



Appeal Decision

Site visit made on 8 May 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/J0405/D/25/3363337

2 Tinkers Drive, Winslow, Buckinghamshire, MK18 3RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mary Copsey against the decision of Buckinghamshire Council.
 - The application reference is 25/00038/APP.
 - The development proposed is installation of 1 no. air source heat pump to the side.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find it describes the proposal more concisely.

Main Issues

3. The main issue is the impact of the proposal upon neighbouring living conditions (residential amenity) with regard to noise.

Reasons

4. The appeal site is a detached residential dwelling which stands within a small cluster of residential dwellings off Tinkers Drive. The proposal before me seeks permission for the installation of an Air Source Heat Pump (ASHP) to the side of the host property in close proximity to the boundary of the appeal site which is shared with 3 Tinkers Drive (no. 3). At the time of my site visit I noted that the proposal would be located to the side of the host dwelling which would be forward of the rear elevation of no. 3 in relatively close proximity to what appeared, from my site visit, to be a patio window the other side of the shared boundary fence.
5. ASHPs can produce a persistent background noise and low-frequency hums, even at low decibel levels, which can lead to disturbance and general noise complaints from the occupants of adjacent residential dwellings if not appropriate for the site and/or mitigated. The MSC Assessment shows a fail in relation to noise. I note that it is stated that the noise level is marginally above permitted development levels, however, the fact it is above permitted development levels means that it has (whether this is marginally or not) exceeded the noise level above which formal assessment as to the impact is required to protect neighbouring amenity.
6. The failure of the proposal in the context of the MCS assessment could, reasonably, have prompted the appellant consider alternative locations or mitigation measures to demonstrate that there would be no inappropriate impact to

residential amenity. The MCS assessment does not appear to account for differing levels of background sound levels so, taking into account the appellant's comments as to background noise, the production of a specific noise assessment would have clarified whether the proposal would be appropriate in the context of neighbouring properties and site characteristics (including background noise for example). I do not find that the Council are resistant to the provision of the proposal but that they are, reasonably, requesting further information to ensure that the installation is appropriate for the context in relation to neighbouring residential amenity.

7. Residential areas in Aylesbury Vale may well be subject to background noise (traffic of neighbouring properties as outlined by the appellant) and, in such cases, an appropriately assessed Noise Assessment would take into account background noise in considering whether the proposal would have any unacceptable impacts in relation to neighbouring residential amenity. The submission before me fails to provide a noise impact assessment or propose appropriate mitigation measures to ensure/demonstrate that the proposal would not result in unacceptable impact. I acknowledge that the proposal would be fitted with anti-vibration feet and that comment is made as to the recognised standard differences for the average individual to perceive a change in volume but this statement is not evidenced nor verified and I find that it would be inappropriate of me to rely upon this without supporting information or referencing to qualify the statement made.
8. I find that the proposed location and the layout of the host property and the adjacent dwelling means that there is strong potential, in the absence of evidence to the contrary, for noise associated with the proposed ASHP to result in unacceptable impact. I acknowledge that the neighbouring property is stated to benefit from double glazing, however, I do not find that this itself can be relied upon as a form of mitigation due to the fact that I would expect occupants have windows open and/or sit out within their garden where the potential for noise could have its greatest impact. Given that the acceptability of the proposals would be entirely based upon their ability to be compatible with neighbouring residential amenity I find that such details should be considered, prior to determination and in that regard, it would be inappropriate in this case to secure such details by condition.
9. I acknowledge Buckinghamshire Council's Climate Action Goals, as well as the support within the National Planning Policy Framework 2024 (the Framework) for the provision of the supply of renewable and low carbon energy and heat. I also acknowledge support and the weight that needs to be given to energy efficiency and low carbon heating improvements to existing buildings both domestic and non-domestic (through installation of heat pumps where these do not already benefit from permitted development rights).
10. I do not, at any point, challenge the general level of policy support for such installations but equally, whilst the Framework is supportive of energy efficiency and low carbon heating, paragraph 135 is also clear that planning decisions should ensure developments create places with a high standard of amenity for existing and future users. Whilst reducing carbon emissions is a high priority within both national and local policies due to climate change (and that and air source heat pumps can play a critical role in achieving the City's Net Zero target by 2050), I do not find that this overrides the need to appropriately consider potential impacts.
11. Overall, I acknowledge the supporting evidence provided by the appellant including the noise maps showing receiver points and existing windows, however, given the

proximity of the proposal to the neighbouring property's garden and windows and the provision of only a timber boundary fence, which has the potential to amplify noise, I find that there is insufficient evidence before me in the context of this appeal to be certain that the proposal, if allowed, would not result in unacceptable impact to the residential amenity of no. 3. The provision of an appropriate Noise Impact Assessment and/or appropriate mitigation measures, if provided, would enable proper assessment of the proposal and should, ultimately, demonstrate whether the proposal is appropriate taking into account the site characteristics as set out by the appellant.

12. In the absence of such information, I find that the proposal is more than likely to have a detrimental impact on the living conditions of neighbouring occupiers and the proposal would therefore be contrary to Vale of Aylesbury Local Plan 2021 Policy C3 which confirms that planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact upon residential amenity.
13. The proposal would also be contrary to the overarching objectives and advice set out within the Vale of Aylesbury Local Plan Design Supplementary Planning Document 2023 (Principle DES57) which, whilst I acknowledge is more intended to be applied to extensions, is clear that alterations or amendments to a property should take into account the impact on neighbouring properties and should not cause significant harm to the amenities of existing nearby residents in terms of noise. The proposal would also be contrary to paragraph 135 of the Framework which is clear that decisions should ensure developments create places which promote high standard of amenity for existing and future users.

Other Matters

14. I note that it is outlined, by the appellant, that similar installations have been approved locally. A list of three application references is provided, with limited commentary, but no further information has been provided such as the site context, the system to be installed nor the decision/Council's reasoning for me to understand why the decisions have been made to approve such examples on their own merits to enable me to give them weight within this appeal.
15. Based upon the information provided I have no indication, for example, whether the noise levels were considered appropriate due to the proximity (or lack of) to neighbouring properties, the outcome of the MCS Assessments or whether the Council felt there were other factors which could be overcome in order to allow those proposals which are stated to have been approved, to be approved.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR