



## Appeal Decision

Site visit made on 7 July 2025

**by R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

### Appeal Ref: APP/F5540/W/25/3359505

#### 2A Cranbrook Road, Chiswick, London W4 2LH

- 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 Chiswick's Little Explorers Limited against the decision of the Council of the London Borough of Hounslow.
- The application Ref is P/2024/3379.
- The development proposed is installation of external air conditioning unit.

### Decision

1. The appeal is allowed and planning permission is granted for Installation of external air conditioning unit at 2A Cranbrook Road, London W4 2LH in accordance with the terms of the application, Ref P/2024/3379, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matter

2. The application form indicates that the air conditioning unit was installed in October 2023. I was able to see this unit during my site visit. I have therefore treated the appeal development as being retrospective in nature.

### Main Issue

3. The main issue is the effect of the development on the living conditions of nearby residents, with particular regard to noise and disturbance.

### Reasons

4. The appeal site (No 2A) comprises a two-storey terraced building near to a corner of Cranbrook Road, currently in use as a children's nursery. The immediate streetscene of Cranbrook Road is primarily residential in character, although it runs behind a sizeable commercial thoroughfare along Chiswick High Road.
5. The external air conditioning unit subject of this appeal is suspended on brackets attached to a first-floor side elevation of No 2A, slightly above the flat roof below. This unit is also adjacent No 2A's rear elevation facing the rear of the three-storey Chiswick High Road properties, which have various ground floor commercial uses with residential units on the upper floors. It is also near the rear garden side boundary with the terraced dwelling of No 4 Cranbrook Road, which is laid out over three floors.
6. The Plant Noise Assessment Report (PNAR) before me was undertaken by a suitably qualified professional on behalf of the appellant. Following my site visit, I have found that the ambient noise level was measured at a reasonable and

- appropriate location relative to the external air conditioning unit and surrounding noise sensitive receptors.
7. Such measurements were taken from approximately 12:00 hours on 10 September 2024 to 12:00 hours on 12 September 2024. The measured average sound levels are presented on time graphs for 15-minute interval periods. This sufficiently captures the existing baseline conditions of the appeal site and surrounding area.
  8. No on-site noise measurements of the air conditioning unit are before me. The PNAR instead refers to the unit's manufacture specification details that state its sound pressure level when in cooling mode operation.
  9. The external air conditioning unit was operational and audible at the time of my site visit. Although my visit was only a snapshot in time, the weather temperature was high and the air conditioning was therefore operating in cooling mode. Surrounding traffic noise was also audible, albeit at a distance. Following my site visit, I have no reason to dispute either the ambient noise level of the area, or the level of noise emitted by the external air conditioning unit as presented in the PNAR.
  10. There is dispute as to which residential feature forms the nearest noise sensitive receptor. Irrespective of the current use and potential future layout of the elevations and windows of No 4, its ground floor rear garden area is clearly the nearest noise sensitive receptor to the appeal development. The air conditioning unit is however at a full floor higher than this garden, and is also set away from the ground floor side elevation along No 4. There is also slatted fencing above the ground floor flat roof, running along the side flat roof edge between No 2A and No 4, and wrapping around the rear edge facing the Chiswick High Road premises.
  11. The appellant is willing to accept a planning condition to ensure that the sound level emitted from the external air conditioning unit is at least 10dBA lower than the lowest existing background sound level. Based on all submitted evidence before me and my site visit observations as set out above, I have no reason to dispute that such a restrictive condition is not achievable as outlined in the appellant's overall evidence, nor incapable of being enforced against by the Council if necessary.
  12. Even if No 4 were to be altered and reconfigured to provide an openable roof window in its single storey rear extension, and/or habitable upper floor windows on its nearest rear elevation to the proposal, the juxtapositions and separation distances would be sufficient to avoid adverse harm to the living conditions of current and future occupiers of No 4.
  13. I therefore conclude that subject to conditions, the air conditioning unit would not harm the living conditions of nearby residents in terms of noise and disturbance. This development thus complies with Policy EQ5 of the Council's Local Plan 2015-2030 (LP) (adopted 2015). This policy requires, amongst other things, development proposals to demonstrate that new plant and machinery (including ventilation) do not harm the amenity of neighbouring properties and generate noise level that is at least 10dB below the background noise levels.
  14. The reason for refusal cites conflict with Policies CC1 and CC2 of the LP. However, these policies do not make specific reference to living conditions of neighbouring occupiers, and are therefore not relevant to this main issue.

## Other Matters

15. I am aware of an existing planning condition<sup>1</sup> restricting the installation of fans, louvres, ducts or other external plant without the prior approval of the Local Planning Authority. I have however determined this appeal on its own planning merits having regard to the submitted evidence. Any potential breach of other planning conditions would be a matter for the Council to investigate and enforce against, where appropriate. The above matters therefore do not amount to reasons to dismiss the appeal.

## Conditions

16. I have considered the Council's suggested conditions against the tests in the Framework and Planning Practice Guidance (PPG), and have amended their wording, where necessary.
17. Condition 1 is necessary to clarify the approved plans and as the development is retrospective, I have deleted references to all plans not containing the air conditioning unit. I have also deleted reference to the PNAR, as condition 2 imposes a limit on the noise output from the air conditioning unit. Conditions 2, 3 and 4 are necessary in the interests of living conditions of surrounding properties. I have expressed the condition 2 noise limit as LAeq 1hr<sup>2</sup> for clarity and precision. I have amended the condition 3 wording to ensure that the air conditioning unit is only operational on the days in which No 2A is in use.
18. Condition 4 is also imposed to ensure that the required anti-vibration details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of this outstanding matter before the development takes place. This condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given, or if the details are not approved by the Local Planning Authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

## Conclusion

19. For the above reasons, the proposal is in accordance with the development plan as a whole, and the material considerations before me do not indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

*R Cahalane*

INSPECTOR

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<sup>1</sup> Appeal Ref: APP/F5540/W/17/3188860 – condition 8.

<sup>2</sup> The equivalent continuous A weighted sound pressure level which contains the same sound energy in a one-hour period as the actual (usually varying) sound over this same time period.

### **Schedule of Conditions**

- 1) The development hereby permitted relates to the following approved plans and specifications: Unnumbered location plan; As existing roof plan (W4 2LH/03 Rev C); As existing section A1-A1 (W4 2LH/04 Rev B); As existing front and side elevation (W4 2LH/05 Rev B); As existing north elevation (W4 2LH/29 Rev B); Fire Safety Procedure Statement dated 22 January 2023.
- 2) The external sound level emitted from the air conditioning unit hereby permitted shall be lower than the lowest existing background sound level by at least 10dBA LAeq 1hr in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest and/or most affected noise sensitive premises, with the external air conditioning unit hereby permitted operating at maximum capacity.
- 3) The air conditioning unit hereby permitted shall only be operational on the days in which No 2A Cranbrook Road is in use, between the hours of 8am to 6pm.
- 4) Unless within three months of the date of this decision, details of anti-vibration mounts and other vibration control measures for the air conditioning unit hereby permitted are submitted in writing to the local planning authority for approval, and unless the approved details are implemented as approved within three months of the local planning authority's written approval, the external air conditioning unit hereby permitted shall be removed until such time as an approved scheme has been provided and implemented.

Upon implementation of the approved details specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

**\*\*\*End of Schedule\*\*\***