



Appeal Decision

Site visit made on 7 January 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2025

Appeal Ref: APP/W5780/W/24/3348539

5 Colwall Gardens, Woodford Green, Redbridge IG8 0HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Robert Carder against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3176/23 was approved on 8 March 2024 and planning permission was granted subject to conditions.
 - The development permitted is the installation of a heat pump.
The condition in dispute is No 3 which states that: Noise emitted from any new fixed building services plant and equipment shall be designed to a level at least 10 dB below the lowest representative existing background sound level when assessed in accordance with BS 4142:2014 at a position 1 m from the window of the nearest noise sensitive premises (i.e. Plant L_{Ar}, Tr = -10 dB LA90,T). This criterion applies to the total contribution of noise from all new plant items associated with the Proposed Development that may run during any particular period.
 - The reason given for the condition is: To ensure that there is no noise disturbance to neighbours in compliance with Local Plan Policy LP24 and London Plan policies D13 and D14.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach

Background and Main Issue

3. Planning permission has been granted for the installation of an Air Source Heat Pump (ASHP) at 5 Colwall Gardens subject to various conditions. The appeal seeks permission to carry out the development without complying with condition 3 relating to noise levels which was imposed to safeguard the amenity of existing occupiers of nearby residential properties.
4. Therefore, the main issue is whether disputed condition 3 is reasonable and necessary with regard to the living conditions of existing and future occupiers of the nearby dwellings.

Reasons

5. The appeal site is a two-storey, semi-detached dwelling located within a cul-de-sac in a predominantly residential area. The proposed Air Source Heat Pump (ASHP) would be located to the rear of the dwelling. Due to its position in relation to neighbouring residential properties there is potential for noise disturbance to occur.
6. Policy LP24 of the Redbridge Local Plan 2015-2030, adopted 2018 (the RLP) sets out the Council will resist development that generates unacceptable levels of noise pollution or vibration. Policy D14 of the London Plan 2021 also states that development should avoid significant adverse noise impacts on health and quality of life and mitigate and minimise existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development.
7. The appellant has submitted a noise report that follows the Micro Generation Standards (MGS) and found that the noise generated from the ASHP would be approximately 42.5dB. However, the MGS document indicates that this should be rounded up to the nearest whole number, which would be 43dB. The appellant does not dispute that the noise exposure from the ASHP would exceed the permitted development limit, hence the submission of a planning application.
8. Whilst I acknowledge that it would only exceed the allowed noise level by 0.5 -1dB, nevertheless, it does exceed the maximum noise level. The adverse effects of noise can be appreciated in different manners and can be subject to surrounding environmental conditions. This means that there can be substantial variation in day-to-day practice for the operation of an ASHP or similar equipment in differing positions and contexts.
9. Within the supporting documentation a figure of 40dB is given as the 'background noise level'. Therefore, to achieve a 10dB reduction below the background noise, would equate to approximately 30Db, which the appellant states that the supplier of the ASHP has confirmed is not achievable. However, it is not clear as to how the 40dB figure has been arrived at, there is no evidence before me to indicate that this measurement was obtained on site or if measurements were taken, the precise location of these. However, even if these figures are representative of the appeal site, the proposal is not supported by any compelling site-specific noise evidence or justification to support this claim.
10. In relation to noise reduction, there is no substantive evidence before me that there has been consideration given to the implementation of mitigation measures to minimise the effect of noise. Based on the evidence before, it is not clear what level of noise reduction would be possible, only that a reduction of 10dB could not be achieved. Furthermore, no evidence has been provided which demonstrates that no other alternatives exist, for example the installation of an alternative product.
11. In response to this appeal the Council indicated that it would be willing to accept an amended condition which requires a reduction in noise emissions of 5dB rather than 10dB. However, the appellant has confirmed this would still not be achievable. Consequently, I find that in the absence of any compelling evidence to the contrary that I cannot be sure that removal of the condition in its entirety would not result in adverse harm to the living conditions of neighbouring occupiers.

12. I have had regard to the environmental benefits of the ASHP, and the support for the incorporation of measures to address the impacts of climate change. I have also had regard to the appellant's statement in relation to the installation of the ASHP meaning that they are no longer reliant on gas. However, these benefits relate to a single property and therefore can only be attributed moderate weight. In this particular case, and based on the evidence before me, I find that the benefits do not outweigh the harm which I have identified.
13. For these reasons, I therefore find that the disputed condition is necessary and reasonable to ensure that there is no adverse harm to the living conditions of existing and future occupiers of the nearby dwellings, with particular regard to noise. Thus, the removal of the disputed condition would fail to comply with Policy LP24 of the RLP and Policies D13 and D14 of the London Plan which seeks, amongst other things, to avoid significant adverse noise impacts on health and quality of life.

Other Matters

14. As the proposal lies within the Woodford Green Conservation Area (CA), I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Neither party have raised this as a concern during the appeal. Based on the evidence before me, including the scale of the development and the fact that the development would be located to the rear of the building and not visible within the street scene, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the character and appearance of the CA.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

K Lancaster

INSPECTOR