

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242619
Site Address:	57 Oakey Drive, Wokingham, Wokingham, RG40 2DT
Expiry Date:	3 January 2025
Site Visit Date:	8 November 2024
Proposal: Householder application for the installation of an air source heat pump to the front of dwelling.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Contaminated Land Consultation Zone
Local Authorities
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Borough Parishes
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Nuclear Consultation Zone
Railways
Borough Wards
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise TB23 – Biodiversity and Development
Joint Minerals and Waste	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM6 - Green Belt

Plan (JMWP)	DM15 - Site History
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Sustainable Design and Construction Supplementary Planning Document

PLANNING HISTORY

Application No.	Description	Decision & Date
	There is no relevant planning history.	

CONSULTATION RESPONSES

Internal

WBC Environmental Health – Requested further information (28/11/2024).

External

None consulted.

REPRESENTATIONS

Parish/Town Council	No comments received.
Ward Member(s)	No comments received.
Neighbours	No comments received.

APPRAISAL

Site Description:

The application site consists of a two-storey, end of terrace property located on Oakey Drive, Wokingham. The dwelling is part of a housing development constructed in the early 2000s. The road comprises a range of two and three storey property types including terraced blocks of flats, houses and town houses. Properties are similar in appearance but differ in form and design.

The host property is set back from the road behind a lawned front garden. Directly northwest of the property is a shared parking area with garages, directly to the rear is communal parking, a trainline and a multistorey carpark beyond.

Proposal:

This application seeks approval for the installation of an air source heat pump (ASHP) to the front of the property. The unit would be attached to the front elevation of the property approximately 0.4m above ground level.

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham

Borough will be approved without delay, unless material considerations indicate otherwise.

The site is located within settlement limits and as such the principle of a residential extension in this location is acceptable providing that it complies with the wider policy objectives contained within the Core Strategy and Managing Development Delivery (MDD).

Character of the Area:

The host property is set within a residential street with a trainline and multistorey carpark to the rear. The front areas of properties along Oakey Drive boast a variety of boundary treatments, there is no uniform design. Frontages include enclosed gardens with established hedging, lawned gardens with driveways and open communal areas. The application site comprises a lawn and entrance pathway enclosed by low level hedging and shrubs.

CP3 of the Core Strategy states that proposals should be of an appropriate scale of mass, built form and character. The Council's Borough Design Guide (BDG) SPD gives advice on residential developments.

The proposed ASHP would measure approximately 0.7m in height, 1.2m in width and would protrude approximately 0.42m from the front wall. Due to the size of the unit, it would be a relatively minor addition to the frontage of the host dwelling. The ASHP would be set back more than 7m back from the road and would be visible from the street scene. Although ASHPs are not a common feature on properties on Oakey Drive, they are a feature which is becoming more commonly associated with residential dwellings.

Policy CCO5 of the Managing Development Delivery for renewable energy and decentralised energy networks states that proposals must demonstrate that they are 'appropriate in scale, location and technology type; are compatible with the surrounding area, including the impact of noise and odour; and do not have a damaging impact on the local topography and landscape'.

Over time, the existing hedging around the front boundaries will increase in height to provide more natural screening of the ASHP from the public realm. Therefore, due to the small scale of the unit, it is considered that there would not be a detrimental impact on the character of the host dwelling or street scene.

Neighbouring Amenity:

Overlooking, Loss of Light & Overbearing:

Due to the small scale of the air source heat pump, there would be no loss of privacy, overshadowing or overbearing impacts generated to neighbouring properties.

Environmental Health:

From an environmental health perspective, the primary issue with the installation of an ASHP in a residential setting is noise. The Council's Environmental Health officer was consulted and requested a noise impact assessment (NIA), they commented "*The Government, through DEFRA has prescribed a scheme to inform the installation of*

ASHP and other micro generation units called the Microgeneration Certified Scheme... We would ask for a formal noise assessment if the MSC isn't done properly according to the prescribed method or if guidelines aren't met... If an installation clearly meets the MSC guidelines we would generally have no objection and not require anything else. Where the guidelines have not been met, we are obliged to ask for a noise assessment".

The planning agent was advised by the Council's Environmental Health officer that where an MCS assessment has failed, further information is required, in the form of a NIA, and necessary measures are required to ensure neighbours are not adversely affected by noise. In this instance, a NIA was requested, however, the request was declined, and no NIA was submitted. As such, there is insufficient information to determine the level of impact of the ASHP on neighbouring amenity.

In *R (Samuel Smith Old Brewery (Tadcaster)) v North Yorkshire County Council* [2020] PTSR 221 the Supreme Court endorsed the legal tests in *Derbyshire Dales District Council* [2010] 1 P & CR 19 and *CREEDNZ Inc v Governor General* [1981] 1 NZLR 172, 182 which must be satisfied where it is alleged that a decision-maker has failed to take into account a material consideration. A legally relevant consideration is only something that is *not* irrelevant or immaterial, and therefore something which the decision-maker is *empowered or entitled* to take into account. The decision must be informed expressly or impliedly by the legislation and/or policy. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Policy CC05 of the Managing Development Delivery (MDD) forms part of the Development Plan. CC05 states that renewable energy and decentralised energy networks proposals must 'demonstrate they are appropriate in scale, location and technology type; and are compatible with the surrounding area, including the impact of noise and odour'. A full assessment of the proposal in accordance with Policy CC05 cannot be established due to the absence of a failed MCS assessment and no Noise Impact Assessment.

ASHPs are an important move towards a more carbon neutral energy, however, when the submitted MCS assessment has failed, without a NIA, the true impact of the unit on adjoining neighbours cannot be assessed or granted permission.

Conclusion:

For the reasons set out above, the proposal is considered unacceptable, and the application is recommended for refusal for the following reason:

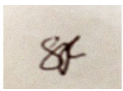
- Insufficient information has been submitted to demonstrate that no harm to neighbouring residential amenity would be generated by the air source heat pump contrary to Policy CP3 of the Core Strategy, CC05 of the Managing Development Delivery and the Borough Design Guide SPD.

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Approve
Date:	13 December 2024
Earliest date for decision:	19 December 2024

Recommendation agreed by: (Authorised Officer)	
Date:	29.1.25