# CASE OFFICER'S REPORT

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| **Application Reference:** | PL/2023/08585 |
| **Application Type:** | Householder planning permission |
| **Site Inspection:** | 31 October 2023 |
| **Consultation ends:** | 23 November 2023 |
| **Case officer:** | Julie Mitchell |

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| **Site Address:** | 2 Mill Lane, Shrewton, Salisbury, SP3 4JU |
| **Proposal:** | Installation of an air source heat pump at the rear of property. |
| **Recommendation:** | Approve with Conditions |

**Site Description and Proposal**

The application site comprises a mid-terrace cottage located in Mill Lane, Shrewton. The property is unlisted and is not within a Conservation Area, with no listed buildings in the immediately vicinity of the site. The residential property has a split curtilage to the opposite side of Mill Lane to the west. To the east of the property is a small courtyard area, the width of an access path, giving access to the rear door of the property and a small storage shed. Within this area it is proposed to site an air source heat pump for the property. The site shares a boundary with the attached properties of 1 Mill Lane and 3 Mill Lane and Mill House.

Whilst such equipment benefits from permitted development rights, permission is required in this case due to the proximity to the boundaries given the split curtilage and access arrangement of the host dwelling. The extract of the block plan shows the existing dwelling in relation to the adjacent dwellings.



**Policies**

National Context:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Local Context:
Wiltshire Core Strategy (WCS) adopted 2015
CP57, CP58

**Consultation Responses**

**Shrewton Parish Council -** No objection

**Public Protection Officer**
Thank you for consulting this department in respect of the above application to install an ASHP at the rear of this residential property.

The ASHP plant, if located in accordance with the plans submitted, will be approximately 3m north of the façade of the adjoining residential property, and the following two residential properties are also in close proximity and would have direct line of sight of the plant: 20m south east of the development site, and 22m to the north.

ASHP installations may be considered 'Permitted Development' if they meet the Microgeneration Certification Scheme (MCS) standard. Unfortunately, compliance with this standard does not necessarily mean noise from the ASHP will not have an adverse or significantly adverse impact at neighbouring properties. There are three main reasons for this. Firstly, the calculation in the standard assumes a background noise level of 40dB LA90, many locations in Wiltshire would be significantly below this at night, including the development site this application relates to. Secondly, the calculation uses a sound measurement that takes no account of whether the unit being assessed is running at maximum capacity or during one of its noisier modes such as the 'defrost' mode. Finally, the calculation also takes no account of sound characteristics such as an audible hum, buzz or clunk which may make the sound more annoying.

Therefore, in order for me to give this matter our careful consideration I request that the applicant employs a suitably qualified consultant to carry out a BS4142 noise assessment of the proposed plant to demonstrate that the rating level will be at least 5dB below background sound levels at the nearest noise sensitive property. This is a link to the CIEH briefing note for the information of the applicant and their chosen acoustic consultant heat-pumps-briefing-note-professional-advice-note.pdf (cieh.org).

Without this assessment I recommend refusal of this application.

**Climate Officer**

Applications for planning permission must be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise (ref: Section 38(6) of the Planning and Compulsory Purchase Act 2004). Section 19 of this Act places a legal duty on development plan documents, taken as a whole, to include policies designed to secure development that contributes to the mitigation of, and adaptation to, climate change.

Development Plan:

At paragraph 1.3 of the Wiltshire Core Strategy (WCS) key principles that underpin the strategy to help build more resilient communities are identified including:

• "Working towards lowering Wiltshire's carbon footprint through the appropriate location of development, and through renewable energy and sustainable construction."

Paragraph 1.10 states: "The overarching priorities are to help build and protect resilient communities through….. tackling the causes and effects of climate change"

Paragraph 2.10 states: "Climate change is a central issue to be addressed by the WCS….. The basis of this strategy is to achieve sustainable patterns of development in order to reduce carbon emissions."

The WCS sets out that addressing climate change as a strategic objective stating at paragraph 3.5 that: "Climate change is possibly the greatest long-term challenge facing the world today."

Core Policy 41 seeks to help to reduce Wiltshire's contribution to climate change through improved design and construction methods. The policy states that: "New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand." Furthermore, the policy encourages retrofitting measures to improve the energy performance of existing buildings.

Core Policy 57 seeks to ensure a high standard of design and to ensure that proposals will make a positive contribution to the character of Wiltshire having regard to a number of considerations including sustainable construction and living conditions.

Other material considerations:

As set out above planning legislation establishes that other material considerations should be taken into account in the determination of planning applications. As such, these need to be kept in mind as developments are planned and formulated. Other material considerations may include other local planning policy and guidance, the emerging Wiltshire Local Plan Review, UK government legislation or Written Ministerial Statements and national planning policy and guidance such as the National Planning Policy Framework.

The Wiltshire Climate Strategy, adopted February 2022 builds on the Council's February 2019 resolution to acknowledge a climate emergency and subsequent commitment to seek to make the county carbon neutral by 2030.To further underline this the Climate change act 2008 (2050 Target Amendment) Order 2019 raised the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline (previously 80%).

The National Planning Policy Framework (September 2023) (NPPF) sets out the UK government's position on planning in England.

Paragraph 7 of the NPPF states: "The purpose of the planning system is to contribute to the achievement of sustainable development" and paragraph 8 makes it clear that mitigating and adapting to climate change is a core planning objective.

Paragraph 152 states: "The planning system should support the transition to a low carbon future in a changing climate…. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

In terms of the future national direction of travel the 10 Point Plan, Net Zero Strategy, Heat and Buildings Strategy, the Sixth Carbon Budget and Powering Up Britain are very clear. The intentions include:

• More renewable energy, low carbon technologies and energy storage solutions.

Comments on the submission:

The climate team actively and strongly encourages developers of all scales to put the mitigation of and adaption to climate change as a golden theme to run through their development project. This will mean different things depending on the scale of the project, but to support the transition to a low carbon future, radical reductions in greenhouse gas emissions over the existing status quo will be required.

This proposal is typical of the type of positive climate action that homeowners can have to reduce their personal carbon footprint. By providing a heat pump to the home it electrifies the heating and hot water with a highly efficient system. This means that fossil fuel dependant systems such as gas boilers are replaced, having the co-benefit of improving local air quality. If the heat pump is powered by renewable energy sources then this solution has no operational carbon emissions.

Core Policy 41 sets out that retrofitting measures including building integrated low-carbon technologies, such as this, shall be encouraged. Furthermore, Core Policy 57 sets out that maximising opportunities for sustainable construction makes a positive contribution to the character of Wiltshire, as such this proposal in these terms, represents a high standard of design. Additionally, the proposal will contribute positively to the radical reductions in greenhouse gases that the NPPF says the planning system should support.

Climate change is the central issue to be addressed by the development plan. The direction of travel since its adoption in 2015 is very clear with the Council's adopted Climate Strategy in 2022 setting a framework for reducing carbon emissions in Wiltshire and for making the county resilient to climate change. Furthermore, the NPPF states that planning needs to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

**Representations**

No third party representations have been received.

**Planning Considerations and Assessment**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

<u>Principle of Development:</u>

The proposal is for the installation of an external air source heat pump adjacent to the rear wall of a mid-terrace residential property.

Permitted Development rights for the installation or alteration of air source heat pumps on domestic premises are set out at Part 14, Class G of Schedule 2 of the General Permitted Development Order 1995 (as amended) as follows:

*Permitted Development*

*G. The installation, alteration or replacement of a microgeneration air source heat pump—*
*(a) on a dwellinghouse or a block of flats; or*
*(b) within the curtilage of a dwellinghouse or a block of flats, including on a building within that curtilage.*

However, G.2 sets out limitations on permitted development which includes *(e) any part of the air source heat pump would be installed within 1 metre of the boundary of the curtilage of the dwellinghouse or block of flats;* Due to the limited curtilage at the rear of the property, although the equipment would be sited more than 1 metre from both the adjoining properties (1 and 3 Mill Lane), it would be sited 0.7 metres from the rear boundary fence with the parking area of Mill House, which is located approximately 24 metres to the north east. Planning permission is therefore required.

The Council's Climate Officer sets out the support for proposals which seek to reduce reliance on fossil fuels and contribute to the mitigation and adaption to climate change. The principle of the provision of air source heat pumps in association with an existing dwellinghouse is capable of support subject to the consideration of visual impact and neighbour amenity.

Visual Impact:
The air source heat pump is located in the small courtyard area to the rear of the host dwelling which serves as the access to the rear of the dwelling. The photograph below shows that the access is gained via the path to the rear of the neighbouring dwelling (No. 3 Mill Lane) but the access path does not go beyond the host property. The area is enclosed by timber fencing and a small shed at the end of the courtyard.

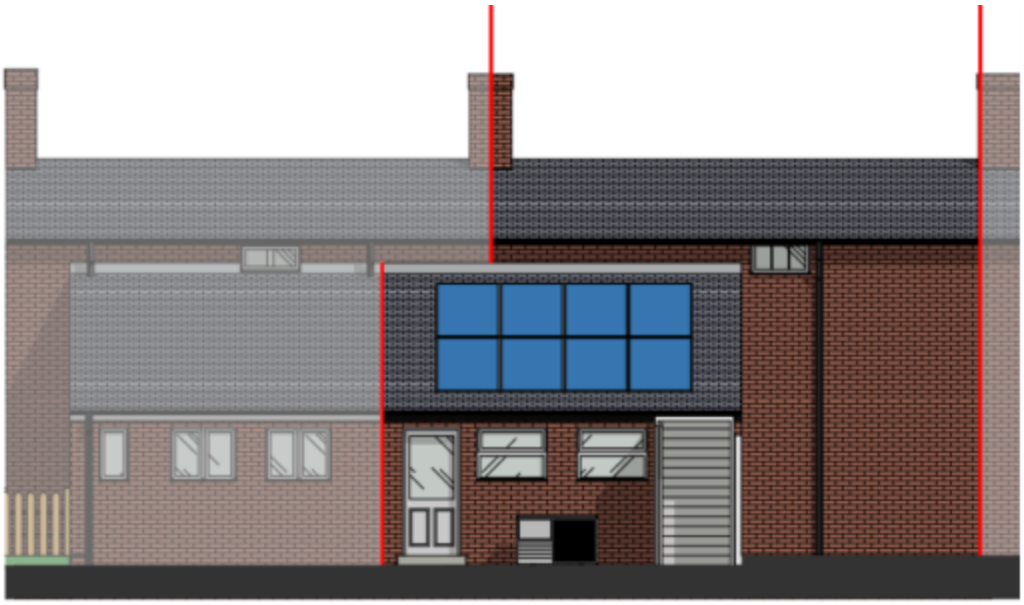


Whilst the site area can be seen from the access lane to the south of 3 Mill Lane as there is no fence or gate across the access path, the location and scale of the proposed development would not be prominent or readily visible from a public vantage point and it would not have a significant visual impact on the dwelling or its immediate surroundings.

Neighbour Amenity:
Core Policy 57 requires that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. having regard to the

compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

The site is adjacent to the boundaries of other residential properties. The closest property is No. 3 Mill Lane. The dwelling is also attached to 1 Mill Lane but is further from the boundary due to the staggered layout of the dwellings. The site also borders the curtilages of Mill Cottage and Mill House although the properties are at a distance from the site, with the subject property being located at the far end of the their respective curtilages. There is a further property, Brookside, to the south east which is located on the opposite side of the access lane. It is only the property at 3 Mill Lane that is in close proximity to the ASHP. The heat pump is approximately 2.5 metres from the closest window, a ground floor window in the single storey extended section of the house which serves the kitchen of this property. There is also an obscure glazed bathroom window at ground floor and a high level landing window at first floor above the lean to roof. The plan extract below shows the ASHP unit below the windows of the host property and relationship to the windows on the adjoining property (3 Mill Lane).



The equipment would be sited immediately below the kitchen and bathroom windows of the host dwelling in the most practicable position to serve the dwelling. Given the arrangement of the accommodation it is considered unlikely that it's siting would give rise to a significant impact from noise and vibration on the occupiers of the immediately adjoining property which has an identical, handed, window arrangement.

The consultation response from the Council's Public Protection Officer highlights the relationship to other properties within proximity of dwelling, referencing those located to the north and south east of the site which are noted to be within the line of sight and sets out a requirement for a survey to be undertaken to demonstrate that the noise and vibration from the proposal ASHP would not have an adverse impact on neighbouring properties. With regard to the properties to the north, neither Mill Cottage or Mill House are within the line of sight due to intervening features of a small shed and a solid block wall within the curtilage of Mill House which forms a compound

between the boundary fence which appears as a bin store area adjacent to a log store on the driveway/parking area serving that property.



**Views towards Mill Cottage and Mill House**

Whilst these properties include habitable windows, the relationship of the site is with the car parking area and not the garden. Whilst the distance to the boundary is 0.3 m less than would be permitted development, with the separation distance and intervening features it is not considered that the siting of the ASHP would be likely to have a demonstrable effect on the amenity of these properties.

The property to the south east has more open views across the access lane and path, however the separation distance from facing windows is approximately 25 metres and given that the proposal would otherwise be permitted development within 1 metre of a boundary, it is not considered that the siting of the ASHP would be likely to have a demonstrable effect on the amenity of this property.



**View towards Brookwood**

Having regard to there being no satisfactory alternative location to site the equipment which has been sited to minimise impacts as far as practicable and subject to the standard condition that the installation meets the requirements of the MCS Planning Standard to ensure that the equipment produces a noise level of no more than 42dB LAeq (5mins) at the nearest bedroom/lounge windows when operating, it is considered that the relationship with neighbouring properties would not sustain a reason for refusal on the grounds of potential noise/vibration effects.

**Conclusion:**

Air Source Heat Pumps are supported in principle and in some circumstances are permitted development which does not require planning permission. In this case, the ASHP is within 1 metres of the rear boundary of the site where there is a car parking and log store area associated with a dwelling location more than 20 metres from the site. The location of the proposed ASHP equipment and its scale would not result in any demonstrable harm in terms of the visual impact on the site and surroundings. The separation distance to windows to habitable rooms and intervening features indicates that harm to residential amenity through noise is unlikely and there would be no material difference if the equipment was re-sited by 0.3 metres to achieve

compliance with permitted development criteria. There are no other material considerations which would indicate reasons for refusal. Accordingly approval is recommended.

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**Conditions:** (4)

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Block Plan Drawing No. P001
Location and Site Plan Drawing No. P003
Floor Plan and 3D view Drawing No. P005
Section and 3D view Drawing No. P007
Proposed Elevations Drawing No. P009
Daikin Altherma 3 M (4-6-8 kW) Product leaflet 2022

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The Air Source Heat Pump (ASHP) installation shall meet the requirements of the MCS Planning Standard and shall ensure that the equipment produces a noise level of no more than 42dB LAeq (5mins) at the nearest bedroom/lounge windows when operating.

REASON: In the interests of residential amenity.

4 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.