
Appeal Decision

Site visit made on 29 April 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/N4720/D/24/3357745

15 Raylands Road, Middleton, Leeds LS10 4AG.

- 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 Paul Wilkinson against the decision of the Leeds City Council.
 - The application reference is Ref: 24/05933/FU.
 - The development proposed is described as 'Installation of air source heat pump.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed Air Source Heat Pump (ASHP) on the living conditions of the occupiers of the adjacent properties on Raylands Road.

Reasons

3. The appeal site comprises a semi-detached property situated in a residential area with a general uniformity of property types. To the east (rear) of the site lies an area of open space. To the south is the attached neighbouring semi-detached property (No. 17). The proposal involves installing the apparatus on the rear (eastern) elevation of No. 15.
4. The UK Government are actively supporting the transition to more renewable forms of domestic heating in line with their commitment to achieve Net Zero by 2050. ASHPs are a key technology for achieving net zero emissions from domestic heating and helping to build the UK's energy resilience and security.
5. The General Permitted Development Order (GPDO) allows for air source heat pumps (ASHPs) under Part 14, Class G, which pertains to domestic premises subject to certain limitations and conditions. According to the current Microgeneration Certification Scheme (MCS) - Planning Standards, an air source heat pump (ASHP) must be certified with a sound level not exceeding 42dB to qualify as 'permitted development'. The ASHP proposed in this case has a noise rating of 43dB. This is detailed in the MCS 020 – Manual Sound Calculator submitted with the application and provided in the Council in evidence.
6. The appellant's position is that the noise footprint of the ASHP, as it related to impact on neighbouring properties, is within an acceptable range for a residential area such as where the appeal site is located.

7. The Environmental Health Officer (EHO) in responding to the consultation on the planning application did not offer support for the proposal. They identified that at this location they would expect noise levels to be 35dB at the nearest neighbours and referred to Chartered Institute of Environmental Health and Institute of Acoustics guidance in this regard.
8. This guidance 'Heat Pumps Professional Advice Note – November 2022' recommends that where it is practical to do so, sound rating levels do not exceed 35dB at any noise sensitive façade of neighbouring residential premises. Regardless, it is recommended that the sound rating level should not exceed 40dB.
9. In response to this, I note that the submitted MCS 020 – Manual Sound Calculator identifies the noise data recordings relate to the sound power level of the operating ASHP. This results in a calculation of 43dB which is higher than the recommended level.
10. At the site visit I was able to see that there are outbuildings attached to the main dwelling which will likely be effective acting to screen the properties to the north from noise associated with the ASHP. In this regard I am satisfied that the proposed ASHP will not have a detrimental impact on the living conditions of the properties to the north due to noise.
11. The large open space at the rear of the property means there are no nearby residential dwellings that could be negatively affected. However, because this area remains undeveloped, background noise levels are likely to be lower than they would be in a more built-up environment. As a result, any noise generated by the ASHP is likely to stand out more in this setting.
12. The appellant has not submitted an assessment of anticipated noise levels at No.17, the adjacent property. Although vegetation exists within and near the boundary of the appeal site, no measures have been identified or proposed to mitigate noise emissions from the ASHP in relation to No.17. Furthermore, no other factors have been presented that would indicate the proposed noise level of 43dB from the ASHP would be acceptable or justified.
13. I have also considered the Council's Environmental Health Officer's suggestion that alternative units, sound control engineering measures (such as proprietary acoustic enclosures or silencer packs), and locations within the property boundary should be considered. However, it would not be appropriate to require the installation of such sound control engineering measures through a planning condition. In this respect, I agree with the Council's position and consider that such a condition would not be reasonable or enforceable, as it could conflict with the plans submitted with the application or the description of the proposed development. For example, the construction of screening or enclosures, which may themselves need planning permission, and alterations to the external appearance of the unit could conflict with the description of development and submitted plans.
14. For the same reason, while I welcome the appellants proposal to engage post installation monitoring with a view to addressing issues should they arise, any necessary works could themselves require planning permission. A condition requiring this monitoring with potential requirement for remedial action would also fail the rest of reasonableness, as it could potentially require the removal of the

ASHP if noise levels were to be identified as unacceptable. This would be when the ASHP is the properties only source of heating.

15. Overall, while I find that the proposed air ASHP would contribute to energy efficiency, given the site's circumstances, it would cause harm to the living conditions of the occupants of the adjacent residential property (No.17). It therefore fails to meet the requirements of Policy HDG2 of the Householder Design Guide Supplementary Planning Document 2012. It also fails to comply with the relevant parts of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan Policy P10, saved Leeds Unitary Development Plan Review (2006) (the Core Strategy) Policies GP5 and BD5. Amongst other things, these require that all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. The failure to comply with the provisions of the development plan is not outweighed by any other factors.

Other Matters

16. Core Strategy Policies EN1 and EN3 advocate for measures to mitigate climate change and promote renewable energy. While these policies primarily apply to major developments, the council has declared a climate emergency, emphasising the importance of transitioning to a low-carbon future. Section 14 of the National Planning Policy Framework (the Framework) highlights the planning system's role in supporting this transition. This has had some limited weight in my determination of the appeal and is insufficient to overcome my conclusions with regard to the main issue considered above.

Conclusion

17. For the reasons identified above, the proposal conflicts with the development plan as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

F P Tinsley

INSPECTOR