

Application reference: 24/2157/HOT SOUTH TWICKENHAM WARD

Date application received	Date made valid	Target report date	8 Week date
23.08.2024	02.09.2024	28.10.2024	28.10.2024

Site:

17A Tower Road, Twickenham, TW1 4PD,

Proposal:

Proposed installation of a multi-split air conditioning unit mounted at ground floor level to the side/rear of No.17a Tower Road

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

APPLICANT NAME

Dr Simin Soltani
17 A Tower Road
Twickenham
Richmond Upon Thames
TW1 4PD

AGENT NAME

Mr Marc Evans
St Hilary
113 Boverton Road
Llantwit Major
CF61 1YA
United Kingdom

DC Site Notice: printed on and posted on and due to expire on

Consultations:

Internal/External:

Consultee

LBRuT Non-Commercial Environmental Health Noise Issues

Expiry Date

17.09.2024

Neighbours:

311 Waldegrave Road, Twickenham, TW1 4SU, - 03.09.2024
307 Waldegrave Road, Twickenham, TW1 4SU, - 03.09.2024
305 Waldegrave Road, Twickenham, TW1 4SU, - 03.09.2024
1A Chillingworth Gardens, Twickenham, TW1 4PB, - 03.09.2024
1 Chillingworth Gardens, Twickenham, TW1 4PB, - 03.09.2024
17 Tower Road, Twickenham, TW1 4PD, - 03.09.2024
15 Tower Road, Twickenham, TW1 4PD, - 03.09.2024

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

Development Management

Status: WDN Application:02/3833
Date:10/02/2003 Demolition Of Existing Bungalow And Erection Of A Split Level 2 Bed House.

Development Management

Status: REF Application:87/0632
Date:04/06/1987 Construction of additional floor to bungalow.

Development Management

Status: WDN Application:05/3746/HOT
Date:15/03/2006 Extension Of The Existing Bungalow To Create A First Floor And A New Loft; Alterations To The External Facade Of The Property To A Victorian Style.

Development Management

Status: WNA Application:09/2382/FUL
Date:16/05/2017 Erection Of A Replacement Dwelling.

Development Management

Status: GTD Date:23/02/2012	Application:10/2991/FUL Proposed demolition of the existing bungalow for the construction of two residential dwellings
<u>Development Management</u> Status: REF Date:06/11/2014	Application:14/3300/FUL Demolition of existing single family dwelling and creation of replacement single family dwelling.
<u>Development Management</u> Status: GTD Date:28/07/2016	Application:15/2911/FUL Demolition of existing single family dwelling and creation of new replacement single family dwelling.
<u>Development Management</u> Status: REF Date:24/05/2019	Application:15/2911/NMA Demolition of existing single family dwelling and creation of new replacement single family dwelling. [Non-Material Amendment application to Planning Permission 15/2911/FUL to remove the basement and create a more central front door by mirroring the front bay windows].
<u>Development Management</u> Status: GTD Date:21/08/2019	Application:19/1731/FUL Demolition of existing dwellinghouse and erection of replacement two storey 4 bedroom dwellinghouse with associated hard and soft landscaping and cycle and refuse store. Replacement boundary fence/gates.
<u>Development Management</u> Status: WDN Date:16/03/2022	Application:19/1731/DD02 Details pursuant to condition BD12 - Details - Materials to be approved, of planning permission 19/1731/FUL.
<u>Development Management</u> Status: WDN Date:16/03/2022	Application:19/1731/DD01 Details pursuant to condition PK06A - Cycle parking, of planning permission 19/1731/FUL.
<u>Development Management</u> Status: SPL Date:09/05/2022	Application:19/1731/DD03 (APPROVED) Details pursuant to Condition U0067857 (PV Panels) and Condition U0067854 (Boundary fencing) of planning permission 19/1731/FUL. (REFUSED) Details pursuant to Condition BD12 (Materials), Condition PK06A (Cycle parking), Condition DV49 (Construction Method Statement), Condition U0067859 (Hard and Soft Landscaping), Condition DV30 (Refuse storage), Condition DV18A (Refuse arrangements) of planning permission 19/1731/FUL.
<u>Development Management</u> Status: GTD Date:12/08/2022	Application:19/1731/DD05 Details pursuant to conditions for BD12 Details - Materials to be approved: PK06A - Cycle parking; DV30 - Refuse storage with DV18A Refuse arrangements; U0067859 - Hard and Soft Landscaping of planning permission reference 19/1731/FUL
<u>Development Management</u> Status: VOID Date:24/05/2022	Application:19/1731/VOID Details pursuant of conditions Condition BD12 (Materials) & Condition PK06A (Cycle parking) & Condition DV30 (Refuse storage) & Condition DV18A (Refuse arrangements) of Planning Permission 19/1731/FUL
<u>Development Management</u> Status: GTD Date:21/03/2023	Application:19/1731/DD06 Details in pursuant of condition DV49 (Construction Method Statement) of Planning Permission 19/1731/FUL
<u>Development Management</u> Status: GTD Date:27/01/2023	Application:19/1731/DD08 Details pursuant to condition BD11 Miscellaneous details- Front wall and gates of planning permission ref: 19/1731/FUL.
<u>Development Management</u> Status: GTD Date:23/05/2023	Application:23/0520/VRC Variation of conditions nos: U0067857 - NS01 (Sustainability Features) and U0067855 - DV48 (Approved drawings) attached to planning permission ref: 19/1731/FUL dated 21.08.2019 to allow changes to PV panels location with some on the rear roof, various external changes including to materials,

windows and doors, increased depth to single storey side element, overall reduction in gross internal area of building.

Development Management

Status: GTD

Date: 21/11/2023

Application: 23/0520/DD01

Details pursuant to condition U0156895 - NS02 Hard and Soft Landscaping Required attached to planning permission ref: 23/0520/VRC dated 23/05/2023.

Development Management

Status: WDN

Date: 01/08/2024

Application: 23/0520/DD02

Details pursuant to condition DV50A - Energy Reduction and DV51A - Water Consumption attached to planning permission ref: 23/0520/VRC

Development Management

Status: PCO

Date:

Application: 24/2157/HOT

Proposed installation of a multi-split air conditioning unit mounted at ground floor level to the side/ rear of No.17a Tower Road, Strawberry Hill, Twickenham

Building Control

Deposit Date: 05.02.2016

Install a gas-fired boiler

Reference: 16/FEN00547/GASAFE

Building Control

Deposit Date: 07.06.2019

Replacement dwelling

Reference: 19/0907/IN

Building Control

Deposit Date: 10.06.2024

Install a gas-fired boiler

Reference: 24/FEN02271/GASAFE

Enforcement

Opened Date: 26.09.2022

Enforcement Enquiry

Reference: 22/0457/EN/BCN

Enforcement

Opened Date: 16.02.2023

Enforcement Enquiry

Reference: 23/0066/EN/BCN

Enforcement

Opened Date: 25.04.2023

Enforcement Enquiry

Reference: 23/0179/EN/BCN

Enforcement

Opened Date: 17.08.2023

Enforcement Enquiry

Reference: 23/0383/EN/NAP

Enforcement

Opened Date: 10.10.2023

Enforcement Enquiry

Reference: 23/0490/EN/UBW

Application Number	24/2157/HOT
Address	17A Tower Road, Twickenham, TW1 4PD
Proposal	Proposed installation of a multi-split air conditioning unit mounted at ground floor level to the side/ rear of No.17a Tower Road
Contact Officer	Tim Wilson
Target Determination Date	28/10/2024

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 visited the application site if required to assess the application, 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, observations during any site visit, 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 site contains a two-storey, detached dwelling constructed under 19/1731/FUL. The application site is located on the south side of Tower Road and is situated within Character Area 5 of the Strawberry Hill Village Area and is designated as:

- Area Susceptible to Groundwater Flood - Environment Agency
- Article 4 Direction Basements
- Community Infrastructure Levy Band (Low)
- Critical Drainage Area - Environment Agency
- Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency
- Surface Water Flooding (Area Less Susceptible to) - Environment Agency
- Take Away Management Zone (Take Away Management Zone)
- Village (Strawberry Hill Village)
- Village Character Area (Bonser Road and surrounds - Area 5 Strawberry Hill Village Planning Guidance Page 26 CHARAREA12/05/01)
- Ward (South Twickenham Ward)

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The application is to install a single split air-conditioning unit to the side/rear elevation of the existing dwelling.

There is no relevant planning history.

4. CONSULTATIONS CARRIED OUT

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

One objection has been raised by 17 Tower Road, who noted the following:

- The air conditioning unit must not be more than 0.6m³ in size and volume
- The position of the unit must be a minimum of 1 m from the boundary fence between 17 and 17A Tower Road. From inspection of the plans, it appears that the distance between the outside face of the unit is considerably less than 1m.
- The position of the unit will result in unacceptable levels of noise pollution
- The proposed units (Mitsubishi SCM 7125 or SCM 8025 (7.1Kw and 8.0 Kw) are bigger than permitted.
- The noise level specific in the submissions of between 70db and 80db is higher than the permitted level of 60db or less
- Fire risk due to the closeness of the unit.
- Requested clarification as to how the house has been designed and constructed to the latest building regulations and technical standards and has to have air condition retrofitted. Why was this not included in previous applications
- Work has already been done to facilitate the installation of the units such as wiring and ducting.

One observation has been received, noting the following:

- The noise impact report has been done on the basis of a generic 60db unit, but the chosen unit(s) are well above this. The true impact is therefore difficult to assess.
- The likelihood is that there would be a desire to use the unit overnight to cool upstairs sleeping spaces after solar gain from the day. Therefore any 11pm limit is likely to be compromised.
- Based on the report, a full acoustic housing should shield everyone from the worst of the noise pollution at any time of day. Modelling of this would be useful data.
- Preferably good passive insulation should be retrofitted.

No letters of support have been received.

Internal Council Consultee – Environmental Health, noted the following:

I note within the neighbourhood submissions concern has been raised about the permitted 60dB level. I have considered the Parker Jones Acoustics submission with reliance placed upon use of the Desk Top Study approach given at para 6.4 of the adopted Supplementary Planning Document Development Control for Noise Generating and Noise Sensitive Development. As such, provided the plant has no tonality etc. and the sound power $L_w = 60\text{dB}$ or less the predictions show requirements of para 6.4 would be met. As such I have no adverse comment to the approach. The submission goes on to advise if the sound power level is greater than an enclosure would be required to meet para 6.4. As such I recommend the following be attached to any consent:

Mechanical plant

The plant hereby permitted shall be installed in strict accordance with the details provided in the acoustic report submitted by Parker Jones Acoustics dated 26th July 2024. The plant shall thereafter be retained as approved. The plant shall not be used unless the equipment is installed in compliance with these details.

A compliance report shall be undertaken by an appropriately qualified acoustician within two weeks of the mechanical services installation in order to demonstrate the limiting noise levels detailed at paragraph 6.4 of the adopted Supplementary Planning Document (SPD) Development Control for Noise Generating and Noise Sensitive Development and reproduced below are met:

Maximum noise emission criteria of 45dB(A) LAeq,1hour daytime (07.00-23.00) and 35dB(A) LAeq,15minute night time.

The compliance report shall be submitted to and approved in writing by the Local Planning Authority. If at any time the plant is determined by the Local Planning Authority to be failing to comply with this condition, it shall be switched off upon written instruction from the Local Planning Authority and not used again until it is able to comply.

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

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)

The main policies applying to the site are:

- D4 Delivering good design
- D12 Fire Safety
- D14 Noise

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

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	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Local Environmental Impacts, Pollution and Land Contamination	LP10	Yes	No

These policies can be found at

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

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

The main emerging policies applying to the site are:

Issue	Draft Local Plan Policy
Local character and design quality/ Design process	Policy 28/ Policy 42
Amenity and Living Conditions	Policy 46
Local Environmental Impacts	Policy 53

These policies can be found at :

https://www.richmond.gov.uk/media/fomccpcf/publication_local_plan_low_resolution.pdf

Supplementary Planning Documents

Development Control for Noise Generating and Noise Sensitive Development
House Extensions and External Alterations
Whitton and Heathfield Village Plan

These documents can be found at:

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

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i. Design and local character
- ii. Noise and Impact on neighbour amenity
- iii. Fire Safety

i. Design and local character

Policy Context

In Chapter 12 of the NPPF, Paragraph 134 advises that poorly designed developments should be refused, especially where designs do not reflect local design policies, guidance and supplementary planning documents. It also says that significant weight should be given to designs which reflect local character, or to ones which are innovative designs in achieving high levels of sustainability, or which help improve the general standard of design in an area and fit in with the 'overall form and layout of their surroundings'.

Policy D4 of the London Plan states that the ' design of development proposals should be thoroughly

scrutinised' and that 'design quality development should be retained through to completion'.

Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. Proposals should demonstrate an understanding of the site and its context when considering the design including layout, siting and access and the compatibility of the works to the neighbouring uses.

Analysis

The proposal as shown on revised drawings is to install the air conditioning unit at ground level. In this location the unit will not detract from the appearance of the dwelling or local character.

In view of the above, the proposal can be said to comply with the aims and objections of Chapter 12 of the NPPF, policy D4 of the London Plan and policy LP1 of the Local Plan, as well as the SPD on House Extensions and External Alterations.

ii. Noise and Impact on neighbour amenity

Policy context

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

Policy LP 10C encourages good acoustic design to ensure occupiers of new and existing noise sensitive buildings are protected.

Analysis

It is considered that the unit would not have an unreasonable impact on the visual amenity of neighbours.

The noise of the proposed unit has the potential to be detrimental to neighbouring amenity however the applicant has submitted an acoustic report with the application. As set out above, the Environmental Health Officer was consulted on the revised application and has not raised any objections, subject to imposition of a condition requiring the unit to be installed as per the acoustic report, and to provide a compliance report once installed.

On balance, therefore, the proposed air conditioning unit would not detract from the amenity and living conditions of neighbours and would comply with policy LP8 and LP10 of the Local Plan and the SPDs on House Extensions and External Alterations and Development Control for Noise Generating and Noise Sensitive Development.

iii. Fire Safety

Policy D12 Fire Safety of the London Plan Part A requires all development to demonstrate the highest levels of fire safety. All non-major applications require the submission of a Fire Safety Strategy, unless reasonable exemption has been demonstrated.

The applicant has submitted a Fire Safety Strategy which is considered to adequately address the relevant criteria of Policy D12.

Any work carried out will need to fully comply with Building Regulations. A planning permission, if granted, is *not* a consent under the Building Regulations.

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 subject to condition

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / NO

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): TWL

Dated: 03/10/2024

I agree the recommendation: CTA

Team Leader/Head of Development Management/Principal Planner

Dated:04/10/2024.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated: