

Appeal Decision

Site visit made on 16 March 2017

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 March 2017

Appeal Ref: APP/N4720/D/17/3168190

59 Royston Hill, East Ardsley, Wakefield, WF3 2HN

- 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 Mr David McClean against the decision of Leeds City Council.
 - The application Ref 16/06402/FU, dated 30 September 2016, was refused by notice dated 6 December 2016.
 - The development proposed is an air-conditioning unit to side of house.
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Decision

1. The appeal is allowed and planning permission is granted for an air-conditioning unit at side of house at 59 Royston Hill, East Ardsley, Wakefield, WF3 2HN, in accordance with the terms of the application Ref 16/06402/FU, dated 30 September 2016, subject to the following condition:
 - 1) The development hereby permitted is as shown on the following approved plans: Site Location Plan/Red Line OS Plan dated 18/02/2014; and Proposed Elevations and Floor Plans dated 19/02/2014.

Procedural Matter

2. The air-conditioning unit (acu) has already been installed. I have therefore dealt with the appeal in accordance with Section 73A of the Town and Country Planning Act 1990, for development that has already been carried out.

Main Issues

3. These are: the effect of the proposal on the living conditions of the occupiers of the neighbouring dwelling at number 61 Royston Hill (number 61), with particular regard to noise; and the effect of the proposal on the appearance of the streetscene.

Reasons

Living Conditions

4. The appeal property is a detached dwelling, which is situated in a predominantly residential area on a busy main road. The dwelling has recently been extended and is undergoing renovation. The acu has been installed at first floor level on the side wall of the property, which faces the side wall of number 61. The two
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properties are separated by a relatively narrow gap. Number 61 has windows at both ground and first floor levels on its side elevation. These windows face the wall of the appeal property that contains the acu.

5. When the Council determined the planning application, no details of noise levels had been submitted. Consequently, the Council considered that it had not been possible to demonstrate that the acu would not have an adverse effect on the living conditions of the occupiers of number 61. I also note that the occupiers of number 61 objected to the proposal and that one of their concerns was the effect on their amenities.
6. Policy P10 of the Council's adopted Core Strategy 2014 (CS) and Policy GP5 of the adopted Leeds Unitary Development Plan 2006 (UDP) seek (amongst other things) to protect amenity. These policies are consistent with paragraph 17 of the National Planning Policy Framework (the Framework), which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
7. As part of the appeal, the appellant has submitted technical specifications of the acu, including details regarding noise. The Council was requested to respond to the additional information, but no comments have been received. However, at my site visit I was able to observe the acu in operation at its maximum setting. I listened to the unit from the road frontage and from the rear and side of the appeal property, adjacent to number 61. Noise levels from the acu were low and it was barely audible. Furthermore, background noise from road traffic masked any noise that was being emitted.
8. For the above reason, I consider that the acu is not harmful to the living conditions of the occupants of number 61 and, therefore, the appeal development does not conflict with the Development Plan or with the Framework, as referred to above.

Streetscene

9. The acu is positioned on the rear portion of the side wall of the appeal property. Policy P10 of the CS and Policy BD6 of the UDP, which I consider to be most relevant, seek to secure development that exhibits high quality design and respects its surroundings; and require alterations to be sympathetic to the form and detailing of the original building. These requirements are reflected in the Council's Supplementary Planning Document – Householder Design Guide 2012.
10. In my opinion, because of its position (towards the rear of the building) and the relatively narrow gap between the appeal dwelling and number 61, the acu does not appear as an unduly prominent feature, and neither is it particularly noticeable in the streetscene. Furthermore, it is positioned adjacent to a stainless steel flue and a satellite dish, which minimises the overall visual impact of the acu itself.
11. Accordingly, I consider that the appeal development does not have an adverse effect on the streetscene and the proposal does not conflict with the relevant policies of the Development Plan, as referred to above.

Conditions

12. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. As the acu has already been installed, a condition specifying a time period for commencement is not necessary.
13. A condition specifying that the development relates to the submitted plans is necessary, for the avoidance of doubt and in the interests of proper planning.

Other Matters

14. I note that the occupiers of number 61 have also expressed concern to the Council regarding trespass and encroachment onto their property. However, this is a private matter that I am unable to consider as part of the appeal.

Conclusion

15. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR