
Appeal Decision

Site visit made on 14 February 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2017

Appeal Ref: APP/N5090/D/16/3163792

3 Pattison Road, Cricklewood, London NW2 2HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Aideloje against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/5301/RCU, dated 15 August 2016, was refused by notice dated 11 October 2016.
 - The development proposed is 2 No air conditioning units to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for 2 No air conditioning units to the rear of the property at 3 Pattison Road, Cricklewood, London NW2 2HL in accordance with the terms of application Ref 16/5301/RCU, dated 15 August 2016, subject to the attached schedule of conditions.

Procedural Matters

2. I have used the description of development from the Council's refusal notice as this more precisely describes the appeal proposal.
3. The appellant submitted amended plans to the local planning authority prior to the determination of the planning application. The Council's Senior Planning Officer confirmed on 19 September 2016 that the decision would be based upon the consideration of such amended plans. For the avoidance of doubt, I have determined this appeal on the basis of the amended plans which shows two air conditioning units side by side and in a central position between the two first floor windows.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

5. The appeal site comprises a brick built terraced dwelling which has been enlarged at the rear by the addition of a full width dormer extension and a flat roofed single storey extension. Two air conditioning / air source heat pump units have already been erected on the rear elevation, although the proposal is to re-position them so that they are located centrally between the two first floor windows and enclosed within an acoustic louvre structure in a red/brown colour (RAL 3011).
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6. Two enforcement notice appeals (Ref Nos APP/N5090/C/15/3139502 and 3139503) were determined on 16 June 2016 in respect of two air conditioning / air source heat pump units to the rear of the building, but a ground (a) appeal was not lodged and so the planning merits of such development was not considered. However, paragraph 24 of the Inspector's reports seems to indicate that the reason for issuing the notice was due to noise concerns, rather than the effect of the development upon the character and appearance of the area.
7. In respect of this appeal, I have no reason to disagree with the noise conclusions reached by the Council's Environmental Health service. Whilst the appellant's noise assessment report (prepared by Nova Acoustics Limited) relates to air conditioning units in a different position, the proposed units would be sited at a similar distance to habitable room windows. I therefore consider that the overall findings and recommendations of the noise assessment report are pertinent to this appeal. Subject to the erection and retention of the proposed acoustic louvre enclosure, the development would not have a significantly detrimental effect upon the living conditions of the occupiers of neighbouring properties in respect of noise.
8. The appeal property faces onto commercial premises (where there is an air conditioning unit) and in general terms there are very restricted views of the rear elevation of the site. Any views of the rear of the property are relatively localised. Owing to the staggered position and commercial appearance of the existing unauthorised air conditioning / air source heat pump units, I consider that they do appear incongruous and obtrusive on the rear elevation of the property. However, the proposal would include an acceptable re-positioning of the two units so that they were centrally located between the two first floor windows and enclosed within an acoustic louvre structure. Such a structure would be finished in a colour which would blend in with the colour of the brick used on rear wall of the house and would be relatively modest in terms of scale. Therefore, I do not consider that the development would appear prominent or obtrusive within the terrace or the wider area.
9. In reaching the above view, I also attribute some positive weight to the fact that proposal includes air source heart pump technology which would have the effect of lowering fuel bills and reducing home carbon emissions. In this regard, the proposal would accord with the sustainable energy aims of paragraph 95 of the National Planning Policy Framework (the Framework) which states that *"to support the move to a low carbon future, local planning authorities should actively support energy efficiency improvements to existing buildings"*.
10. For the collective reasons outlined above, I conclude that significant harm would not be caused to the character and appearance of the host property or to the area. Therefore, the proposal would accord with the design and sustainability aims of the Framework, Policies CS NPPF, CS1 and CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012 and Policy DM01 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012.

Conditions

11. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of

the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

12. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
13. In the interests of the character and appearance of the area, and to minimise noise impacts, a planning condition is necessary which relates to the provision and retention of the acoustic louvre structures and that such structures are finished in RAL colour 3011.

Conclusion

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: Drawing No A-01 Rev D "Existing and Proposed Rear and Side Elevation"; Drawing No A-02 Rev D "Existing and Proposed Rear and Side Elevation"; Drawing No A-03-Rev D "45 Degrees View From Neighbours Windows"; Drawing No 1 Rev D "Location Plan and Block Plan" and Drawing No A-03 Rev D "Laboratory Measurements of Airborne Sound Insulation".
- 3) The air conditioning units hereby approved shall not be used until the approved acoustic louvre structures have been erected (as per the specification details in drawing No A-02 Rev D "Existing and Proposed Rear and Side Elevation") and finished in RAL colour 3011. The acoustic louvre structures shall be thereafter retained in accordance with approved details.