



Appeal Decision

Site visit made on 9 April 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/B1930/W/24/3354431

22 Skys Wood Road, St Albans, Hertfordshire AL4 9PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Thomas Thomaidis against the decision of St Albans City Council.
- The application Ref 5/2024/1258 sought approval of details pursuant to condition No 3 of planning permission Ref 5/2023/2099, granted on 3 July 2024.
- The application was refused by notice dated 19 September 2024.
- The development proposed is: Installation of air source heat pump on the side of the main property wall, facing the neighbour at 24 Skys Wood Road.
- The details for which approval is sought are: Details of a louvred enclosure that would achieve a noise reduction of at least 2 dB(A) outside the worst affected neighbouring window as recommended by the submitted Noise Impact Assessment by ParkerJones Acoustics (received 25/06/2024).

Decision

1. The appeal is allowed and details of a louvred enclosure submitted pursuant to condition No 3 attached to planning permission Ref 5/2023/2099, granted on 3 July 2024, are approved in accordance with the application dated Ref 5/2024/1258 and the following document submitted with it: Noise Impact Assessment by ParkerJones Acoustics (Revision 1 dated 18 October 2024).

Main Issue

2. The main issue is whether the details submitted are sufficient to discharge the condition, having regard to the protection of neighbours' living conditions.

Reasons

3. Planning permission was granted for installation of an air source heat pump to the side elevation of the dwelling. Condition No 3 of the decision required details of a louvred enclosure capable of noise reduction of at least 2 dB(A) when measured from the nearest affected window. The appellant has provided details of the proposed louvre.
4. The Council refused to discharge the condition on the basis that the noise reduction capability of the louvre was not provided. The appellant has subsequently provided a note from his noise consultant confirming that the louvre would achieve at least 5 to 6 dB(A) reduction and would thus achieve satisfactory noise levels when measured at the nearest affected window.
5. The Council accepts that this information is sufficient to discharge the condition, but has asked for it to be disregarded on the basis that it did not form part of the original application. However, the additional information in this case is necessary for the appellant to address the reason for refusal. The Council has had the

opportunity to consider the information and has rendered its view. Consequently, I am satisfied that no injustice would arise by my taking the information into account.

6. Therefore, on the evidence before me, I am satisfied that the details provided in respect of the acoustic performance of the louvre are satisfactory and the condition can be discharged.

Conclusion

7. For the reasons set out above, I conclude that the appeal should be allowed.

K. Savage

INSPECTOR