
Appeal Decision

Site visit made on 26 October 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 7th November 2017.

Appeal Ref: APP/N4720/D/17/3179773

3 Manor Park Avenue, Allerton Bywater, Castleford WF10 2DN

- 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 Mrs Amanda Shipley against the decision of Leeds City Council.
 - The application Ref 17/01990/FU, dated 27 March 2017, was refused by notice dated 12 June 2017.
 - The development is the erection of a fence.
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Decision

1. The appeal is dismissed.

Preliminary Issue

2. The scheme has been implemented and I am determining this appeal retrospectively. However, the implementation of the development has had no effect on my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Manor Park Avenue is a relatively wide residential street running approximately north from the junction with Leeds Road, with houses set back from the footpath. Houses are typically detached or semi-detached, with some open front gardens and others sitting behind low fences, walls or hedges. There is a pleasant feeling of space and the generally low-level boundary treatments add to the sense of openness. Houses on Leeds Road have broadly similar boundary treatments to Manor Park Avenue in terms of height and materials.
5. The appeal site sits on the western side of the street at the junction of Manor Park Avenue and Leeds Road and comprises a traditional red-brick, semi-detached house that sits close to the north-west corner of a reasonably sized garden. The location of the building on the plot results in the overwhelming majority of the garden land sitting between the house and the street.
6. The sweep of the road into Leeds Road gives the appeal site a substantial street boundary approximately 35 metres in length. The street boundary is delineated by a wall, approximately one metre high. There is a gap in the wall to allow for vehicular and pedestrian access.

7. The appellant has erected a large fence atop the boundary wall south of the vehicular access comprising 13 or so panels. The panels have shallow arched top edge and the height varies between approximately 700 and 900mm. The combination of fence and wall therefore varies between approximately 1.7 and 1.9 metres tall.
8. The appellant refers to the ground level at the appeal site being higher than pavement level on the other side of the boundary wall, which foreshortens the height of the fence when seen from the garden. However, the difference is not substantial.
9. The fence is by some way the largest boundary treatment in the vicinity and immediately catches the eye when approaching the junction from both Manor Park Avenue and Leeds Road.
10. The fence is an incongruous addition to the otherwise open aspect of the area by reason of its height coupled with its location at the junction of Manor Park Avenue and Leeds Road. The fence has a substantial detrimental effect on the character and appearance of the surrounding area.
11. Therefore, I conclude that the development causes significant harm to the character and appearance of the area contrary to Policies GP5 and N25 of the Leeds Unitary Development Plan 2006 (the Plan), Policy P10 of the Leeds Local Development Framework Core Strategy 2014 (the Core Strategy), and paragraph HDG1 of the Householder Design Guide 2012.

Other Matters

12. The possibility of a hazard to traffic and pedestrians as the result of the height of the fence was raised as an issue by interested parties. At my site visit I did not find my view obscured and I note that the Council's highways department is satisfied that the junction is safe. I therefore give little weight to this issue.
13. The appellant states that she has young children and that the fence provides them security and privacy. The appellant's concern relates to the possibility of the children being watched, photographed or removed from the garden. Child safety is a material consideration to which I attach significant weight.
14. However, the appellant's evidence dealing with this matter refers to general risks and issues and provides no evidence or history of such problems in the area. I have no evidence before me that the appeal site is more prone to crime than any other dwelling in the area. In the absence of evidence of specific risk I can give little weight to the appellant's concern in this particular case.
15. The appellant also states that the height of the fence provides a barrier that could prevent balls from escaping into the road and causing an accident. Highway safety is a material consideration to which I attach significant weight. However, both Manor Park Avenue and Leeds Road are subject to a 20mph speed limit and I consider that the risk of collision to be relatively low. Therefore, I attach little weight to the appellant's concern in this particular case.
16. The appellant states that the Council had indicated that the time for appeal would be put on hold but that she was then given less than a day's notice that the time would not be extended. I do not have any evidence on this point from

the Council and as the appellant was able to submit the appeal form within time, I give very little weight to this issue.

Conclusion

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

D Guiver

INSPECTOR