



Appeal Decision

Site visit made on 2 November 2021

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **12 November 2021**

Appeal Ref: APP/J0540/D/21/3277604

21 Cherryfields, Orton Waterville, Peterborough PE2 5XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Modha against the decision of Peterborough City Council.
 - The application Ref 20/00846/HHFUL, dated 6 July 2020, was refused by notice dated 30 April 2021.
 - The development proposed is installation of external wall insulation with grey render at ground floor level and off-white render at first floor level, mosaic tile at first floor level to the rear, and the installation of 7no. new AC units located within acoustic housing and the removal of 2no. existing AC units, and associated alterations (Part-retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for installation of external wall insulation with grey render at ground floor level and off-white render at first floor level, mosaic tile at first floor level to the rear, and the installation of 7no. new AC units located within acoustic housing and the removal of 2no. existing AC units, and associated alterations (Part-retrospective) at 21 Cherryfields, Orton Waterville, Peterborough PE2 5XD in accordance with the terms of the application Ref 20/00846/HHFUL, dated 6 July 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

3. The main issue is the effect of the proposed air conditioning units and their associated noise attenuation housing units on the character and appearance of the host property and the area.

Reasons

4. The appeal property is a two storey extended detached dwelling located in a mature well-established residential area characterised by detached properties of differing styles and design set back from the road that provide a varied context and palette of materials in the immediate surroundings. There are a

number of existing AC units on the host property that generally appear as clearly subordinate to the dwelling.

5. The appeal proposal would involve the installation of 7no. new AC units enclosed within noise attenuation/acoustic housing units at first floor level over the single storey extension to the side and rear of the property. The acoustic housing units would be finished in a powder coated aluminium grey colour finish to match the external render of the host property. The works would also involve the removal of the existing AC units and some part-retrospective works including the removal of the grey aluminium edging surrounds on the windows and other parts of the building.
6. Given the site's location and mature landscaping and boundary treatment along the side and rear boundaries, the proposed AC units and their associated noise attenuation housing units would only be visible over short distances from the adjacent properties and when passing the site. The proposed units would be seen in the context of the current varied architectural styles and varied palette of materials at the host property and in the surrounding area.
7. Against this backdrop, the scale, form and siting of the proposed AC units and their associated noise attenuation housing units would not look significantly out of place or excessive in relation to the built form of the host property. The modest overall scale and proportions of the proposed AC units and their associated noise attenuation housing units set back from the site boundaries, together with use of a matching external finish would ensure that the proposed units would sit relatively unobtrusively against the built form of the host property. The proposed AC units and their associated noise attenuation housing units would therefore achieve an appropriate degree of subordination to the host property and as such would limit any significant adverse impacts on the street scene in the surrounding area.
8. Consequently, I conclude that the proposed air conditioning units and their associated noise attenuation housing units would not have a harmful effect on the character and appearance of the host property and the area. It would be consistent with Policy LP16 of the Peterborough Local Plan 2019. This policy, amongst other things, seeks to ensure that development proposals respect the context of the site and surrounding area in term of the building form, including size, scale, massing, details and materials and positively contribute to the character and local distinctiveness of the area. In addition, the proposal would accord with the National Planning Policy Framework 2021 (the Framework) that developments should be of a high quality design that are sympathetic to the local character (paragraph 130).

Other Matters

9. I have taken into the account the objections raised by third parties to the proposal. These include the impact of the proposed AC units, the noise attenuation housing units and other works on the character of the area, amenities of local residents, noise disturbance, pollution, the Bamboo clad outbuilding in the rear garden, the information covered in the appellant's planning application and noise assessment report, the retrospective nature and the unauthorised building works at the appeal property. However, I have addressed the matters relating to the area's character and appearance in the issues above. The Council's Pollution Team has raised no objections to the proposal, subject to appropriate planning conditions being imposed to cover

noise mitigation measures for the proposed AC units and noise attenuation housing units. The other matters raised did not form part of the Council's reasons for refusal.

10. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

11. Having regard to the Framework, and in particular paragraph 56, I have considered the conditions suggested by the Council and the comments received from the main parties. I have specified the approved plans as this provides certainty. A condition for the removal of the grey aluminium edging surrounds on the windows and other parts of the building and the existing AC units on the side elevation at ground floor level prior to the installation of the new AC units within 2 months from the date of this permission is reasonable and necessary, in order to protect the character and appearance of the area and safeguard the amenities of the nearby residents. Those conditions relating to the detailing of the external materials, noise levels and the noise mitigation measures for the proposed AC units and their associated noise attenuation housing units are necessary in order to safeguard the amenities of the nearby residents.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:
Proposed First Floor Plan and Location Plan (Drawing number 201156-06 Revision B); Proposed Ground Floor Plan (Drawing number 191040-05 Revision B) and Proposed Elevations (Drawing number 201156-07 Revision D)
- 2) Notwithstanding the approved plans, the development hereby approved shall use the following materials in accordance with the approved plans: -
 - First floor level - Off-White render BS2660-4046
 - Acoustic attenuation units - Powder coated aluminium in a grey colour same colour as the ground floor grey render
- 3) Within 2 months from the date of this permission, the grey aluminium edging surrounds on the windows and other parts of the building and the AC units on the side elevation at ground floor level shall be removed. No AC units hereby permitted shall be installed, in accordance with approved plans, until all the existing, retrospective AC units have been removed from the site.
- 4) Prior to first use all the AC units hereby approved will be relocated into suitably attenuated acoustic enclosures in accordance with the details and specifications included in Section 4, Appendix B of 'Assessment of Noise Mitigation Proposals - February 2021' (Ref. 21 Cherryfields Noise v1.0 090221.docx, received 17-02-2021). Once implemented the acoustic enclosures will be retained and maintained as such in perpetuity.
- 5) The rating level of noise emitted from the AC units hereby approved should not exceed 29dB LAeq 15 minutes at any time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of written approval by the Local Planning Authority.