
Appeal Decision

Site visit made on 5 June 2017

by Gwyn Clark BSc DipTP MRTPI

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

Decision date: 22nd June 2017

Appeal Ref: APP/N4720/D/17/3172058
562 York Road, Leeds LS14 6AD

- 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 Miss Westmoreland against the decision of Leeds City Council.
 - The application Ref 16/07101/FU, dated 13 November 2016, was refused by notice dated 14 February 2017.
 - The development proposed is erection of fence and gate.
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Decision

1. I dismiss the appeal.

Preliminary Matters

2. I have used the description of the proposed development as stated on the appeal form for simplicity and clarity. I note that the fence has already been erected and that the application and appeal have been made in retrospect.

Main Issue

3. The effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal property occupies an elevated position above the A64 York Road on the corner with Sutton Approach Road. It is separated from York Road by a steeply sloping grass embankment which is topped by railings and a footpath that runs along the front of the houses. Along Sutton Approach Road the embankment lessens in height as the road rises. A little way along there are steps rising to the front footpath and between the steps and junction there is a relatively low growing planted area of shrubs, hedging and trees which mark the entrance to the Killingbeck Estate.
5. Despite the setback distance from York Road and Sutton Approach, and despite the intervening embankment, railings and landscaped area, the fence is a very prominent feature in the street scene. This is due in part to the elevated ground upon which it sits and the overall height of the fence, its style and appearance. The fence sits on top of an original stone plinth wall and is significantly higher than others in the local area. It is constructed of untreated vertical timbers on a concrete plinth set between concrete posts, all characteristics which are in marked contrast to fences found in the vicinity.

6. For these reasons I find that the fence is a stark, uncompromising and intrusive feature in the local area and is harmful to its character. I find that it conflicts with Policy P10 of the Leeds Core Strategy (2014), Policies GP5 and N25 of the Saved Leeds Unitary Development Plan (Review) 2006 and the design advice within the National Planning Policy Framework (2012) which collectively promotes high quality design in new development that serves to protect and enhance the character and appearance of the area.
7. I have considered the appellants need for the fence which is to provide a safe environment for children to play. However I consider that this could be reasonably achieved with a fence of a more appropriate scale and design. I have also considered the fact that the fence has no direct adverse effect upon highway safety. However these considerations do not outweigh the harm I have identified and consequently do not change my conclusion that the appeal should be dismissed.

Gwyn Clark

INSPECTOR