

Planning appeals where air quality has been a consideration - additional exposure in area of poor air quality

Location	Date	Description	Allowed or Dismissed	Issues	Mitigation	Link
6-42 Blackheath Road, Greenwich	November 2001	Housing in area of poor AQ	Dismissed	<ul style="list-style-type: none"> - Retention of employment land (reason for refusal) - Impact on Conservation Area (reason for refusal) - Amenity of neighbours - Impact on setting of listed building - Impact on noise & air quality of occupants (reason for refusal). <p>Inspector concluded that objective exceedences are not a bar to development and that the precautionary approach is to assume that current pollution levels are unlikely to change.</p>	Inspector determined that the building was designed without regard for requirement for mechanical ventilation. Maintenance issues had not been considered.	Not available

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Former Gas Works, Frome, Somerset	May 2004	Housing next to B2 General Engineering Use	Dismissed	<ul style="list-style-type: none"> - Continued availability and viability of adjacent B2 use. The concern that the introduction of housing next to the industrial use would constrain activities on the industrial site was the main reason for refusal - Adequacy of living environment for future occupants. 	None	Not available
Privett Road, Gosport, Hampshire	December 2004	11 houses	Allowed	<ul style="list-style-type: none"> - Impact on highway safety - Impact on neighbours (fumes, noise and disturbance). There was no evidence that 'fumes' would affect neighbours. 	None	Not available
37 Broad Lane, Seven Sisters, London	December 2004	Children's nursery	Allowed	- Acceptable conditions for children and staff. No air quality evidence provided. Inspector determined conditions would not be unacceptable based on a site visit and presence of school and residential properties in the area.	Mechanical ventilation	Not available

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73 Battersea Rise, London	July 2005	Housing near busy road	Dismissed	<ul style="list-style-type: none"> - Change of use - Impact on amenity space and outlook - Impact of noise & air quality on occupants. No evidence submitted, just based on proximity to main road. 	None	Not available
Clockhouse, Spur Road, Cosham, Portsmouth	September 2005	Mixed-use ground floor with housing above in AQMA	Dismissed	<ul style="list-style-type: none"> - Visual impact - S106 obligation - Noise & air quality (appeared to be secondary to visual impact issues in decision to dismiss appeal). 	Inspector acknowledged that mechanical ventilation could mitigate impacts but at the expense of living in a relatively 'sealed' environment.	Not available

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Granite Way, Mountsorrel, Leicestershire	February 2006	Housing near to quarry and waste transfer station	Allowed	Impact of noise & air quality on occupants (traffic and dust from quarry and waste transfer station). No evidence provided by Council to demonstrate a problem.	Inspector concluded that a condition proposed by the Council for 3-months PM ₁₀ monitoring was unreasonable as evidence to substantiate existence of an air quality problem was not provided. Condition was viewed by Inspector as an attempt to transfer part of the Council's statutory responsibilities to the developer.	Not available
Clarence Road, Windsor	January 2006	Housing in AQMA	Allowed	<ul style="list-style-type: none"> - Impact on character & appearance of area - Provision of open space - Impact of air quality on occupants. Inspector concluded that occupants would only be exposed to concentrations above the objective for a short period of time (as concentrations reducing). 	Mechanical ventilation	Not available

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100 Birmingham Road, Great Barr, Sandwell	March 2007	Housing near to M6	Allowed	- Impact of noise & air quality on occupants. Inspector concluded that occupants would only be exposed to concentrations above the objective for a short period of time (as concentrations reducing).	None	Not available
203 – 241 Watford Way Hendon LB Barnet	April 2007	Housing in area of poor AQ	Dismissed	- Impact of air quality on residents. There did not appear to be any specific air quality evidence, just located next to busy roads in AQMA - Character and appearance - Highways.	None	http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.2.6931063&NAME=/decision.pdf
203 – 241 Watford Way Hendon LB Barnet	April 2007	Housing in area of poor AQ	Dismissed	- Impact of air quality on residents. There did not appear to be any specific air quality evidence, just located next to busy roads in AQMA - Character and appearance - Highways.	None	http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.2.6931063&NAME=/decision.pdf

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Former Renault Garage, 128 Milton Road, Portsmouth	June 2007	Sheltered accommodation in AQMA	Allowed	<ul style="list-style-type: none"> - Effect of the design in a prominent location - Impact of air quality on residents. Council modelling indicated that objective would be achieved across the site by 2010. Short timescale over which objective would be exceeded and provision of alternative ventilation makes development acceptable. Redesign not appropriate. 	Mechanical ventilation, with opening windows.	Not available
Gilda Court, Watford Way LB Barnet	July 2007	Care home	Dismissed	<ul style="list-style-type: none"> - Impact of air quality and noise on care home residents - Character and appearance. 	Ventilation proposed. Inspector determined not acceptable to have no 'fresh air'. Outdoor air (terraces) would be unacceptable.	http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.2.7668747&NAME=/decision.pdf
Gilda Court, Watford Way LB Barnet	July 2007	Care home	Dismissed	<ul style="list-style-type: none"> - Impact of air quality and noise on care home residents - Character and appearance. 	Ventilation proposed. Inspector determined not acceptable to have no 'fresh air'. Outdoor air (terraces) would be unacceptable.	http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.2.7668747&NAME=/decision.pdf

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Heath Road, Sandbach, Congleton	Oct 2007	Gypsy caravans in area of poor AQ	Dismissed	<ul style="list-style-type: none"> - Impact of air quality on gypsy caravan next to M6. Suitable air quality and noise environment not demonstrated. - Site compliance with housing policies. 	None	http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.2.8627971&NAME=/decision.pdf
Heath Road, Sandbach, Congleton	Oct 2007	Gypsy caravans in area of poor AQ	Dismissed	<ul style="list-style-type: none"> - Impact of air quality on gypsy caravan next to M6. Suitable air quality and noise environment not demonstrated. - Site compliance with housing policies. 	None	http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.2.8627971&NAME=/decision.pdf

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Rookery Lane, Halifax Calderdale MBC	Jan 2008	Housing in area of poor AQ	Dismissed	<ul style="list-style-type: none"> - Unacceptable loss of open space - Whether land is 'greenfield' - Impact of air quality on residents. In AQMA, no evidence provided on air quality at proposed properties. Inspector took precautionary approach and decided that air quality was considered an additional reason for the appeal to fail. 	None proposed.	http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.2.9498376&NAME=/Decision%20Letter.pdf

Last updated 21st April 2010