



Appeal Decision

Site visit made on 4 March 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/A4520/D/24/3353381

4 Hazelmoor, Hebburn, South Tyneside NE31 1DH

- 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 Gary Doyle against the decision of South Tyneside Council.
 - The application Ref is ST/0475/24/HFUL.
 - The development proposed is an air source heat pump to the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form, removing wording that is not acts of development, including details in support of the proposal. However, I have taken these points into account in my reasoning below.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with regard to noise.

Reasons

4. The appeal property is an end of terrace dwelling, adjacent to a semi-detached dwelling. The proximity of neighbouring occupiers creates a sensitive relationship. The proposed Air Source Heat Pump (ASHP) would be on the rear elevation of the appeal property, nearest to the shared boundary with 5 Hazelmoor.
5. In line with the National Planning Policy Framework (the Framework) the planning system should support the transition to net zero by 2050 and this includes supporting renewable and low carbon energy and associated infrastructure. In recognition that ASHPs are a key technology for achieving net zero emissions from domestic heating the installation of an ASHP on domestic premises is permitted development¹, provided that a series of limitations and conditions are met. One such limitation is that the ASHP must be compliant with the Microgeneration Certification Scheme (MCS) standards or equivalent.
6. The ASHP proposed in this case does not accord with the MCS calculations for noise and for this reason requires planning permission. It does not follow that because the ASHP requires such permission that it would necessarily cause noise

¹ Class G, Part 14, Schedule 2 of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

intrusion or be unacceptable. However, there is no clear evidence to demonstrate what the effects of the noise generated by the ASHP would have on the living conditions of neighbouring occupiers. The proposal would exceed the MCS standard by 2 decibels, and while this difference may seem small, the decibel scale is logarithmic, and so the magnitude of change in sound is not linear. Moreover, noise can be appreciated in different ways and can be subject to surrounding environmental conditions.

7. The occupiers of No 5 are in support of the scheme. However, in the absence of any substantive evidence to demonstrate the type of noise arising from the operation of the ASHP and the effect this would have on the background noise levels in the appeal site location, it is not possible to ascertain that their living conditions, or those of the occupiers of No 3 would be protected. I appreciate the appellant's frustrations at the additional financial cost that a noise assessment would incur, particularly given the Government's clear aim for traditional gas boilers to be replaced with renewable heating technology like ASHPs.
8. Framework paragraph 168 says that in determining planning applications significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings. Nevertheless, the Framework, at paragraph 187 also requires planning decisions to contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. Given the quiet residential context of the appeal site and taking into account that noise can have significant effects on quality of life it is reasonable to adopt a precautionary approach to ensure that the operation of the ASHP would be acceptable.
9. Overall, I conclude that the proposal would be harmful to the living conditions of neighbouring occupiers, with regard to noise and would conflict with Policy DM1 of the South Tyneside Local Development Framework Development Management Policies (2011). Amongst other things, this policy requires development to be acceptable in relation to any impact on residential amenity.

Conclusion

10. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR