



Appeal Decision

Site visit made on 17 November 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/M4320/D/25/3372582

29 Warren Road, Blundellsands, Sefton L23 6UA

- 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 Mrs Veena Singh against the decision of Sefton Metropolitan Borough Council.
- The application Ref is DC/2025/00252.
- The development proposed is installation of no. 2 Outdoor Heat Pump - AC units.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development was amended during the determination of the planning application. The description in the above banner heading is therefore taken from the Council's decision notice and the submitted appeal form. However, I have removed the word "retrospective" as this does not form part of the proposed development.
3. At the site visit, I observed that the units had been installed and I have therefore dealt with the appeal on a retrospective basis.
4. An appeal¹ has been made against an Enforcement Notice served by the Council. That appeal is the subject of a separate decision.

Main Issues

5. The main issues are the effect of the development on:
 - the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - the character and appearance of the host property and whether the development would preserve or enhance the character or appearance of the Blundellsands Park Conservation Area (the CA).

Reasons

Noise and disturbance

6. The units have been installed on the side elevation of the appeal property and their proximity in relation to the shared boundary with the neighbouring dwelling at No. 27 Warren Road (No. 27) creates a sensitive relationship. As such, given the quiet residential context of the appeal site, and taking into account that noise can have

¹ APP/M4320/C/25/3372529

significant effects on quality of life, it is reasonable to adopt a precautionary approach to ensure that the operation of the units would be acceptable.

7. In this regard, I acknowledge that the application was accompanied by a Noise Impact Assessment Report². However, the Council's Environmental Health Officer (EHO) has raised concerns that this submitted assessment does not reference universally accepted criteria; and has not followed acceptable monitoring/measuring processes, including equipment calibration and acoustic criteria, which are fully described and can be understood.
8. Furthermore, the EHO also states that the assessment should be submitted by a suitably qualified noise consultant and reference BS 4142:2014+A:209, utilising the outcome to determine whether any noise mitigation measures are required to the installation to ensure that there is no observed adverse effect on neighbours.
9. Having read the submitted noise assessment and had regard to the concerns raised by the EHO, I cannot be certain that the submitted noise assessment is robust and that it provides substantive evidence as to what the effects of the noise generated by the units would have on the living conditions of neighbouring occupiers.
10. In coming to this view, I acknowledge that during my site visit, undertaken on a weekday morning, I heard the units in operation, and I did not find them to be particularly noisy. However, when background noise levels may be lower, such as during the night, noise from the units may be more noticeable than what I heard. Furthermore, I am not aware as to whether these units generate more noise in other circumstances, or that what I heard was their maximum noise level.
11. In view of all the above, I conclude that it has not been adequately demonstrated that the proposal would not cause significant harm to the living conditions of neighbouring occupiers by way of noise and disturbance, and this harm could be long lasting. Accordingly, the proposal conflicts with Policy EQ4 of the Local Plan for Sefton (2017) (LP) where it requires that development proposals should demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts from noise; and where it states that development will be permitted where it can be demonstrated that the impact of noise will not be significant or can be reduced to an acceptable level.
12. It has also not been demonstrated that the development accords with paragraph 135 of the National Planning Policy Framework (the Framework) where it seeks to ensure that development creates a high standard of amenity for existing users.

Character and appearance

13. The appeal site is situated within the CA and therefore in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
14. I observed on site that the special interest and significance of the CA as a whole is partly derived from the planned development surrounding the expanded railway dating back to the 19th Century. Along Warren Road, I found the significance of this part of the CA derives from the wide street layout with grass verges and street trees on either

² Prepared by Prime Suites Ltd (Dated 03 June 2025)

side, and the diverse range of large, detached dwellings set within spacious plots. Overall, the area has a pleasant, verdant and suburban character.

15. The appeal dwelling, with its large size and set back behind a front boundary wall and well landscaped garden demonstrates these defining characteristics. It therefore makes a positive contribution to the significance of the CA.
16. I acknowledge that ordinarily the installation of external plant units that breach the eaves level of the elevation to which they are affixed could have a visually harmful impact on the host building and surrounding area. However, in this particular case, I found that the units are discretely located towards the rear of the property, on the recessed elevation of a single-storey rear extension situated behind a two-storey element of the dwelling.
17. Consequently, I observed that these units were not visible from public view, and due to a combination of their siting; the location of neighbouring windows; existing fencing and vegetation planting along the boundaries; and an existing outbuilding situated along No. 27's boundary, views of these units from neighbouring properties were extremely limited.
18. As such, and in this specific case, I do not find that the installed units have a harmful impact upon the visual appearance of the host property, and they do not cause harm to the character or appearance of the CA. Consequently, I conclude that the development preserves the significance of the heritage asset as a whole and I find no conflict with LP Policies NH9 and NH12, where they together seek to ensure, amongst other things, that the significance of Sefton's heritage assets are protected; that the spacious planned character of the CA is safeguarded; and that development should be designed to avoid harm and preserve the character or appearance of the CA.
19. The development would also satisfy the requirements of the Act and adhere to the requirements of the relevant sections of the Framework.

Other Matters

20. The appellant has made reference to the provisions of Class G, Part 14, Schedule 2 of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), stating the two units could be installed under permitted development rights. The appellant suggests that this represents a fallback position and has referenced relevant case law³.
21. However, to benefit from permitted development rights under Class G of Part 14, the units must be compliant with the Microgeneration Certification Scheme (MCS) standards. In this regard, no substantive evidence that the installed units are compliant with the MCS standards has been provided.
22. I note the appellant has stated that one would expect Samsung designed units would be MCS compliant, however, I do not consider this to be sufficient evidence that the installed units comply with the MCS standards. As such, from the information before me, I cannot be sure that these units would benefit from permitted development rights under Class G of Part 14.
23. Consequently, it has not been adequately demonstrated that the development subject of this appeal can be undertaken without the need for planning permission

³ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

and that a legal fallback position exists. This therefore limits the weight I can attribute to this purported fallback position in favour of the appeal scheme.

Planning Balance and Conclusion

24. In accordance with paragraph 167 of the Framework I give significant weight to the benefits arising from the energy efficiency, and low carbon heating, improvements to an existing domestic building that would result from this development.
25. However, in the absence of robust evidence to demonstrate otherwise, I find the adverse effects of the proposal on the living conditions of neighbouring occupiers could be significant and long lasting, and this matter is decisive. Consequently, I find the benefits of the development would not outweigh the harm I have identified.
26. In view of all the above, I conclude that the appeal proposal would not harm the character and appearance of the host property, and it would preserve the character and appearance of the CA. However, for the reasons given, it has not been adequately demonstrated that the proposal would not cause significant harm to the living conditions of neighbouring occupiers by way of noise and disturbance, and this harm could be long lasting.
27. The proposal therefore conflicts with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

R Major

INSPECTOR