

Appeal Decision

Site visit made on 18 April 2017

by R A Exton Dip URP MRTPI

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

Decision date: 5th May 2017

Appeal Ref: APP/Q0505/Z/16/3165885

192-194 Green End Road, Cambridge CB4 1RN

- 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 Mrs N Jegathiswaran against the decision of Cambridge City Council.
 - The application Ref 15/1484/FUL, dated 31 July 2015, was refused by notice dated 24 November 2016.
 - The development proposed is described as: 'Install 5 Nos of new condensing unit at side of the store room.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. From the information submitted and my site visit it is clear that the nature of development has changed over the life of the application from that set out above. At the time of my site visit I observed four units fixed to the inside wall of the store, as shown on drawing No 01 Rev C, dated 20.06.16, that were audibly operational. There was also one unit fixed externally to the side elevation that appeared non-operational. I have determined the appeal on the basis of this drawing and these observations.

Main Issue

3. The main issue is the effect of the operation of the condensing units on the living conditions of neighbouring residents.

Reasons

4. The appeal site forms part of a small cluster of shops and services situated around the junction of Green End Road and Scotland Road. Dwellings and their gardens exist in close proximity to these uses. On the appeal site there are first floor residential flats above the shop which the store containing the condensing units serves. The main source of background noise derives from road traffic and vehicles stopping and manoeuvring. In light of this I consider that occupiers of the surrounding dwellings will experience a degree of general noise and disturbance during the daytime which is likely to reduce significantly into the evening and night time.
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5. During my visit the condensers emitted a continual vibrating/buzzing noise that was audible from outside the building in which they are located. I could also hear water running from the condensers into an external gully. Whilst this noise was masked to an extent by the background noise described above, I consider it would be much more pronounced during the times neighbouring residents are likely to be sleeping when background noise levels are likely to have subsided. This conclusion is supported by the fact that a noise complaint has been received by the Council.
6. The times when the condensing units are operational are not clear from the information before me. The noise report dated 27 July 2016 states operational hours of 0530 -1030. The Environmental Health Officer questions the likelihood of these times given the need to keep refrigeration units in the store operational. The representation from a neighbouring resident regarding night time noise supports this view. Furthermore, the noise report's finding that the, 'units would be expected to be inaudible at the nearest noise sensitive receivers' is based on assumed noise levels of 45dB(A) rather than actual readings. Consequently, I attach limited weight to its findings.
7. In the circumstances, I consider it is likely that the condensers would need to operate for longer periods, particular during warm weather. Even if the operational hours of the condensers were limited to those set out in the noise report I consider that the tone and continual nature of the noise they create would be highly likely to cause significant disturbance to the occupiers of dwellings closest to the site, particularly when they are likely to be sleeping and in warmer weather when windows are more likely to be open. Consequently, I find the development contrary to Saved Policy 4/13 of the Cambridge City Council Local Plan 2006 which aims to prevent significant adverse effects arising from noise pollution.

Other matters

8. I recognise the appellant's efforts to respond to previous concerns over noise by installing different equipment in different locations. However, I must assess the amended scheme and therefore the process that has led to this carries limited weight. I also note the appellant's comparisons with other businesses that use similar condensing units. Each case must be assessed on its own merits and so in the absence of any specific information on these other cases I can afford them only limited weight. I have taken into account the environmental and economic benefits of the development to the business and wider economy but find that none of these matters outweigh the harm I have identified to the living conditions of neighbouring residents and consequent conflict with policy.

Conclusion

8. Based on my site visit and the evidence before me I consider the development is highly likely to cause significant disturbance to occupiers of nearby dwellings. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR