

Appeal Decision

Site visit made on 2nd February 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/N4720/D/16/3162321
27 Cemetery Road, Pudsey, LS28 7LW.

- 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 Mark Brophy against the decision of Leeds City Council.
 - The application Ref: 16/03948/FU, dated 22 June 2016, was refused by notice dated 11 August 2016.
 - The development proposed is construction of pergola to the side of the property at a height of 2.7m using brown timber. Addition of an "open" panel fence to the top of the existing 1m high stone boundary wall at the side and rear of the property, to include an electric gate at the rear. Addition of fence will bring boundary height to no more than 2m. Fence panel design to be one of either of proposed panels (see sheet proposed panels) depending on agreement/department preference. Electric gate to be black painted metal framed with 2 no 6 foot panels to match fence used as infills (illustration provided). Alteration to existing door and window at the rear of the property changing their position so they are switched round.
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Procedural Matter

1. I have adopted a more concise description of the proposal in my decision below.

Decision

2. The appeal is allowed and planning permission is granted for erection of fence to top of existing boundary wall; electric gate onto back street; pergola to side of dwelling and alterations to fenestration of dwelling on the rear, at 27 Cemetery Road, Pudsey, LS28 7LW, in accordance with the terms of the application, Ref: 16/03948/FU, dated 22 June 2016, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan: Scale 1:1250; Ref: Plan 1: Scale 1:100; Ref: Plan 2: Site Plan Scale 1:50; Ref: Elevations: Scale 1:100; Drawing of Proposed sliding gate: Scale 1:20; Proposed Panels: Brochure Extract.
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Main Issues

3. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the safe and free flow of traffic.

Reasons

4. The appeal property comprises a traditional stone built end terraced dwelling with its side elevation facing onto Surrey Road and a back street to the rear. The existing boundary to the side and rear is marked by a stone wall with stone coping of around a metre in height which steps down with the slope of the land and has a substantial stone pillar at the junction of the side and rear wall. The proposal would see the wall topped with timber fencing and a wide metal framed gate with fence panels as infills, affording access to a parking space at the rear of the property.
5. The Council say that the boundaries in the area are formed of stone walls with hedging. Whilst this is certainly the case along the properties fronting Cemetery Road, the boundaries are far more diverse in character and materials as one travels along Surrey Road past the side of the appeal property. Here, the use of brick walls and timber fences in combination with stone walls and/or hedging presents a varied materials palette and there are several examples of timber fences atop stone walls which are not dissimilar to the appeal proposal.
6. The timber pergola to the gable wall was partially dismantled at my visit. However, it is clear to me that set against the gable wall of this substantial property and set down from Surrey Road, it would appear as a discrete, lightweight structure which would scarcely register attention, let alone draw the eye. It would also be largely concealed from view following the erection of the timber fencing to the boundaries.
7. The Council take no issue with the proposed changes to the fenestration on the rear of the property and I have no reason to either.
8. For these reasons, I conclude on the first main issue that the proposal would integrate comfortably with the host property and wider character and appearance of the area. I thus find no conflict with saved Policies GP5, N25 and BD6 of the Leeds Unitary Development Plan Review 2006, (incorporated into the Leeds Core Strategy 2014), Policy HDG1 of the Supplementary Planning Document: *Householder Design Guide* (April 2012) and the guidance in the Framework, which seek to ensure that new development resolves detailed planning considerations including design, that boundaries respect the character of the area and that alterations and extensions should respect the form and materials of the host building and wider area.
9. In relation to highway safety, the Council say that the boundary fence would impede visibility at the junction of the back street with Surrey Road. Although this would technically be the case, I do not consider it would pose a hazard to other road users or pedestrians. Drivers emerging from the narrow unmade back street will of necessity be travelling at very slow speeds. This would allow them to edge out carefully, (as they doubtless do at present due to the existing wall and pillar to the appeal property and boundary on the opposite side of the back street) and secure reasonable inter-visibility between emergent cars and pedestrians on Surrey Road. Furthermore, as the footway to Surrey Road is

around 2 metres wide, it would allow emergent drivers adequate views of oncoming vehicles on that road before joining the carriageway.

10. I appreciate that manoeuvring into and out of the rear parking space would be difficult due to the width of the back street and the proposed fence would to some extent curtail visibility towards Surrey Road. Nonetheless, as the back street is only very lightly trafficked; largely it appears, to access parking spaces at the rear of surrounding properties, the probability of an emergent vehicle encountering one travelling in an opposing direction would be slight. At such slow speeds, I consider the likelihood of conflict to be limited. Moreover, drivers using this narrow street will likely be familiar with its geometry and will thus exercise particular care travelling along it. Similarly, any pedestrians walking it are likely to do so with an awareness of the possibility of emergent vehicles, given that similar parking arrangements exist further along.
11. The Highway Authority say that any vehicles parked on the back street would add to difficulties accessing the parking space. However, were this to take place in the vicinity of the appeal site, it would effectively block access for all vehicles along that street; a situation which appears to me to be unlikely to be tolerated by local residents.
12. For these reasons, I conclude on the second main issue that the proposal would not compromise the safe and free flow of traffic in the area and I thus find no conflict with Policy T2 of the Leeds Core Strategy (2014) which seeks to ensure that new development will not create or materially add to problems of safety or efficiency on the highway network.
13. Other than the standard time limit for commencement of the development, the Council suggest a condition requiring implementation in accordance with the approved plans and for the use of materials to match those used in the existing building. The former is necessary for the avoidance of doubt and the latter is inappropriate as the proposal clearly seeks to use materials which do not match the house, but which I nonetheless consider to be acceptable.

ALISON ROLAND

INSPECTOR