



Appeal Decision

Site visit made on 23 October 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/H5390/W/23/3334982

Midcross Yard, Carthew Road, Hammersmith and Fulham, London W6 0DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr S Bennett against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2023/01753/FUL.
 - The development proposed is retention of 2 air conditioning units with an acoustic enclosure in the undercroft area.
-

Decision

1. The appeal is allowed and planning permission is granted for retention of 2 air conditioning units with an acoustic enclosure in the undercroft area at Midcross Yard, Carthew Road, Hammersmith and Fulham, London W6 0DX, in accordance with the terms of the application Ref 2023/01753/FUL and subject to the following conditions:
 - 1) The development hereby permitted shall be in accordance with the following approved drawings: General arrangement courtyard plan - Drawing No. A-025-014 Rev B; General Arrangement Section DD - Drawing No. A-025-103 and Acoustic Enclosures on Plan, elevations and sections and manufacture details: Drawing No. EC18318-DWG-01.
 - 2) The plant and acoustic enclosures hereby permitted, shall be hereafter retained and maintained in accordance with the External Condenser Unit Acoustic Assessment Report, dated 26 June 2023, reference 90507.

Preliminary Matter

2. For the purposes of my Decision and in the interests of precision, I have used the description of the development as found on the appellant's appeal form.

Background and Main Issues

3. There is no formal decision from the Council. However, its appeal statement identifies what the main considerations would have been had it determined the application. The Council has also confirmed that had it determined the application it would have supported this, subject to conditions.
4. Based on the above and the submissions before me, the main issues are the effect of the proposal on:

- i) The character and appearance of the Bradmore Conservation Area; ii) the living conditions of neighbours; and iii) fire safety.

Reasons

Character and appearance

5. The appeal site comprises a two-storey detached dwelling, located in the yard of a former workshop to the rear of 2-10 Carthew Road with access off Carthew Road. The surrounding area is primarily residential and forms part of the Bradmore Conservation Area. Based on my observations the significance of this conservation area is derived from its history, layout of its streets and architecture.
6. Carthew Road comprises a long street of similar two storey dwellings with brick façades, entrance porches, ground floor bay windows and shallow pitched roofs. The frontage to the appeal site occupies an end terrace property and incorporates an entrance. This along with the nearby terrace dwelling's forms part of the cohesive street scene and contribute positively to the significance of the Bradmore Conservation Area.
7. The two AC units are contained within separate acoustic enclosures and are located together within the service area for the appeal property. The AC Units and enclosures are set back against a side wall and this arrangement allows for the functioning of this area. The access to the service area is gated and, therefore, the AC Units and enclosures are screened from the street scene.
8. Accordingly, the scale and siting of the AC Units is acceptable, and these do not harm the character or appearance of the Bradmore Conservation Area. The proposal, therefore, corresponds with the design aims of policies DC1 and DC8 of the Hammersmith and Fulham Local Plan (2018) ('LP'). Together, these policies require that all development within the borough, should create a high-quality urban environment which seeks to conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets.

Living conditions

9. Based on their siting, the AC Units and enclosures are screened from neighbouring properties and do not affect the outlook of neighbours. Because the AC Units generate some noise, they are contained in acoustic enclosures. Furthermore, a noise measurement survey and assessment has been carried out. This concludes that the AC Units and acoustic enclosures are shown to meet with the Council's acoustic criteria ('Acoustic Report'). The proposal also incorporates measures to dampen any vibrations from the AC Units and enclosures.
10. Therefore, and subject to conditions, the proposal would not result in any significant adverse impact on the living conditions of neighbours regarding loss of outlook, noise and vibrations.
11. Accordingly, I find no conflict with policies HO11, CC11 and CC13 of the LP. Together, these policies require that all proposed developments show that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties and that noise (including vibration)

impacts of development will be controlled by implementing a range of suggested measures.

Fire safety.

12. AC Units are not uncommon on and near buildings. Nevertheless, concerns were raised by third parties regarding fire safety. The Council's Environmental Protection and Building Control teams have been consulted on this and do not consider the AC units to be fire hazards.
13. Accordingly, on the evidence available, there would appear to be no increased risk of fire hazards to the occupiers of the neighbouring properties from the AC units. The proposal therefore accords with Policy HO11 of the LP, which amongst other things seeks to protect residential amenities.

Conditions

14. In considering the suggested conditions, I have had regard to the Framework and the Planning Practice Guidance. Because the development has already been undertaken, it is not necessary for me to impose the standard timescale condition for the implementation of the permission. However, imposed a condition specifying the relevant drawings as this provides certainty and is necessary to safeguard the living conditions of neighbours. Also, in the interests of safeguarding the living conditions of neighbours, a separate condition requiring that the AC units are retained and maintained in accordance with the approved Acoustic Report.
15. The Acoustic Report includes a post development noise assessment, and details of measures to reduce vibration associated with the development are identified on the submitted drawings. As such, it is not necessary to impose separate conditions requiring these.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed, and planning permission granted.

M Aqbal

INSPECTOR