



Appeal Decision

Site visit made on 11 March 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 MARCH 2025

Appeal Ref: APP/A3655/D/24/3355293

10 Binfield Road, Byfleet, Surrey, KT14 7PN

- 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 Oi Yi Tsang against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0457.
 - The development proposed is the installation of an Air Source Heat Pump (ASHP).
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Decision

1. The appeal is allowed and planning permission is granted for the installation of an Air Source Heat Pump at 10 Binfield Road, Byfleet, KT14 7PN in accordance with the terms of the application, Ref PLAN/2024/0457, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing No's J-4B95B440-02.
 - 3) The level of noise emitted from the ASHP shall not exceed 43dB at any time, as measured at the assessment position under MCS rule 1 (1 meter external to the centre point of any door or window to a habitable room of a neighbouring property).

Main issue

2. The main issue is the effect of the proposed Air Source Heat Pump (ASHP) on the living conditions of the occupiers of the attached property at No.8 Binfield Road.

Reasons

3. The appeal site comprises a semi-detached property which lies in a residential area with a mixture of property types. To the north of the site is a block of garages for other properties and to the south the attached neighbouring semi (No.8). It is proposed to install the apparatus at the northern end of the rear wall of No 10.

Effect on living conditions

4. The Microgeneration Certification Scheme (MCS) - Planning Standards indicates that in order to be 'permitted development' an ASHP must be certified to have a sound level that does not exceed 42dB. The ASHP proposed in this case is said to have a noise rating of 43dB hence the specific planning application submitted.

5. The appellant says that the difference in sound measurement would be slight and would not be noticeable as No.8 lies some five metres away and the property is built of brick with a solid wooden fence along the party boundary. Moreover, the appellant says that use of this apparatus, as opposed to the fallback with a ASHP with a 42 dB limit, would be more efficient in its energy consumption and therefore reduce carbonisation.
6. I have also had regard to the general values for assessing noise in residential areas as set out in Policy DM7 of the Development Management Policies DPD (2016) (DMP) and the accompanying reasoned justification.
7. At the site visit I saw that there is a block of domestic garages to the north of the corner of No. 10 where it is proposed to place the ASHP and there is a solid brick boundary wall and then a 1.8 high timber fence. On the southern side of the site, there is a 1.8m close boarded fence along the boundary and an extension to the rear of No.8 projects further back than the appeal property by about 4m. The side wall of this extension is solid brickwork.
8. On the specific circumstances of this site it appears to me that the proposed ASHP would be substantially surrounded by solid walls and the difference in projected noise arising from the unit would not be noticeable outside of the environs of the appeal site. I have also taken account of the Council's Environmental Health Officer's suggestion that as an alternative to using an ASHP with a lower rating, the unit could be sited around the corner of the building to face the block of garages. However, this change is not practical as the unit would encroach into much of the available space in the side passageway of the property.
9. Overall I find that in the circumstances of the site, the proposal would meet the requirements of the relevant parts of Core Strategy Policy CS21 and DMP Policy DM07 as the ASHP proposed would help achieve renewable energy generation without resulting in significant harm to the environment and local amenity including the living conditions of the occupiers of the adjacent residential property. The general accord with the provisions of the development plan is not outweighed by any other factor. The appeal should therefore be allowed.

Conditions

10. The Council recommends that three conditions be imposed; the statutory condition on the commencement of development and one specifying that the development be carried out in accordance with the approved plans. These are reasonable and necessary for clarity and to ensure that the living conditions of the occupiers of the neighbouring property are not materially harmed. For similar reasons I considered that it was necessary to impose a condition which limits the noise from the ASHP to not exceed 43Db as put forward in the application and sought the appellant's views on such a condition. I have taken account of the revision to the wording that the applicant suggested and I will impose this condition.

Conclusion

11. For the reasons given above the appeal should be allowed.

David Murray

INSPECTOR

