



Appeal Decision

Site visit made on 20 February 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2025

Appeal Ref: APP/A2280/W/24/3353713

35 Braeburn Drive, Hoo St Werburgh, Rochester, Medway ME3 9US

- 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 Michael Hedger against the decision of Medway Council.
 - The application Ref MC/24/0699 was approved on 24 May 2024 and planning permission was granted subject to conditions.
 - The development permitted is Installation of air source heat pump
 - The condition in dispute is No 4 which states that: *"Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise arising from the air source heat pump. The noise rating level (L_{Ar}, T_r) of the air source heat pump shall be at least 10dB below the background noise level (L_{A90}, T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details".*
 - The reasons given for the condition is: *"Required prior to commencement of development to ensure that harm is not caused to conditions of amenity in accordance with Policies BNE2 of the Medway Local Plan 2003".*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.

Main Issue

3. The main issue is the effect that removing condition 4 would have on the living conditions of neighbouring occupiers, with particular reference to noise.

Reasons

4. The appeal property is a two storey dwelling. The air source heat pump (ASHP) would be located on an exposed side elevation in close proximity to 36 Braeburn Drive, which has a side window facing the installation. It therefore has the potential to have a harmful effect on neighbouring occupiers' living conditions as a result of noise from its operation throughout the day. Condition 4 requires that an acoustic assessment shall be undertaken to determine the impact of noise arising from the ASHP on the occupiers of the nearest residential property. Subject to the results of

the acoustic assessment, the installation of noise mitigation measures may be required by the condition.

5. The appellant indicates that the Chartered Institute of Environmental Health has conducted its own assessment of the proposed ASHP. The appellant also outlines that the installation has undergone a Microgeneration Certification Scheme (MCS) noise assessment, which records a noise level of 40dB. However, I have no further submitted evidence in this regard, and it is not clear to me, what the noise generation from the proposed ASHP would be. Nor is it clear what the effects of such noise would be when appreciated at neighbouring residential properties.
6. Alternatively, the Council has submitted “Sound from Domestic Air Source Heat Pumps: A Case Study” by the Institute of Acoustics. This outlines how the MCS assessment methodology can fail to account for the strong acoustic features present in the sound produced by ASHPs, and presents a case study where complaints about sound from a heat pump installed under the MCS were investigated. It concludes that the MCS noise assessment procedure doesn’t take into account the acoustic features associated with ASHPs, in particular tonality.
7. Accordingly, the Council require additional detail to ensure that the operation of the ASHP would not cause harm to the living conditions of neighbours through excessive noise exposure. I have no reason to disagree with this precautionary approach and therefore must conclude that the condition imposed was reasonable and necessary and meets the tests of paragraph 57 of the Framework and related Planning Practice Guidance.
8. I understand that Medway Council acknowledge that tackling climate change is a critical priority. The installation of ASHPs helps reduce carbon emissions and achieve net-zero targets. I sympathise with the appellant in relation to the additional financial cost associated with providing the acoustic assessment required by the condition. Nevertheless, these matters must be weighed against the potential disbenefits from excessive noise exposure. In the absence of a relevant condition, an ASHP could be operated without any restriction on noise emissions that could potentially cause serious detriment to neighbouring occupiers’ living conditions.
9. 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 occupiers of the nearby dwelling, with particular regard to noise. Thus, its removal would conflict with Policy BNE2 of the Medway Local Plan (2003), which states that all development should secure the amenities of occupiers, with particular regard to noise.

Conclusion

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

B Pattison

INSPECTOR