
Appeal Decision

Site visit made on 12 July 2022

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/B3438/D/22/3294159

21 School Close, Dilhorne, Stoke on Trent ST10 2QB

- 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 Matthew Bowyer against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0440, dated 1 July 2021, was refused by notice dated 15 December 2021.
 - The development proposed is the installation an air source heat pump.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of an air source heat pump at 21 School Close, Dilhorne, Stoke on Trent in accordance with the terms of application reference SMD/2021/0440, dated 15 December 2021, subject to the conditions set out in the Schedule at the end of my decision.

Procedural Matters

2. The description of the appeal proposal given on the submitted planning application form involves elements which are not development. Therefore, I have shortened it to align with the description given on the Decision Notice which better describes the proposal.

Main Issue

3. The impact to neighbouring living conditions having regard to noise.

Reasons

4. The Council considered the application for planning permission leading to this appeal on the premise the proposal does not comply with the Microgeneration Certification Scheme (MCS) technical noise standards for permitted development.
5. Drawing on submitted plan document MCS 020 the Council comment in their officer report that a background noise level of 40dB(A) has been assumed. The air source heat pump (ASHP) proposed exceeds background noise levels by 9.5 dB(A) which is 7.5dB(A) above the prescribed MCS threshold level of 42dB(A).
6. They go on to calculate that noise arising from the ASHP would cause sound levels inside the nearest bedroom of the neighbouring property of around 34 dB(A). This being 4dB(A) above the prescribed maximum night time bedroom levels of 30dB(A) as set out in British Standard 8233:2014 (BS). A key concern

being the resultant impact of that would cause neighbouring occupiers potential sleep disturbance issues in a quiet village location, where lower background noise levels than those specified may be apparent.

7. In response, the appellant submits there is a misunderstanding from the Council in that the ASHP would not generate continuous noise throughout the night. Nonetheless, I do not discount noise emissions would not occur during the night when domestic need demand arises, particularly in colder months.
8. That said, the appellant also argues that the existing oil filled boiler is noisier in operation than the replacement system proposed. That assertion is made based on measurements taken from the external vent to the boiler being in the order of some 78.6dB(A).
9. Even though there is no detailed noise assessment available, I do not find the appellant's measurements to be an unrealistic approximation of the likely external noise levels emitted by the current oil boiler heating system. That is mainly because older oil based domestic heating technology is often noisier in operation.
10. Likewise, it is important to note that any reduction below 78.6 dB(A) downwards to the estimated 49.5dB(A) of the proposed ASHP would still constitute a beneficial reduction in overall operating noise levels. I therefore give substantial weight to the circumstances regarding the existing boiler system being noisier when in operation compared to the ASHP proposed.
11. Whilst the appeal property lies within a small rural village and a cul de sac, I could see at my site visit that it is not far from a nearby school. As a result, it is conceivable that there would be some elevated background noise at various times of the day.
12. The appellant refers me to six other air source heat pumps installed in School Close since 2013 and that there have been no complaints to those. He also identifies ASHPs on nearby dwellings with stated noise levels of 48.4dB(A) not causing any complaint. That noise level figure is not challenged by the Council as being inaccurate.
13. Moreover, planning permission for ASHP's is also referred to by the Council as being consented under application references 13/00848/FUL and SMD/2013/0913. Though further technical details are not elaborated upon, they do not suggest those installations have been subject to significant noise complaints since their installation and long established subsequent use. Indeed, there is positive support for the scheme believed to be from the occupier of no.23, as a further indication of whether a local sensitivity to any known noise problems is apparent.
14. Bringing all of the above points together, a noise level of 4dB(A) above the BS threshold would be marginal in nature. In any event, the proposed ASHP has a strong likelihood to offer a significant improvement by way of reduced noise levels during its operation in the day and at night compared to the existing domestic heating system.
15. I appreciate that distance, timings and duration effects could have been made clearer by way of a noise assessment but none has been evidenced as being formally requested. Overall, I find that the likelihood of overall reduced noise level benefits to be credible in this case.

16. Accordingly, I do not find resultant noise impacts would erode from existing living conditions by an unacceptable degree. The appeal development complies with Policies SS1, SD2 and SD3 of the Staffordshire Moorlands Local Plan 2020 which all combined promote sustainable forms of development including renewable and low carbon energy generation as well as the protection of living conditions from harm. It accords with the objectives of the National Planning Policy Framework replicating those aims.

Conditions

17. I have attached standard conditions relating to the time limit for implementation and linking the appeal decision to the plan information provided.

Conclusion

18. For the reasons set out above the appeal succeeds.

M Shrigley

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following plans/documents: Site Location Plan Scale 1:1250; drawing titled 'Existing-Proposed Plans, Project No 1'; and plan document MCS 020.