



Appeal Decision

Site visit made on 11 August 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/D1265/D/25/3368201

39 Liederbach Drive, Verwood, Dorset BH31 6GG

- 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 Barry and Annabel Smith against the decision of Dorset Council.
 - The application Ref. is P/HOU/2025/00388.
 - The development proposed is the installation of an air source heat pump ('ASHP').
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed air source heat pump ('the ASHP') on the living conditions for adjacent and nearby occupiers as regards noise.

Reasons

3. The appeal site is a mid-terrace dwelling in a relatively high-density residential area, with the proposed air source heat pump ('ASHP') positioned at ground level close to the house wall.
4. The Council's refusal of permission is because it considers there has been a failure to demonstrate to its satisfaction that the ASHP would not have an unacceptable impact on the living conditions for neighbours in terms of its noise. The potential for noise nuisance is assessed by the testing of the equipment in accordance with the industry led procedures under the Microgeneration Certification Scheme ('the MCS').
5. The Officer's Report explains that an ASHP unit (Model EBLA04:08EV3) was proposed in a position 1m from the side boundary with No. 41 and 30cm from the rear elevation but failed to meet the required noise standard, including the MCS. Suggestions were made as regards an alternative unit and location and the ASHP unit (Model Cosy 6 - the subject of this appeal) is proposed 1.6m from the boundary; 25cm from the rear elevation, and 2m away from the nearest neighbouring window on the ground floor of the adjoining No. 41. Notwithstanding a significant improvement, this too is adjudged not to comply with the MCS standard, albeit in comparison to its predecessor failing by a more modest 1.73 dB(A).
6. I have carefully read the appellants' grounds of appeal which refers to an alleged inconsistency of approach by the Council as regards permitting the installation of ASHPs above the threshold at other properties. However, each case must be

assessed on its individual circumstances and in this instance, it is clearly material that the host dwelling is a mid-terrace property with the adjoining Nos. 37 & 41 particularly susceptible to noise nuisance by reason of their proximity. I have noted that the neighbours at No. 41 support the proposal, but whilst taking this into account I can give this view only limited weight because with the ASHP a permanent installation there may well be a change of occupiers in the dwelling at some stage.

7. The appellants have argued that the exceedance of the permitted 42 dB(A) by 1.73 dB(A) would be 'marginal' and along with citing illustrations of a variety of noises at different dB(A) values have referred to '*a fundamental misunderstanding of decibel measurement*'. I have had regard to the information provided.
8. However, the decision to refuse permission was made on the recommendation of the Council's Environmental Protection Team which I consider it reasonable to assume includes officers who are appropriately qualified to comment on the MCS noise standard calculation. And in this case to observe in respect of the Model Cosy 6 ASHP that '*There is no detail of other mitigation nor an alternative noise assessment that can justify that **the local context** supports the relaxation of the noise criteria*' (my emphasis).
9. In this appeal, the appellants have made it clear that in addition to being unnecessary, it is the cost of a further assessment that is the main reason for being unwilling to explore options to meet the standard and/or undergo a further assessment. However, whilst I have sympathy with this position, I do not consider that, along with the circumstances in this case as regards siting and context, a financial constraint justifies setting aside the industry-led minimum standard designed to avoid actual and potential noise nuisance for ASHPs.
10. As it stands and after taking all other matters raised into consideration, I am therefore satisfied that the proposal would be in potentially harmful conflict the living conditions of neighbours as regards noise nuisance and thereby with the penultimate bullet point of Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy 2014; Policy DES2 of the saved policies of the East Dorset Local Plan 2002, and paragraph 135f) of the National Planning Policy Framework, revised December 2024.
11. Accordingly, the appeal fails.

Martin Andrews

INSPECTOR