
Appeal Decision

Site visit made on 23 February 2021 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2021

Appeal Ref: APP/P5870/D/20/3261649

2 Angora Close, Hackbridge SM6 7DY

- 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 Mr Sheldon Vestey against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/01091, dated 20 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is two air conditioning units to be affixed to the rear of the house.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of the adjoining property in relation to noise.

Reasons for the Recommendation

4. The appeal site is occupied by a three-storey end of terrace dwelling within a new residential development comprising other three-storey terraces and flatted blocks. To the rear of the appeal property is a balcony serving the first floor which adjoins the balcony of the neighbouring property, 4 Angora Close. There is currently one air conditioning unit on the rear wall of the appeal property, above head height at first floor level, which does not have planning permission. The proposal would replace this with two air conditioning units located on the floor of the balcony.
5. Although the appellant states that the units would be 4 metres from the adjacent property, the plans indicate that this separation distance would be 2.7 metres. Nevertheless, although slightly further away from the neighbouring property than the current unit, the proposal would still be in close proximity to both the balcony at No.4 and its first floor windows on the rear elevation.
6. The area surrounding the appeal property is a quiet residential environment with some occasional background noise from vehicles. Although it has been

stated by the appellant that the units would be below the maximum decibel level for residential use and quieter than the background noise, no evidence has been provided to demonstrate the level of noise that would be produced by the proposed units and how this compares to the ambient noise level in this location. The onus is on the appellant to provide this evidence to demonstrate that the units would not be disturbing.

7. It is understood that a noise complaint has been made with regard to the existing unit. Although the proposed units would be further away, it has not been demonstrated that they would be sufficiently distant such that they would no longer cause disturbance to the occupiers of No.4.
8. It is noted that the units will be placed on the floor rather than the wall to prevent vibration noise. However, this would not alleviate the noise produced by the units themselves. Also, it has not been demonstrated that the current glass privacy screen would be sufficient to block any adverse noise produced.
9. Consequently, for the reasons above, I cannot conclude that the proposed development would not be harmful to the living conditions of the occupiers of the adjoining property, 4 Angora Close. It therefore would fail to accord with Policy 29 of the Sutton Local Plan (2018). This policy states that planning permission will be granted for new development unless it adversely affects the amenities of those currently occupying adjoining or nearby properties, taking into consideration noise and vibration levels.

Other Matters

10. The appellant has highlighted that they were not informed of the removal of the property's permitted development rights when purchasing the dwelling. However, this would not alter my consideration of the planning merits of the scheme.

Conclusions and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR