



Appeal Decision

Site visit made on 14 February 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08.03.2024

Appeal Ref: APP/N1920/D/23/3331157 80 Billy Lows Lane, Potters Bar, EN6 1XL

- 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 Andrew Lebe against the decision of Hertsmere Borough Council.
 - The application Ref 23/0207/HSE, dated 5 February 2023, was refused by notice dated 15 September 2023.
 - The development proposed is the installation of air conditioning/air source heat pumps to rear flat roof.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of air conditioning/air source heat pumps to rear flat roof at 80 Billy Lows Lane, Potters Bar, EN6 1XL in accordance with the terms of the application Ref 23/0207/HSE, dated 5 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 101/AC01 Rev 1 – Existing and Proposed Site Plans; Drawing Number 101/AC02 Rev 1 – Existing Plans and Sections; and 101/AC03 – Proposed Plans and Sections
 - 3) Noise from the operation of the air conditioning and air source heat pump units, shall be 10dB (LAeq) below the background noise level (LA90), at the nearest residential properties or 5dB below the background noise level, if evidence is provided which shows that no tonality is present.
 - 4) The air conditioning and air source heat pump units, shall be operated and routinely serviced/maintained in conjunction with the manufacturer's guidelines.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and on the streetscene.

Reasons

3. The appeal property is a detached 'chalet' bungalow, which is situated in a residential area, in which dwellings vary in terms of their age, size and

appearance. The property has recently undergone extensive alteration and extension, including a single storey flat-roofed extension at the rear.

4. The proposal is to place 5 air conditioning/air source heat pumps on the flat roof of the extension. The units have already been installed. The Council considers the proposal to be unacceptable as the units appear cluttered, dominant, incongruous, and visually intrusive. It states that the proposal conflicts with Policies SP1 and CS22 of the Council's Core Strategy 2013 and with Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016. These policies require (amongst other things) that the design of new development to be of high quality and that complements local character.
5. In addition, the Council refers to its Supplementary Planning Document – Hertsmere Planning and Design Guide (SPD), which also advocates high quality design.
6. The position of the units at the rear of the dwelling means that they are barely visible from Billy Lows Lane and I am not persuaded that they have any significant impact on the streetscene. Whilst they are clearly visible when in the rear garden, I did not find them to be offensive or harmful to the appearance of the property, particularly as domestic paraphernalia would normally be expected on or at the rear of dwellings. Accordingly, I do not find a conflict with the provisions of the Development Plan or with the Council's SPD.

Conditions

7. The Council has suggested conditions in the event of the appeal being allowed. For clarification, I have imposed a condition specifying the approved plans. In addition, conditions relating to noise levels and maintenance are imposed. These are necessary to ensure that there is no harm to the living conditions of neighbouring residents.

Conclusion

8. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR