



Appeal Decision

Site visit made on 9 July 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal Ref: APP/B4215/W/24/3339430 15 Warde Street, Manchester M15 5TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Alban Bridonneau against the decision of Manchester City Council.
 - The application Ref 137416/FH/2023 was approved on 13 December 2023 and planning permission was granted subject to conditions.
 - The development permitted is "We propose to install a heat pump. The installation will be done by Octopus engineers. We propose for the heat pump to be installed in my properties' backyard, right behind the house back wall. The version 2 of this application contains additional supporting documents, regarding the technical specification of the specific Air Source Heat Pump which we propose to install. It also provides the related noise assessment. This noise assessment is a key document, it was described to me as the main reason why the planning permission needs to be requested."
 - The condition in dispute is No 3 which states that: a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.
Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.
b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.
 - The reason given for the condition is: To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1 and DM1 of the Core Strategy.
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Decision

1. The appeal is allowed and the planning permission Ref 137416/FH/2023 for installation of a heat pump at 15 Warde Street, Manchester M15 5TG granted on 13 December 2023 by Manchester City Council, is varied by deleting condition 3.

Preliminary Matters

2. In the formal decision above I have used the description of development from the decision notice as it is more succinct and describes the proposal.

Background and Main Issue

3. Planning permission has been granted for a heat pump at 15 Warde Street subject to various conditions¹. The appeal seeks permission to carry out the development without complying with condition 3 relating to noise levels which was imposed to safeguard the amenities of existing and future occupiers of nearby residential accommodation.
4. The main issue is whether disputed condition 3 is reasonable and necessary with regard to the living conditions of existing and future occupiers of the nearby dwellings.

Reasons

5. 15 Warde Street is an end terraced property in a predominantly residential area. No 17 is a semi-detached dwelling on the corner of Warde Street and Mallow Street with the rear of the property set back from the rest of the terrace. The dwellings are separated by high fences and to the rear there is access to a residents' car park. At the time of my site visit, the area was relatively quiet although there was background road noise from the nearby main roads and closer slower traffic on the residential streets.
6. The proposed Air Source Heat Pump (ASHP) would be located to the rear of the dwelling close to the rear elevation. It would be separated from the boundary with the adjoining terraced property. The rear of No 17 is some distance away from the proposed position of the ASHP due to the layout of the dwellings in the street.
7. The appellant has submitted a noise report that follows the Micro Generation Standards (MGS) and found that the noise from the ASHP would be 1dB above that permitted by condition 3. They also state that the model of ASHP would only be working at maximum capacity, and therefore maximum noise levels, in extreme cold weather limited to a few occasions per year. In addition, the ASHP would have low power and night modes and would be installed on anti-vibrational rubber feet.
8. Due to the proposed location of the ASHP when compared to the proximity of the neighbouring properties and the level of background noise in the area I do not consider that, when operating at full capacity, an increase of 1dB above the maximum level required by the condition would have a detrimental impact on the living conditions of the neighbouring occupiers.
9. Condition 2 on the decision notice specifies that the development shall be carried out in accordance with the Technical Data sheet for the Daikin ASHP EDLA4/06/08 submitted as part of the planning application. I do not therefore need to impose a further condition specifying the make and model of the proposed ASHP.
10. I conclude that the disputed condition is not reasonable or necessary with regard to the living conditions of existing and future occupiers of the nearby

¹ 137416/FH/2023

dwellings. As the living conditions of existing and future occupiers would not be materially harmed by the proposal without the condition, it would comply with Policy DC26 of the Unitary Development Plan for the City of Manchester and Policies SP1 and DM1 of the Manchester Core Strategy (2012) (CS) which together amongst other matters seek to ensure that development should have regard to amenity including noise and provide an assessment of the likely impact.

11. Policy H1 of the CS relates to overall housing provision and requirements for new dwellings. It is not therefore relevant to this appeal and I have not had regard to it in my decision.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

H Senior

INSPECTOR