



Appeal Decision

Site visit made on 21 February 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/J1915/D/21/3284047

47 Claud Hamilton Way, Hertford SG14 1SR

- 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 Xiaoxiao Zhao against the decision of East Herts District Council.
 - The application Ref 3/21/0836/HH, dated 25 March 2021, was refused by notice dated 9 July 2021.
 - The proposed development is for erection of air conditioning unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a mid terrace house within this row of modern neo classical style townhouses on the fringes of Hertford town centre. The houses front Claud Hamilton Drive and are three storeys in height with gardens backing onto scrubland to the rear. Number 47 is located towards the Mead Lane end of the terrace.
4. The proposal is for an external air conditioning unit to be installed within the property to help mitigate internal temperatures associated with Climate Change and global heating and to ensure a comfortable environment for the Appellant's and their children. This would include both an internal vent system and external air conditioning unit to be wall mounted.
5. The proposed air conditioning unit would be erected to the rear wall of the property and have approximate dimensions of 70cm in height, 84cm in width and 36cm in depth. The location of the proposed unit would be above the appellant's existing patio doors and below what appears to be a bedroom window with a set of French doors and Juliet balcony being located not far away at first floor level that serves another room. The nearest neighbouring property also has a small window and patio doors nearest to where the proposed unit would be installed but the location of the unit would be around 1m from the neighbour's boundary.

6. In assessing this appeal I give great weight to the Appellant's desire to help mitigate Climate Change and associated heat events. I consider that such a unit would indeed help modify the internal temperature of the property and make it more comfortable for residents. I also note the lack of objections raised by neighbours.
7. Notwithstanding these largely personal benefits associated with this proposal however, I have evidence before me that the proposed air conditioning unit would not meet the associated British Standards¹ for such units in regards associated noise output in decibels (dB) when running. Whilst I accept the evidence within the Appellant's appeal statement that the noise would not, in their opinion, be that great, it would nevertheless exceed the British Standards that are intended to protect the amenities of residents from such interference. I consider therefore that the relevant British Standards are in place for a very good reason and should be followed unless there are extenuating circumstances as to why they should not.
8. I have no evidence before me as to any such extenuating circumstances that exist and although I note that the associated noise would not perhaps be perceptible by the Appellants, I consider that other neighbours, either now or in the future, would potentially suffer a loss of living conditions through what could likely amount to excessive noise. I consider that this could especially occur on summer evenings when most neighbours would likely have no choice but to have their windows open. I consider that in such cases this would magnify the associated noise from the air conditioning unit and lead to further harm to the living conditions of immediate neighbours.
9. Whilst I acknowledge therefore the Appellant's reasoning for wishing to install such a device, I consider it must be possible to obtain a similar unit that could meet the associated British Standards and as such would largely mitigate these concerns. As this appeal stands however, I have not been persuaded that this device would suitably protect the living conditions of neighbours from excess noise and as such I consider this proposal would be contrary to Policy EQ2 of the East Herts District Plan (2018) that seeks to mitigate the impact of noise pollution.

Conclusion

10. For the reasons above, considering all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR

¹ British Standard BS8233:2014 and British Standard BS4142:2014+A1:2019.