dischargeable and will be active throughout the lifetime/replacement of the air con unit(s) and ASHP and requires that the noise levels be maintained in relation to the background levels which were described in the noise report.

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, the proposals as amended would not detrimentally impact on the qualities of the host locally listed building and protect the historic and architectural character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, 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.

