



Appeal Decision

Site visit made on 2 July 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/N4720/D/19/3227122 2 Spofforth Walk, Garforth LS25 2LZ

- 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 Brent Horner against the decision of Leeds City Council.
 - The application Ref 18/07061/FU, dated 11 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is the erection of a 6ft/1.82m northern boundary fence to replace existing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The fence is already in place, and the application to erect it was made retrospectively. The Council's reasons for refusing the application related to its impact on the character and appearance of the host property and the streetscene, and its implications for highway safety. Accordingly the two main issues in the appeal are:
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on the safety of highway users.

Reasons

Character and appearance

3. 2 Spofforth Walk lies on a corner site where Spofforth Walk, to the north of the property, adjoins Ludlow Avenue to the west. Spofforth Walk is a small cul-de-sac of mostly semi-detached 2-storey dwellings set back from the estate road with parking and garden areas to the front. Most also have garden areas to the rear, and the front boundary treatments are mostly low hedges or walls, or in some cases are laid directly to lawn. As a corner site, No 2 is exceptional in not having a rear private garden area.
4. Historically a boundary fence has existed on the site, and the appellant has recently replaced this. The replacement fence appears to be more extensive than the one it replaced, curving right around the property boundary although its height is much lower on the western side as it abuts Ludlow Avenue.

5. The appellant contends that the previous fence was an eyesore and his neighbours had asked him to replace it. The photographs supplied suggest that it was in some disrepair. Its condition aside, it appears to have differed from the new fence in not being quite as high, and in having vertical gaps between the boards. By contrast the new fence is a very solid structure, being close-boarded all around as the property abuts the highway boundary. This, together with its freshly-stained appearance and the lack of any soft landscaping treatment around it, results in it appearing very prominent in the street scene, although this may reduce as it weathers over time.
6. The appellant draws attention to the many examples in the vicinity of other garden fences of similar heights and appearance. The Council contends, by reference to the two fences adjoining Nos 8 and 10 Ludlow Avenue opposite, that, as they also lack planning permission, they do not justify the current proposal. Nevertheless, they do inform the character of the area.
7. I saw a number of examples of fences of similar heights although generally having a rather more interesting appearance, such as arch-shaped fence blocks framed by successive posts, or consisting of staggered boards, some diagonal. However, these were not on curved corner sites but on straight roads lying on more major thoroughfares through the estate and so their appearance in each case was not as starkly prominent as that at the appeal site.
8. Policy N25 of the Leeds Unitary Development Plan requires boundary treatments to be appropriate to the character of the area. Although the appellant has drawn to my attention a number of other high fences in the vicinity I am unable to conclude that these, whether erected with or without planning permission, have altered the character of the area to such an extent that the replacement fence at the appeal site is in keeping with it.
9. I am also mindful that the neighbour does not object to the replacement fence, but I consider that it is unduly jarring and prominent, being located on an exposed corner site at the entrance to a small cul-de-sac consisting of generally much more open boundary treatments. I therefore conclude on this issue that the fence adversely affects the character and appearance of the area and that it is not supported by the relevant development plan policies for the area.

Highway safety

10. The fence partially obstructs the sightlines into and out of the cul-de-sac but what few vehicles will pass it would be likely to do so at very slow speeds. I do not consider that the fence adversely affects the safety of highway users to an extent that would warrant dismissing the appeal on this ground also.

Other matters

11. The appellant contends that the height of the fence is necessary to restrain a domestic pet. Whilst I appreciate that it may be helpful to the appellant in this regard, I am not persuaded that it is necessary or that this would be a sufficient benefit to overcome the development plan objections. At the time of my site visit the vehicular gates to the site were open, but I saw that they were substantially lower in height than the fence, so neutralising any restraining effect that the particular height of the fence may have.

Conclusion

12. Although I am not satisfied that the safety of highway users warrants dismissing the appeal, I agree with the Council that the fence is a prominent and disharmonious feature that is not supported by the development plan for the area. There being no matters raised to sufficiently outweigh this policy conflict that would support a decision to the contrary, the appeal is therefore dismissed.

Laura Renaudon

INSPECTOR