



Appeal Decision

Site visit made on 24 June 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/N4720/D/25/3364117

2 Flaxton Gardens, Beeston, Leeds LS11 6DG

- 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 Therese Atkinson against the decision of Leeds City Council.
 - The application reference is 24/06213/FU.
 - The development proposed is the installation of an air source heat pump.
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Decision

1. The appeal is allowed and planning permission is granted for an air source heat pump at 2 Flaxton Gardens, Beeston, Leeds in accordance with the terms of the application, reference 24/06213/FU, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted relates to the following approved plans: J-FD8BEF55 - 01, 02, 03 and 04.

Main Issue

2. The main issue is the effect on the living conditions of nearby residents with regard to noise.

Reasons

3. The air source heat pump is already in place. The plans show a fence panel to be removed in front of the external apparatus with a new return fence panel. It is evident that the front fence panel has been retained but modified with a space cut into it, to allow air flow. This is clearly a better visual solution and is likely to reduce noise but as I am unclear whether this allows sufficient air flow for efficient operation and I am also unclear whether this was the solution considered by the installer with regard to noise levels, I have considered the arrangement as shown on the plans. The one metre rule regarding the distance from boundaries set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) has now changed but as it is not the purpose of this appeal to determine lawfulness, I have considered the proposal on its merits.
4. The council advise that the unit did not benefit from permitted development rights and therefore a detailed assessment was required based on advice from the Chartered Institute of Environmental Health and Institute of Acoustics including a demonstration that 35dB would not be exceeded at the neighbouring properties. The council's report and comments from their Environmental Health Service make reference to the figures in the MCS 020 - Manual Sound Calculator assessment so

I have assumed that this was submitted with the application. Additional information appears to have been submitted as part of the appeal and as such the council has not had the opportunity to comment on it. I have disregarded this information.

5. The council is concerned that the evidence provided with the application does not demonstrate that the use of the unit would not result in noise that would cause harm to the residential amenities of nearby residents, impacting upon their enjoyment of gardens and rear facing rooms. Reference is not made to which properties the council is particularly concerned about although reference is made to the first-floor bedroom windows within the Flaxton Street terraces opposite which, due to the changes in levels, are almost level with the height of the heat pump.
6. The unit is set within the recess of the front wall of the property which prevents any line of sight with the attached neighbouring property, 4 Flaxton Gardens. The property opposite, 1 Flaxton Street, has its blank flank wall facing the unit. It has a window in the lean-to to the front of the property but this appears to relate to the entrance area of the house and does not appear to serve a habitable room. There is a small ground floor window facing the road which is a secondary window to the main through living area which is mainly served by windows to the rear. The window is almost perpendicular to any line of sight from the unit. The first floor habitable room windows all face the rear and any line of sight is blocked by both the return wall of the appeal property and the side gable of number 1. There may be a line of sight to part of the rear garden of that property but it is enclosed by a high boundary fence. It is also adjacent to the vehicular access and rear parking court which would be likely to impact the noise environment.
7. The proposed return fence and the side garden fence would restrict lines of sight to most of the terraced properties to the northwest. The nearest properties across the road with a direct line of sight, due to the fence return, would be the last two houses in the terrace. The windows in these properties, that serve habitable rooms, appear to be more than 20 metres from the unit. The small rear gardens would be slightly closer.
8. The MCS 020 - Manual Sound Calculator, which is used to assess whether a unit meets the noise requirements of the GPDO, establishes that the unit would pass its requirements. This appears to be based on the impact on a window described as being 11 metres away which I assume to be the nearest facing window within 1 Flaxton Street. Although it does not appear that this is a window to a habitable room, it would, nevertheless, be the window most likely to be impacted by the unit. An assessment was not carried out with regard to other windows and this appears to be reasonable given the significantly greater distance to the properties on the opposite side of Flaxton Street. Although I note the concern that the background noise may be lower than considered by MCS 020, based on the physical arrangements of the properties in the immediate vicinity, this assessment nevertheless suggests that the noise environment would not unacceptably change as a result of this development. I am not persuaded that an alternative assessment is required in these circumstances.
9. Given the particular circumstances of this case and the lack of nearby facing habitable windows, I am satisfied that the MCS 020 - Manual Sound Calculator assessment is sufficient to indicate that the sound environment would not be changed so significantly that it would result in unacceptable harm to the living conditions of neighbouring residents in either their houses or their gardens. The

lack of concerns reported by neighbouring residents in the planning report, although not determinative, supports this view. I am satisfied also, that even if the unit is audible to neighbours at certain times, the benefits of supporting such installations and the transition to de-carbonisation, would outweigh any limited associated concerns in these particular circumstances.

10. Given the lack of harm to amenity, the proposal would not result in conflict with policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019); policies GP5 or BD5 of the Unitary Development Plan (2006); or policy HDG2 of the Householder Design Guide (2012). Given my findings, I allow the appeal.
11. I have imposed a condition relating to the details of the approved plans for the avoidance of doubt and in the interests of proper planning. As the proposal is retrospective and acceptable in all other respects, no further conditions are necessary.

Peter Eggleton

INSPECTOR