

**Location** 40 Lovegrove Way London N20 0EU

**Reference:** 23/2205/HSE Received: 18th May 2023  
Accepted: 22nd May 2023

Ward: Whetstone Expiry 17th July 2023

**Case Officer:** Lizzy Ruta

Applicant: Ms Rahila Hoq Amani

Proposal: Installation of air conditioning unit in side alleyway

### **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:

202183.AC.1001  
202183.AC.1002  
202183.AC.1101  
202183.AC.1102  
202183.AC.1301  
202183.AC.1302

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 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 4 The level of noise emitted from the air conditioning unit 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.

## 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 applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 3 If any amendments are made as a result of the noise report that require additional screening and/or encroachment outside the site boundary, then a further application would be required.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application property is a three-storey end-terrace dwellinghouse located in a predominately residential location. The property benefits from front parking space and rear amenity space.

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

### **2. Site History**

Reference: 22/0774/PNH

Address: 40 Lovegrove Way, London, N20 0EU

Decision: Prior Approval Required and Refused

Decision Date: 4 April 2022

Description: Single storey rear extension with a proposed depth of 4.00 metres, a maximum height of 2.90 metres and an eaves height of 2.82 metres

Reference: 22/2324/HSE

Address: 40 Lovegrove Way, London, N20 0EU

Decision: Approved subject to conditions

Decision Date: 29 November 2022

Description: Single storey rear extension

Reference: 23/0486/HSE

Address: 40 Lovegrove Way, London, N20 0EU

Decision: Refused

Decision Date: 14 April 2023

Description: Replacement garden shed

Reference: 23/1634/HSE

Address: 40 Lovegrove Way, London, N20 0EU

Decision: Refused

Decision Date: 12 June 2023

Description: Replacement garden shed

### **3. Proposal**

The application seeks planning permission for the Installation of an air conditioning unit in

side alleyway.

The air conditioning unit would measure 1.05 metres in width, 0.37 metres in depth and have a height of 0.98 metres. It would be sited on the side elevation, 2.2 metres above the ground level.

#### **4. Public Consultation**

Consultation letters were sent to 7 neighbouring properties. 10 objections were received and can be summarised below:

- There is not enough space for a giant air conditioner outdoor unit (size:1050W X 370D X 981H) to install, which weigh nearly 100 kg. and volume over 0.6cubic meter. After the installation, it's only less 0.5 meter toward to my wall.
- Risk in safety security for our family to use this alleyway.
- The installation will be too close to my property, less than 0.5 meter away to my wall. The super power air conditioner will be with noise pollution.
- The air conditioner outdoor unit with sound press level 56dba and sound power level 76 dba in ideal state in the laboratory, and both of the level will be higher with longer running time. According to professional point, the Sound Power Level is a measure of the acoustic energy emitted from a source of noise. and the two wall along alleyway will multiple reflect the noise, acting as an amplifier. which will make the noise much louder.
- The house in question has already contravened the aesthetics of the surrounding properties and this application would only compound that.
- Furthermore, they are a health hazard; they regularly drip condensation and leak and is a known breeding ground for Legionella. In an area where there are numerous young children this is totally unacceptable.
- I struggle to comprehend how an air conditioning unit is a necessity in this country. Any level of noise caused by the units will negatively impact the value of surrounding properties and quality of life. I shouldn't have the value of my property compromised for the installation of a unit that is simply not required.
- IF this application is approved, I would require the units to be under a certain decibel limit when operational. If proof is provided that the units exceed this limit at any time then they must be modified or removed immediately. I would expect the council to provide much more detail on the exact unit the resident plans to install so that they fall within an acceptable decibel limit. It is on the council to ensure the planning permission is strictly adhered to and also ensure the decibel limits are actually within the limits advertised by the manufacturer.

Internal Consultation:

Environmental Health officer: A Noise Report is required to assess potential impact on neighbouring amenity and address any necessary mitigation.

#### **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 in December 2023. This is a key part of the Government's 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 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.

### 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.

### Barnet's Local Plan (2024)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site

proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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

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 the host dwelling and neighbouring properties.

## **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 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D3 (of the London Plan, 2021).

The proposed air conditioning unit would be sited on the side elevation towards the rear of the house. The unit is modest in size and would not be readily visible from the street scene. Officers are satisfied that it would not have any adverse impact on the appearance of the house, the street scene or the character of the area.

### Whether harm would be caused to the living conditions of the host property and neighbouring properties

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 of the London Plan) in respect of the protection of the amenities of the occupiers of the host property and neighbouring properties.

The unit would face no. 42 Lovegrove Way, however, given the modest size of the unit, it is considered that it would not cause any harm to the amenity of no. 42 Lovegrove Way, subject to receiving a satisfactory noise report. This has been conditioned. With regards the siting in the shared accessway, the application site is shown to extend halfway across the accessway and the unit itself to be within the site.

The application site itself would buffer the air conditioning unit from no. 38, so there would also be no detrimental harm to those neighbouring occupiers.

Any noise impact to other neighbouring properties would be considered as part of the noise report.

## 5.4 Response to Public Consultation

Concerns relating to the noise: conditions have been attached to the application as per advice from environmental health.

Concerns about property values, previous applications and access to the private shared access are not planning considerations in this case.

## 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 the proposed development would have an acceptable impact on the character of the street scene and amenities of the neighbouring occupiers. This application is therefore recommended for approval.





