



Appeal Decision

Site visit made on 26 May 2026 by E Street BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal Ref: APP/X5210/C/24/3355390

Land at 43-43A Brecknock Road, London N7 0BT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Dilip Patel against an enforcement notice issued by the Council of the London Borough of Camden.
 - The notice was issued on 17 October 2024.
 - The breach of planning control as alleged in the notice is without planning permission the installation of 1 x air conditioning unit on the side of the ground floor retail unit.
 - The requirements of the notice are to:
 1. Completely remove the air conditioning unit shown in appendix A from the land and make good any resulting damage; and
 2. Remove any resultant debris and paraphernalia from the land as a result of the above works.
 - The period for compliance with the requirements is within three months of the notice taking effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Preliminary Matters & Main Issues.

1. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal. In addition, and prior to the making of this recommendation, a revised National Planning Policy Framework was published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
2. The main parties are in agreement which unit is subject to the appeal, and I am satisfied that whether it be for air conditioning or refrigeration, its effects in regard to the main issues would not be substantially different. Neither party would thus be prejudiced by the following assessment. Moreover, there is no convincing evidence before me that the development described in the notice has not been carried out. However, and in the interests of clarity, I recommend varying the description of the breach of planning control specified in the notice to ensure it refers to the mechanical plant unit edged in red in Appendix A attached to the notice.
3. The site was subject of an enforcement notice in 2019 to the removal of an air conditioning unit to the roof of the building. The appellant removed the unit and placed it on the side, adjacent two existing units. The Council since issued an additional notice in 2024 for this, which is the subject of this appeal. Whilst there is some initial ambiguity, the Council has confirmed that the appeal site is not in a conservation area. The main issues are therefore the effect of the unit on a) the character and appearance of the area; and b) the living conditions of the occupiers of neighbouring properties with specific regard to noise.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is a semi-detached building with a retail use on the ground floor and what appears to be residential on the upper floors. The latter sit further back leaving a flat roof element exposed to the front. There is a gap to the side, allowing for access to the rear. Already on the side elevation of the building are two existing units. The third (the appeal unit) is sited furthest away from the main road.
5. The third unit does add an additional amount of clutter. However, being on the side elevation of the building, it is resultantly less visible from the street scene. Moreover, being tucked down the side means they are only seen when walking in one direction. There are instances of electrical boxes, wheelie bins, cables and piping in the vicinity, among which the unit sits comfortably. It is not excessively sized nor do three of them appear unusual given the commercial context. The units are clearly subservient to the main building and do not detract from the commercial feel of the immediate area. As such, the development conserves the character and appearance of the area, complying with Policy D1 of the Camden Local Plan (LP) 2017 which amongst other things, seeks to ensure high-quality design.

Living Conditions

6. The unit on the side of the building sits in line with the other units and features on the side elevation of the ground floor with any receptive windows on the first floor and above. Such windows are set back and some distance from the units. Policy A4 of the LP seeks that noise, and vibration is controlled and managed.
7. During the site visit, the units made a light whirring noise which could be heard on the street. The day that the site visit took place was very warm, and whether they be refrigeration units or air conditioner units, they would have likely been running at increased levels. The levels of noise were not particularly high and lower than the ambient street noises which included vehicles, doors and passing pedestrians. The area was semi lively. Not all three units were making noise at the same time.
8. Whilst I am unaware of the situation at different times of the day where the noise could be louder and ambient lower, I am not sufficiently convinced given the separation distance between the units and the receptive windows of the neighbouring properties, that it would travel to result in harmful levels. No evidence has been provided to convince me otherwise. Resultantly, I find it unlikely that the development could unacceptably harm the living conditions of the occupiers of neighbouring occupiers, thereby complying with Policies A1 and A4 of the LP which amongst other things, seek to ensure that the living conditions of occupiers of properties are protected.

Conditions

9. The Council has not recommended conditions. I have not deemed any necessary.

Conclusion and Recommendation

10. For the reasons given above, the development complies with the development plan. I therefore recommend that the appeal on ground (a) should succeed and the deemed application for planning permission should be granted for the development

described in the notice as varied to refer to the mechanical plant unit edged in red in Appendix A attached to the notice.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis, it is directed that the enforcement notice is varied by:

- the deletion of the text '1 x air conditioning unit' at paragraph 3 of the enforcement notice and the substitution of the text 'a mechanical plant unit, as shown edged in red in Appendix A attached to the notice'; and
- The deletion of the text 'air conditioning unit shown' at paragraph 5 of the enforcement notice and the substitution of the text 'mechanical plant unit shown edged in red'.

12. Subject to the variations, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of a mechanical plant unit, as shown edged in red in Appendix A attached to the notice at Land at 43-43A Brecknock Road, London N7 0BT as shown on the plan attached to the notice.

John Morrison

INSPECTOR