



Appeal Decision

Site visit made on 28 July 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2023

Appeal Ref: APP/B5480/D/22/3312136

42 Sarre Avenue, Hornchurch, Essex RM12 6TP

- 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 Andrea Harley against the decision of the Council of the London Borough of Havering.
 - The application Ref P1333.22, dated 16 August 2022, was refused by notice dated 7 November 2022.
 - The development proposed is described on the application form as "*Retrospective planning consent for temporary condenser unit for air conditioner attached to flank wall of the property*".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As indicated in the description of development, the appeal relates to an application for retrospective planning permission.
3. The description of development suggests that temporary planning permission has been sought. However, there is nothing before me to indicate the period of time for which temporary consent is sought. Given this, and the fact the development has been in place for more than 4 years already, I have treated the application as seeking permission for the permanent retention of the development.

Main Issues

4. The main issues are the effects of the proposals on: (i) the character and appearance of the street scene; and (ii) the living conditions of the occupiers of 44 Sarre Avenue, with particular regard to noise disturbance.

Reasons

Character and Appearance

5. The appeal property is a 2-storey semi-detached house. It is situated in a residential street comprising houses of similar age, style and appearance. Its frontage is relatively close to the road compared to 44 and 46 Sarre Avenue. As a consequence, the flank elevation of the appeal property is apparent in views looking east along Sarre Avenue.

6. The appeal scheme comprises an air-conditioning unit attached to the flank elevation of the appeal property at first floor level. I note that there are satellite dishes attached to neighbouring houses and meter boxes are prevalent in flank elevations. However, the air-conditioning unit attached to the appeal property is far more prominent than these elements due to its size and significant protrusion beyond the side elevation of the appeal property.
7. I therefore conclude that, due to its siting and size the appeal scheme is an incongruous addition that has an unacceptable effect on the appearance of the street scene. It therefore conflicts with Policy 26 of the Havering Local Plan (2021) (HLP) which, amongst other things, requires high quality design that respects, reinforces and compliments the street scene.

Living Conditions

8. The appeal scheme is a short distance from a first floor window in the front elevation of 44 Sarre Avenue. I recognise that, if well-maintained, single air-conditioning units may not result in noise levels that exceed ambient noise levels during the day, particularly in busy urban areas. However, I am cognisant that on hot summer nights, when air conditioning units may be running at peak levels, and neighbouring residents may have windows open, that there is potential for noise disturbance. This is particularly the case in situations where units are sited at high level close to residential windows.
9. Given the siting of the appeal scheme close to the neighbour's window, and the lack of technical information to demonstrate otherwise, I consider there to be a likelihood of unacceptable levels of noise disturbance to the occupiers of No.44. For this reason the appeal scheme conflicts with HLP Policy 7 which, amongst other things, advises that development will be supported that does not result in unacceptable noise, vibration and disturbance.

Other Matters

10. I recognise that the appeal property faces south and therefore the appellants' bedroom may be subject to overheating on hot sunny days. I also note that the appellants consider the cooling produced by the air-conditioning unit to be essential to their physical and mental health and wellbeing. However, there is nothing before me to demonstrate that the unit needs to be sited at high level on an exposed flank elevation close to a neighbours' window or that the appellants' needs cannot be met by other means of cooling. I therefore accord limited weight to these matters.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR