



Appeal Decision

Site visit made on 9 June 2025

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/N4720/D/25/3362488

73 Castle Lodge Avenue, Rothwell, Leeds LS26 0ZD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Niall McGloin against the decision of Leeds City Council.
 - The application Ref is 24/07071/FU.
 - The development proposed is the installation of an Air Source Heat Pump.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether it is reasonable and necessary to require further acoustic information to ensure that the proposed Air Source Heat Pump (ASHP) would not harm the living conditions of neighbouring occupiers in respect of noise disturbance.

Reasons

3. The proposal relates to a terraced house on a relatively new residential estate close to the M1 Motorway. The ASHP would be located on the rear wall of the appeal property. The submitted MCS.020 Manual Sound Calculator (MSC) indicates that noise produced by the ASHP would be 42.52 dB, marginally exceeding the MCS Planning Standards and the Permitted Development Rights (PD) thresholds of 42dB.
4. In summary, and of relevance to the appeal proposal, Policy P10 of the Core Strategy (CS), saved Unitary Development Plan (UDP) Policies GP5 and BD5 and Policy HDG2 of the Householder Design Guide (HDG) require new development to protect the amenity of existing residents in respect of issues that include noise. Similarly, the National Planning Policy Framework (the Framework) requires that planning decisions mitigate, and reduce to a minimum, potential adverse impacts resulting from noise from new development.
5. The Council's decision relies on its Environmental Health advice, which is the appropriate source of expertise relating to noise considerations. In my judgement, when considering domestic ASHP installations which require planning permission, it is reasonable that account be taken of the actual background sound level alongside any acoustic characteristics of the ASHP, including tonality. This is particularly important as the manufacturer's published sound levels appear to

derive from a standard test environment. Any assessment should be proportionate to the scale of the impact resulting from the domestic installation. The manufacturer's details of sound levels provided with the appeal evidence indicate that the sound levels produced are only marginally over the MCS Planning Standards, as well as the 'PD' criteria. However, the criteria and assessment set an absolute sound limit of 42dB.

6. The ASHP would be centrally located on the rear elevation, with anti-vibration feet. It would be set away from the boundaries with the adjacent properties which have double-glazed windows. These factors would help limit adverse noise. However, the appeal property is terraced and within a high-density area. Furthermore, as with the appeal property, I am informed that the neighbouring houses contain rear bedrooms, including one on the ground floor. These rooms could be more susceptible to noise disturbance from the ASHP at night, particularly when windows are open. In my judgement, as the rear of No 71 is offset it is likely to be affected differently to No 75.
7. The appeal property is close to the M1 motorway, and it was apparent at my site visit that background sound levels include the resulting traffic noise. However, its level has not been technically quantified or otherwise demonstrated by a noise assessment. Moreover, the type of noise generated by an ASHP would have a different acoustic character to that found in the existing acoustic environment; it could be more variable and could potentially be experienced from residents' homes, particularly during defrost cycles when noise levels are typically up to 10 dB greater. Without technical evidence to fully assess these factors, the effect of the ASHP on neighbouring occupiers cannot be determined with the degree of certainty required in this appeal.
8. Based on the evidence before me, I conclude that it is reasonable and necessary to require further acoustic information to ensure that the ASHP would not harm the living conditions of neighbouring occupiers by reason of noise and disturbance, with particular regard to rear facing rooms and gardens. As such the proposal is contrary to CS Policy P10, saved UDP Policies GP5 and BD5, and Policy HDG2 of the HDG. I have given this matter considerable weight.
9. The Council has declared a climate emergency and has produced a number of reports and statements setting out its sustainability priorities, including dealing with emissions. In principle, the provision of ASHPs as a low carbon form of heating is also supported by its CS Policies EN1 and EN3. Among other things, these Policies seek to limit climate change and promote renewable energy as part of the transition to a low carbon future. This approach is consistent with the national policy support for the transition to net zero as set out in the Framework.
10. I have given significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, including through the installation of domestic heat pumps. However, these locally and nationally important benefits do not automatically override environmental protections. In this appeal, these factors should be balanced with the potential adverse impacts of the operation of the ASHP. As the existing and potential acoustic environments have not been convincingly addressed by the appellant, the proposal is not sustainable in this regard.

11. Furthermore, the Council sets out alternative ways in which these sustainability benefits could be achieved without harming the living conditions of neighbouring occupiers. I am not convinced by the appellant's evidence that the proposed scheme is the only means by which those benefits could be achieved. I conclude that the sustainability benefits of the appeal proposal do not outweigh the potential for noise nuisance that has been identified.
12. The appellant refers to ASHPs approved by the Council elsewhere which exceed the limits of the MCS 020 standards. However, I do not have the full details of these other installations, including their locational characteristics. But in any event, I am required to determine this appeal on its own, individual merits.
13. For the reasons set out above, and having taken all other matters raised into account, including an objection from a neighbouring occupier, I conclude that the appeal should be dismissed.

Elaine Benson

INSPECTOR