



Appeal Decision

Site visit made on 18 June 2024

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/T3725/D/24/3343720

27 Finham Road, Kenilworth, Warwickshire CV8 2HY

- 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 Elaine Yip against the decision of Warwick District Council.
 - The application Ref. is W/23/1829
 - The development proposed is the installation of an air source heat pump (depth 0.64m x width 1.38m x height 0.87m) to front of property.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of an air source heat pump (depth 0.64m x width 1.38m x height 0.87m) to the front of the property at 27 Finham Road, Kenilworth, Warwickshire CV8 2HY in accordance with the terms of the application, Ref W/23/1829, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: Block Plan submitted 26/01/24, Revised Site Location Plan and Outside View with heat pump Drawing submitted 24/01/24.
 - 3) Noise arising from the air source heat pump hereby permitted, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Procedural Matter

2. The Council altered the description of the development. I have adopted the Council's description of the development as this is more succinct.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the host dwelling and the area.

Reasons

4. The appeal property, No 27 Finham Road, (No 27) is a mid terrace, red-brick dwelling located on the west side of Finham Road, set back from the public highway behind a hard surfaced area, which is currently used for car parking. It forms part of a line of development set back from the road as it curves around the estate and is well screened in views in both directions by mature landscaping. As such it is not a particularly prominent plot within the streetscape.
5. The air source heat pump would be installed on the front elevation of No 27 below the existing ground floor window and to the side of the entrance porch. Although the air source heat pump would be seen in immediate views when viewed from the front of the dwelling, it would be of a small scale in the context of the overall front elevation. Due to the siting of No 27, its set back from the public highway, and the extent of the landscaping found in this location, it would not be seen in wider views along Finham Road. As such the proposal would not cause unacceptable harm to the character and appearance of the host dwelling and the area.
6. I acknowledge that the installation of the air source heat pump would introduce a functionally designed plant/machinery structure into the streetscene. However given its scale and siting, it would not result in an unduly intrusive or conspicuous structure in the streetscene. I note too the Council's concern that the development could set a precedent for the installation of other air source heat pumps in the area. However each application and any appeal must be determined on its own merits. In this case the circumstances outlined above are such that I consider it unlikely to lead to harmful development elsewhere in the vicinity.
7. Whilst the Council favour the installation of the air source heat pump at first floor level to the rear of the property, on the information before me, this is not considered to be a practical option. I note too that the Council does not find support for the proposal within the explanatory notes to Policy BE1 of the Warwick District Local Plan 2011-2029 (Adopted September 2017)(Local Plan), which require attention to be given to adaptation for climate change and a reduction in climate emissions. The proposal would support environmental efficiency measures albeit given its small scale, this would be modest.
8. Accordingly, for the reasons set out above I find that the development would not result in unacceptable harm to the character and appearance of the host dwelling and the streetscene. Accordingly it would comply with Policy BE1 of the Local Plan which requires, amongst other matters, development to respect surrounding buildings in terms of scale, height, form and massing and to respect local distinctiveness. It would also comply with the Council's Residential Design Guide Supplementary Planning Document and the Kenilworth Neighbourhood Plan, both of which seek to protect existing site characteristics and to respond positively to site characteristics. Nor would it conflict with guidance contained in the National Planning Policy Framework which seeks to promote development sympathetic to local character.

Conditions

9. In addition to the standard condition limiting the timespan of the planning permission I have imposed a condition specifying the relevant drawings as this provides certainty. The Council has requested a condition relating to the control of noise emissions from the heat pump and this is necessary in the interests of the living conditions of adjoining occupiers.

Conclusion

10. For the reasons given and having regard to all matters raised, the appeal is allowed as set out in the formal decision above.

K Winnard

INSPECTOR