



Appeal Decision

Site visit made on 1 November 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/J0540/W/22/3296723

Land off Peterborough Road, Wansford, Peterborough

- 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 A Stace against the decision of Peterborough City Council.
 - The application Ref 21/00697/FUL, dated 9 April 2021, was refused by notice dated 14 October 2021.
 - The development proposed is the erection of new dwelling on vacant plot within existing Wansford Mews development and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided a number of plans and a revised Environmental Noise Assessment that it appears were provided to the Council during the consideration of the application, but do not appear on the decision notice. As the Council have had opportunity to comment on the provided plans and revised noise assessment, there would be no injustice in me considering the appeal on the basis of the amended documents, and I have therefore done so.

Main Issue

3. The main issue is whether the proposed development would provide suitable living conditions for future occupiers, with particular regards to noise levels.

Reasons

4. The appeal site is an area of open space at the edge of small housing development, and adjacent to the A1 trunk road. The site sits at a higher level than the A1, with a wooded bank providing separation. At the top of the wooded bank is an existing acoustic fence.
5. A temporary 40mph speed restriction was in place on the A1 at this location at the time of my site visit. As a result, the noise level I experienced on my site visit was unlikely to be wholly representative of a normal situation. Nevertheless, I was able to understand the level of traffic using this major route.
6. In terms of understanding the noise environment at the appeal site, I am guided by the submitted evidence, Planning Practice Guidance (PPG) and the Noise Policy Statement for England.

7. Peterborough Local Plan (PLP) Policy LP17 requires that development proposals should be designed and located such that the needs of future occupiers are provided for, including adequate noise attenuation and well-designed and located external amenity space. Whilst neither government guidance nor the PLP set out specific noise limits, and the PPG acknowledges that adverse effects in relation to noise can be a combination of factors, and understanding a noise environment in empirical terms can assist in determining observed effect levels.
8. The submitted evidence indicates that much of the external space that would be provided for the proposal dwelling would, after taking account of additional proposed attenuation, result in daytime noise levels of between 50-55dB. BS8233:2014¹ advises that it is desirable that outdoor steady noise levels should not exceed 50dB, and that 55dB should be regarded as an upper guideline value. The evidence also indicates that 10% of the population would be 'highly annoyed' with a noise exposure level of 53dB.
9. The external space noise levels within BS8233:2014 do not represent an upper limit, instead they are set out as being 'desirable' or 'ideally achieved'. However, given the nature and heavy use of the A1, I consider it likely that levels of noise above the desirable level would be likely to be experienced for extended periods of time. I consider that this level of noise exposure, whilst it might not result in measurable impacts upon quality of life, would be likely to become disruptive, and therefore result in a significant observed adverse effect.
10. I accept that there may be some variance in perception of noise depending on particular circumstances, particularly in urban areas where a higher level of background noise might be ordinarily expected on the basis of a critical mass of development, population and activity, and where there may be greater locational constraints in terms of delivering new development due to land availability. However, although adjacent to a busy major arterial road, the appeal site is located at the edge of a village, in an otherwise reasonably rural setting. Accordingly, I consider that it would not be appropriate to expect higher noise levels in the outdoor space as a matter of course, on the basis of the site's current locational circumstances.
11. The proposed development would include areas of the external space which the evidence indicates would experience lower levels of noise, notably the proposed sunken terrace area and an area to the west of the property, where the building itself would provide additional attenuation. In these areas, the evidence suggests that noise levels would be in region of 45 -50dB, and the appellant assesses that these areas would have an observed effect, but not one that is adverse. In terms of the noise environment of the overall external space, these areas could, therefore, potentially provide relief and usable outdoor space for future occupiers.
12. However, even taking account of the small size of the proposed dwelling, these quieter external areas would provide only very limited space for outdoor recreation. I accept that noisier parts of the garden could be used for activities such as drying washing. Nevertheless, the level of usable outdoor space with a noise environment that is within the desirable levels set out in BS8233:2014,

¹ British Standard 8233:2014 - Guidance on sound insulation and noise reduction for buildings

which in effect would be largely confined to the proposed sunken terrace, would be unacceptably limited.

13. With regards to internal noise levels, the evidence indicates that on the basis of windows remaining closed, internal night-time noise levels would marginally exceed the guideline values set out in the 1999 WHO Guidance², but would remain within the revised 2018 WHO Guidance³ levels in relation to traffic noise. It is also indicated within the evidence that a mechanical heat and ventilation system with heat recovery (MHVR) would be installed within the property.
14. However, the windows within the property would remain openable. Whilst MVHR systems may work most efficiently with closed windows, and it is more likely that future occupiers with an MVHR system would, as a result, be potentially less likely to open windows, this cannot be ruled out. With no modelling evidence available that takes into account such a scenario, I cannot be satisfied that acceptable internal noise levels would be achieved were windows to be opened.
15. I conclude therefore that the proposed development would fail to provide suitable living conditions for future occupiers, with particular regards to noise levels. As a result it would be contrary to PLP Policy LP17 which requires development proposals to provide adequate noise attenuation.

Other Matters

16. The appellant contends that provision of a specifically designed acoustic barrier would have the potential to improve the noise environment for existing occupiers of Wansford Mews, as a condition on a previous planning permission relating to these properties and noise attenuation was not complied with.
17. I have no evidence before me that the noise environment for these properties is currently unacceptable, or indeed if the condition has been complied with or otherwise. In any event such considerations are beyond the scope of this appeal. Any potential lack of compliance with a previously imposed planning condition is a matter for the Council. Whilst the acoustic barrier proposed as part of this appeal proposal could have beneficial effects to occupiers of these properties, I afford this only very limited weight, as other remedies for any non-compliance with a previously imposed planning condition exist.
18. There is public open space within the local area which would be accessible to any potential future occupiers of the property. Whilst such spaces can provide valuable outdoor recreation space, and would complement any private garden, they do not provide the same level of privacy or convenience and are not wholly comparable. As a result, the presence of public open space would not overcome the harm that I have identified.

Conclusion

19. The proposed development would be contrary to the development plan in relation to the provision of suitable living conditions for future occupiers with regards to noise. It would conflict with the development plan as a whole, and

² Guidelines for Community Noise, World Health Organisation 1999

³ Environmental Noise Guidelines for the European Region, World Health Organisation 2018

there are no material considerations that indicate that a decision should be taken other than in accordance with the development plan.

20. For the reasons given above, I conclude that the appeal is dismissed.

C Harding

INSPECTOR