



Delegated Report

Householder Planning Application

Planning Application No: 20231240

Location: 39 Quarry Close Gravesend Kent DA11 0GA

Description: Installation of new heat pump in the rear garden.

Applicant: Mr Sardara Bains, FAO

Site Visit Date: 11/01/2024 & desktop

Submitted Documents/Plans

- Application form;
- Drawing – Installation: Heat Pump (Existing Elevations);
- Drawing - Installation: Heat Pump (Proposed Elevations);
- Drawing - Installation: Heat Pump (Existing Floor Plan);
- Drawing - Installation: Heat Pump (Proposed Floor Plans);
- Site location Plan;
- Photograph;
- Technical Specifications; and
- Air source heat pump calculation procedure
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Relevant Planning History

Reference	Description	Decision	Decision Date
20230492	Application for a Lawful Development Certificate in respect of the proposed conversion of the garage into habitable accommodation and the construction of a garden room in rear garden.	Certificate Granted	07.07.2023
20060895	Redevelopment of site comprising the erection of 2, three storey buildings providing a total of 18, one and two bedroom self-contained flats, 10 terraces of a total of 42, two storey, three and four bedroom dwellings with dormer windows in the front roof slopes and some in the rear and 12 with integral garages; erection of two garage blocks each comprising 5 garages; laying out of associated estate road and car parking spaces; erection of bin stores and formation of amenity area.	Permitted	29.01.2007

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

None.

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful place
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- None

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

The Air Source Heat Pump (ASHP) is planned to be located in very close proximity to the boundary with the adjoining premises. In this respect, noise could be an issue particularly if bedrooms are located on the 1st floor on this façade adjacent to the party wall. The noise could also impact on the use of the neighbouring garden. An MCS Assessment has been undertaken and the outcome of this is a 'fail' in terms of noise with the final result being in excess of the permitted development noise limit of 42 dB(A) at 47 dB(A). Therefore, in accordance with the guidance on ASHP, a noise assessment will be required along with proposals for appropriate mitigation. A BS4142:2014+A1:2019 assessment should be undertaken to ensure that does not exceed 35dB as far as is reasonably practicable (including penalties for noise characteristics such as tonal components) at 1m from the façade of noise sensitive and neighbouring residential premises. This is based on a L_{Aeq} measurement made over 15 minutes. If 35 dB cannot be achieved, reasons for a relaxation should be set out and justified.

Due to the potential noise impact on the adjacent property, it is recommended that permission be refused unless the appropriate noise assessment and mitigation options can be submitted for consideration prior to determination of the application.

Neighbouring properties

4 surrounding properties were consulted plus site notice – overall expiry date was 02/02/2024 – no responses received.

Officer's Analysis

No. 39 Quarry Close is a two storey terraced dwelling situated on the southern side of Quarry Close.

The proposal is for the installation of a heat pump in the rear garden.

The installation of an air source heat pump would normally be permitted development under Schedule 2, Part 14, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, in this case the proposed heat pump would not be permitted development as it would be installed within 1 metre of the boundary of the curtilage of the dwellinghouse. Therefore, planning permission is required.

The proposed heat pump would be located on the rear of the property underneath the ground floor window. According to the submitted technical specifications it would be 770mm (height) x 1250mm (width) x 362 (depth).

The principle considerations in the assessment of this application are:

Design, Character and Appearance

The proposed heat pump would be located to the rear of the dwelling and would be attached to the property underneath the ground floor window. It would therefore be discreetly located, not visible from any public vantage point and will therefore have no impact on the character or appearance of the area or the streetscene. As such in respect of design, character and appearance the proposal would be compliant with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

The heat pump will be attached to the rear wall underneath the ground floor window and would be located 0.33m from the boundary with the neighbouring property to the west no. 41 Quarry Close and 3m from the boundary with the neighbouring property to the east no. 37 Quarry Close. It would therefore be particularly close to no. 41 Quarry Close and there are a number of openings in the rear elevations of both neighbouring properties including habitable rooms.

The submitted information includes an air source heat pump calculation procedure which finds that the air source heat pump would have a noise level of 47 dB(A) and marks this as a 'fail' as it would exceed the permitted development noise limit of 42dB(A) set out in the Microgeneration Installation Standard: MCS 020 – MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises (2019).

GBC Environmental Health note that the air source heat pump is to be located in very close proximity to the boundary with the adjoining premises and so noise could be an issue particularly if bedrooms are located on the first floor on this façade adjacent to the party wall and that the noise could also impact on the use of the neighbouring garden. They note the 'fail' in the air source heat pump calculation procedure and state that in accordance with the guidance on air source heat pumps, a noise assessment will be required along with proposals for appropriate mitigation. They state that a BS4142:2014+A1:2019 assessment should be undertaken to ensure that the air source heat pump does not exceed 35dB as far as is reasonably practicable (including penalties for noise characteristics such as tonal components) at 1m from the façade of noise sensitive and neighbouring residential premises and that if 35 dB cannot be achieved, reasons for a relaxation should be set out and justified.

The proposed air source heat pump due to its proximity to the adjacent property at no. 41 Quarry Close and its noise level of 47dB(A) could have the potential to have a detrimental impact on the amenity of existing and future occupiers of that property. In the absence of a noise assessment together with appropriate mitigation it has not been demonstrated that existing and future occupiers of the adjacent property would be sufficiently protected from noise impact. As such the proposal is contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2023).

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposal is acceptable in respect of design, character and appearance but is not considered acceptable in respect of neighbouring amenity. As such the proposal is contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2023).

Recommendation: Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	5th February 2024	Dated:	06 February 2024