

Appeal Decision

Site visit made on 27 March 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 19th April 2017

Appeal Ref: APP/N4720/D/17/3168926

6 Alderton Rise, Leeds, West Yorkshire, LS17 5LH

- 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 Shahzad Osman against the decision of Leeds City Council.
 - The application Ref 16/04757/FU, dated 26 July 2016, was refused by notice dated 2 December 2016.
 - The development proposed is described as the installation of a metal fence and metal driveway gates to the front of the house. They will be 1.5m tall. Gate 2m tall.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by Mr Shahzad Osman against Leeds City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The metal fence and driveway gates are already in place. The application is therefore retrospective and I have determined the appeal on the same basis.

Main Issue

4. The main issue is the effect of the fence and driveway gates on the streetscene within Alderton Rise.

Reasons

5. Alderton Rise and the immediate surrounding streets are characterised by semi-detached houses set back behind grass verges with a combination of front gardens and/or driveways. Although some large metal railings and gates exist, the majority of boundary treatments consist of privet hedges or low-level walls and fences. This is part of the suburban character of the area.
 6. The black metal railings and matching set of gates installed at the appeal property run the full width of the plot along the back edge of the pavement. The fence is attached to 5 posts and measures approximately 1.5m-1.6m tall. At their highest point the gates measure over 2m.
 7. Although the local housing association and some neighbouring residents support the scheme, I agree with the Council that the size of the fence and gates, their prominence at the front of the house and their metallic appearance
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is in stark contrast with the majority of other properties in the area. When viewed in the context of its suburban surroundings the height and design of the proposal has resulted in an uncharacteristic and imposing boundary feature. In this location its incongruous appearance detracts from the streetscene.

8. In support of the appeal the appellant has referred to other examples of large metal railings and gates nearby, several of which I saw during my site visit. However, despite sharing some similarities with the principle of these boundary treatments, no information relating to how they came to be there has been provided. Furthermore, even though large modern gates have been used elsewhere, the majority of semi-detached houses in the area still have privet hedges and/or a combination of noticeably lower fences and walls. When viewed in this context the size and imposing appearance of the appeal scheme is out of place, and the other examples referred to do not justify allowing such an incongruous and visually intrusive form of development in this location. No evidence has been provided to suggest that the Council has been inconsistent in granting planning permission for similar proposals on the street, or that the appellant has been prejudiced by other factors such as race or ethnicity.
9. Finally, reference has been made to the costs associated with submitting the planning application. However, I am required to consider the proposal on its specific merits. Whilst appreciating the appellant's frustrations in this regard, it does not justify allowing the appeal given the harm that has been identified.
10. I therefore conclude that by reason of their size, siting and use of materials the fence and gates are an uncharacteristic, visually intrusive and inappropriate form of development that detracts from the streetscene within Alderton Rise. As a result, the proposal is contrary to *Leeds Core Strategy* Policy P10. Of the policies referred to by the Council this is the most relevant and, amongst other things, states that new development, including alterations to existing buildings and spaces should provide good design that is appropriate to its location. The development also conflicts with Policy HDG1 of the *Leeds Householder Design Guide Supplementary Planning Document* which states that all extensions and alterations should respect the character and appearance of the main dwelling and the locality, having particular regard to boundary treatments.

Conclusion

11. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR