

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	243078
Site Address:	Setonfield, Whistley Green, Hurst, Wokingham, RG10 0DU
Expiry Date:	3 February 2025
Site Visit Date:	19 December 2024
Proposal: Householder application for proposed installation of an air source heat pump to the rear of the dwelling.	

PLANNING CONSTRAINTS/STATUS

Contaminated Land Consultation Zone
Local Authorities
Affordable Housing Thresholds
Areas of Special Character
Bat Roost Habitat Suitability
Borough Parishes
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Ground Water Zones
Site Allocations
Nuclear Consultation Zone
Borough Wards
Landfill Gas Consultation Zone
Landscape Character Assessment Area
SSSI Impact Risk Zones
Green Routes and Riverside Paths Consultation Zone
JCEB Mineral Safeguarding Areas

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 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 TB21 – Landscape Character TB23 – Biodiversity and Development

Joint Minerals and Waste Plan (JMWP)	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM4 - Protection of Designated Landscape DM5 - Protection of the Countryside DM6 - Green Belt DM7 - Conserving the Historic Environment DM15 - Site History
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document A Design for Hurst

PLANNING HISTORY

Application No.	Description	Decision & Date
121024	Proposed erection of a single storey rear extension to dwelling to form conservatory, following removal of existing conservatory.	Approved 09/10/2012
071366 (F/2007/0760)	Proposed erection of one detached dwelling with garage and conservatory (Variation to application number F/2006/8206).	Approved 05/06/2007
061497 (F/2006/8206)	Proposed erection of one dwelling.	Approved 15/11/2006

CONSULTATION RESPONSES

Internal

WBC Environmental Health – Request further information.
WBC Landscape and Trees – No objection.
WBC Built Heritage Officer – No objection.

External

None consulted.

REPRESENTATIONS

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

APPRAISAL

Site Description:

The application site consists of a two-storey detached dwelling located on Whistley Green, Hurst. The plot is close to the Broadwater Lane junction. Broadwater Lane is a designated Green Route Enhancement Area. The site is part of the Hurst Village Centre Area of Special Character.

Proposal:

This application seeks approval for the installation of one Air Source Heat Pump (ASHP) unit to be fixed to the ground along the rear wall of the garage.

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 development should be acceptable providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high quality design without detriment to the amenities of adjoining land uses and occupiers.

Character of the Area:

The ASHP would be positioned behind the existing garage in the rear garden. It would be fixed to the ground and would measure 0.87m in height, 1.38m in width and 0.46m in depth. It would be fixed approximately 0.3m away from the rear wall of the existing garage and would not be visible from the road.

The Borough Design Guide (BDG) classifies Hurst as a 'Loose Village'. The BDG defines the character of a 'Loose Village' as 'The character of these villages is defined by a dominance of landscape. They are generally more spacious, with streets being less enclosed. Landscape and the rural hinterland penetrate into the village with trees and vegetation between buildings and along boundaries. These villages generally consist of housing areas that have been built at various times, with the landscape creating a consistency in character'.

The introduction of the ASHP does not disrupt the established character along Whistley Green as it has been sympathetically positioned in the rear garden behind the garage. It would be fixed to the ground, and there would be no views of the unit from the street scene. The location of the ASHP would be on to existing patio slabs, no vegetation would be removed to allow for the installation. Therefore, there would be no visual change in terms of any additional built form or loss of green backdrop from Whistley Green. It is considered that the ASHP would have no detrimental impact on the character of the host dwelling or Special Character Area.

The Council's Built Heritage officer was consulted and raised no objection to the proposal and commented "*Setonfield is a modern detached dwelling situated within the Council identified Village Centre Hurst Area of Special Character, with the listed Huntsman's Cottage situated directly to the north on the opposite side of Broadmoor Lane.*

With the air source pump to be installed to the rear of the property, there is from a heritage stance, no objection to the proposal".

Neighbouring Amenity:

Overlooking, Loss of Light & Overbearing:

The ASHP would be positioned approximately 2.58m from the shared boundary with 1 Nursery End and would be approximately 3.5m from the neighbouring flank wall. Due to the small scale and position of the unit, there would be no detrimental loss of privacy, overshadowing or overbearing impact generated by the proposal.

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). This is because the Government, through DEFRA has prescribed a scheme to inform the installation of ASHPs and other micro generation units called the Microgeneration Certified Scheme. If the submitted MCS is not carried out properly according to the prescribed method, or if guidelines aren't met, a Noise Impact Assessment (NIA) is required.

The Council's Environmental Health officer commented "*They have failed to provide a description of the site and how they have measured distance (the first stage of the MCS process). The MCS result is a fail and requires a NIA. There are some factors that will make a difference for this installation, they have selected a larger unit with a max noise output of 62dB according to the provided specs, there are smaller and quieter units available.*

We are obliged to request a noise assessment carried out by a suitably qualified acoustic consultant based on the information they have provided. It may that with some acoustic barriers the installation of this unit is viable, a noise consultant has the equipment and expertise to measure and advise the applicant".

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 a failed MCS assessment and the absence of NIA.

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.

Landscape and Trees:

The application site is located on a road junction with a Green Route Enhancement Area and the Council's Trees and Landscape officer was consulted. They raised no objection and commented "*The application form states that no trees or shrubs will be impacted by the scheme, aerial images support this. The apparatus is set in the rear garden and will not offer views from the public roads, so there will no impact on the character of the area*".

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, CCO5 of the Managing Development Delivery and the Borough Design Guide SPD.

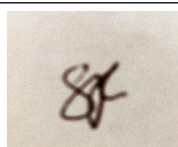
Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a 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:	Refused
Date:	30 January 2025
Earliest date for decision:	30 December 2024

**Recommendation
agreed by:
(Authorised Officer)**



Date:	30.1.25
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