
Appeal Decision

Site visit made on 22 August 2024

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/A1530/D/24/3346418

57 Arthur Cross Square, Colchester, Essex CO4 6BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lewis Juggins against the decision of Colchester City Council.
 - The application Ref is 240554.
 - The development proposed is installation of air source heat pump at rear of property.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed heat pump on the living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

3. The appeal property is a three storey end-of-terrace dwelling located within a recent residential development of mixed property types.
4. Policy DM15 of the Colchester Borough Local Plan 2017-2033 Section 2 (2022) requires development to protect and promote public and residential amenity, including with regard to noise and disturbance. The National Planning Policy Framework (the Framework) indicates that decisions should ensure that new development is appropriate for its location taking into account the likely effects on living conditions. This includes mitigating and reducing to a minimum potential adverse impacts resulting from noise¹.
5. The air source heat pump would be located in the appeal property's rear garden, close to the boundary wall adjacent to the street. The Council's Environmental Protection team has assessed the proposal against the relevant Microgeneration Certification Scheme (MCS) Planning Standard for noise levels. The outcome of this assessment is that the pump's noise level would be 47dB(A), in excess of the permitted development noise level limit of 42dB(A).
6. I note that the appellant does not dispute the outcome of this assessment and the Council's decision. I acknowledge the principal basis for the appeal, which is that

¹ Paragraph 191a).

no opportunity was provided by the Council to discuss and possibly address its concerns. While I acknowledge also the appellant's frustrations in this regard, these matters cannot have a direct bearing on the appeal decision, which is only concerned with the planning merits of the proposal as submitted.

7. Based on the assessed level of noise and the proximity to neighbouring dwellings and gardens in the terrace, there is no reasonable basis for me to find that operation of the heat pump as proposed would not result in harmful noise and disturbance to neighbouring occupiers.
8. Therefore, for these reasons, I must conclude that the proposed heat pump would result in material harm resulting from noise and disturbance to the living conditions of neighbouring occupiers. Consequently, the proposal is contrary to Policy DM15 of the Local Plan Part 2 and to the Framework, as described.

Conclusion

9. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR