

Application reference: 22/0075/HOT MORTLAKE, BARNES COMMON WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 12.01.2022 | 12.01.2022 | 09.03.2022 | 09.03.2022 |

Site:

Bracken View , Mill Hill, Barnes, London

Proposal:

RETENTION OF SIX EXTERNAL AIR CONDITIONING UNITS, INCLUDING RELOCATION OF FOUR AIR CONDITIONING UNITS.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

MR Nigel Hartley
Chestnut Planning
33 Trinity Church Road
London
SW13 8ET
United Kingdom

AGENT NAME

DC Site Notice: printed on 14.01.2022 and posted on 21.01.2022 and due to expire on 11.02.2022

Consultations:

Internal/External:

Consultee

LBRuT Non-Commercial Environmental Health Noise Issues
14D Urban D

Expiry Date

28.01.2022
25.02.2022

Neighbours:

Hedley House, Mill Hill, Barnes, London, SW13 0HS - 14.01.2022
Princes House, Mill Hill Road, Barnes, London, SW13 0HR, - 14.01.2022
Mill Hill House, Mill Hill Road, Barnes, London, SW13 0HR, - 14.01.2022
Flat 1, Brooklyn Lodge, Mill Hill, Barnes, London, SW13 0HS, - 14.01.2022
Flat 4, Brooklyn Lodge, Mill Hill, Barnes, London, SW13 0HS, - 14.01.2022
Flat 3, Brooklyn Lodge, Mill Hill, Barnes, London, SW13 0HS, - 14.01.2022
Flat 2, Brooklyn Lodge, Mill Hill, Barnes, London, SW13 0HS, - 14.01.2022

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: GTD

Date: 03/04/2013

Application: 12/2624/FUL

Change of use to a single family dwelling. Refurbishment to include single storey front, side and rear extensions at lower ground floor level; rear and side extensions at upper ground floor level; provision of refuse storage bin to the front/side; and cycle storage building to the rear.

Development Management

Status: GTD

Date: 05/03/2014

Application: 12/2624/NMA

Application for a non-material amendment to planning application 12/2624/FUL: remove proposed window to kitchen area extension at upper ground floor level, West elevation. Remove existing en-suite window to 2nd

floor West elevation. Remove proposed casement window to lower ground floor single storey extension, North elevation. Remove glass link section between extension and boundary wall. Increase width of lower ground floor sliding door to sunken patio area.

Development Management

Status: GTD

Date: 17/12/2015

Application: 12/2624/DD01

Details pursuant to conditions U58203 - Hard and Soft Landscaping, U58204 - Cycle parking, U58202 - Bin and cycle stores, U58783 - Details of the terrace rail & U58770 - BREEAM Domestic Refurbishment Rating of planning permission 12/2624/FUL.

Development Management

Status: PCO

Date:

Application: 22/0075/HOT

RETENTION OF SIX EXTERNAL AIR CONDITIONING UNITS, INCLUDING RELOCATION OF FOUR AIR CONDITIONING UNITS.

Building Control

Deposit Date: 02.07.2013

Basement and ground floor rear extensions, internal alterations and refurbishment

Reference: 13/1330/FP

Building Control

Deposit Date: 15.07.2014

Install replacement window(s) in a dwelling

Reference: 14/FEN02700/FENSA

Building Control

Deposit Date: 15.07.2014

Install replacement door(s) in a dwelling

Reference: 14/FEN02701/FENSA

Building Control

Deposit Date: 29.04.2015

Rewire of all circuits

Reference: 15/NIC01392/NICEIC

Building Control

Deposit Date: 18.03.2015

Install a gas-fired boiler Install a gas-fired boiler Install a gas fire Install a gas fire Installed a Gas Cooker

Reference: 15/FEN01555/GASAFE

Building Control

Deposit Date: 17.11.2020

Circuit alteration or addition in a special location Install one or more new circuits

Reference: 20/NIC02343/NICEIC

Enforcement

Opened Date: 15.06.2021

Enforcement Enquiry

Reference: 21/0233/EN/UBW

| | |
|----------------------------------|---|
| Application Number | 22/0075/HOT |
| Address | Bracken View Mill Hill Barnes London SW13 0HS |
| Proposal | Retention of six external air conditioning units, including relocation of four air conditioning units. |
| Contact Officer | Jack Davies |
| Target Determination Date | 09/03/22 |

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application property is a detached property located on the eastern portion of Mill Hill and is close to the junction with Mill Hill Road. The property is locally listed as a Building of Townscape Merit (BTM) and is located within the Mill Hill Conservation Area.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposal is for the retention of six external air conditioning units, including relocation of four air conditioning units.

Planning history as follows:

12/2624/FUL - Change of use to a single family dwelling. Refurbishment to include single storey front, side and rear extensions at lower ground floor level; rear and side extensions at upper ground floor level; provision of refuse storage bin to the front/side; and cycle storage building to the rear. **Granted**

12/2624/NMA - Application for a non-material amendment to planning application 12/2624/FUL: remove proposed window to kitchen area extension at upper ground floor level, West elevation. Remove existing en-suite window to 2nd floor West elevation. Remove proposed casement window to lower ground floor single storey extension, North elevation. Remove glass link section between extension and boundary wall. Increase width of lower ground floor sliding door to sunken patio area. **Granted**

4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above.

No representations were received.

Amended elevations were submitted which rectified discrepancies between the location of AC Unit 6. The units correct location was behind the existing parapet and not visible to the public and therefore it was not considered necessary to renotify neighbours.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places

16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

London Plan (2021)

- Policy D4 – Delivering good design
- Policy D12 – Fire Safety
- Policy D14 – Noise
- Policy T7 – Deliveries, servicing and construction

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

| Issue | Local Plan Policy | Compliance | |
|------------------------------------|-------------------|------------|--|
| Local Character and Design Quality | LP1 | Yes | |
| Impact on Heritage Assets | LP3, LP4 | Yes | |
| Impact on Amenity | LP8 | Yes | |

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

- House Extension and External Alterations
- Village Plan – Barnes Village Planning Guidance
- Conservation areas
- Buildings of Townscape Merit
- Development control for noise generating and noise sensitive development

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design and impact on local character and heritage assets

- ii Impact on Neighbour Amenity
- iv Fire Safety

Issue i - Design and impact on local character

Local Plan Policy LP1 states that *The Council will require all development to be of high architectural and urban design quality. The high quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area*

Local Plan Policy LP3 states that The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal.

The proposal seeks permission to relocate 4 x existing AC units and the provision of 2 x new units. There is no permission relating to the 'existing' AC units.

The proposed AC units are sited in locations which are not visible from the street. AC units labelled 1-3 are located on the side elevation and are at ground and lower ground floor levels. The existing gate as well as landscaping screens public views of these.

AC unit 4 and 5 are located to the rear of the property and are screened from views by the existing side extension.

AC unit 6 is located on the side elevation balcony and is screened by the existing parapet.

Although the cumulative number of AC units is slightly excessive for a residential property, it is not considered these units are cluttered and they are also modestly proportioned. The units are not visible from the street and are mostly screened from views elsewhere in the conservation area.

Given such it is not considered that the proposals would be harmful to the special character of the Building of Townscape Merit, nor would they be harmful to the surrounding Conservation Area.

The scheme is considered to satisfy Local Plan Policy LP1, LP3 and LP4.

Issue ii- Impact on Neighbour Amenity

Local Plan Policy LP 8 states *All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.*

The application has been submitted with a noise report. The noise report was reviewed by the Councils Environmental Health Officer whom concurs with the contents and has no objection to the AC units subject to a condition requiring the units be installed in strict compliance with the report.

The AC units are modestly proportioned and will not result in loss of sunlight and nor will they be overbearing.

Given the above, it is considered that the amenity of neighbours will not be adversely impacted, satisfying Local Plan Policy LP 8.

Issue iii- Fire Safety

Policy D12 – Fire Safety states:

In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point*
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
- 3) are constructed in an appropriate way to minimise the risk of fire spread*
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building*

users

5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in

6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The supporting text explicitly asks applicants to :

- a. demonstrate on a site plan that space has been identified for the appropriate positioning of fire appliances. These spaces should be kept clear of obstructions and conflicting uses which could result in the space not being available for its intended use in the future.
- b. show on a site plan appropriate evacuation assembly points. These spaces should be positioned to ensure the safety of people using them in an evacuation situation.

The applicant has submitted a fire strategy. The document is vague, however it is noted that in this instance a reasonable exception statement would have been acceptable and therefore there is no objections.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is not considered liable for the Mayoral or Richmond CIL however this is subject to confirmation by the CIL Administration Team

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Grant planning permission with conditions

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): ...DAV..... Dated:02/03/22.....

I agree the recommendation:

Principal Planning Officer: WWC 3/3/22.....