
Appeal Decision

Site visit made on 2 July 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/N4720/D/19/3228917
35, Leeds Road, Bramhope, Leeds LS16 9BE

- 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 & Mrs Lakhbire Lally against the decision of Leeds City Council.
 - The application Ref 19/00398/FU, dated 23 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is replacement of wooden fence.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a wooden fence at 35, Leeds Road, Bramhope in accordance with the terms of the application, reference 19/00398/FU dated 23rd January 2019, and the plans submitted with it.

Procedural Matter

2. The development for which permission was sought was described in the application form as "replacement of wooden fence". However, the term "replacement of" does not describe an act of development and planning permission is required for the erection of the fence. That is how I have described the development in my formal decision.
3. At the time of my visit the fence was already in situ and I am therefore considering this appeal retrospectively.

Main Issue

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

Reasons

5. Leeds Road, Bramhope is primarily a residential area comprised of individual properties of varying character fronting a section of the busy Leeds Road. The appeal property is a large detached house set below road level. A boundary fence has been constructed adjacent to the stone front boundary wall.
6. I noted on site that front boundaries along this section of Leeds Road are generally enclosed by low stone walls with planting above. The planting is mainly of height and density to provide a sense of enclosure. I saw that, although the use of fencing is not the predominant means of enclosure within

the vicinity, there are examples of its use. I also noted that the appeal site has good tree cover.

7. Given the existing stone wall and the considerable backdrop of trees to the front boundary, there is enough continuity in the frontage design and materials for the fence to sit comfortably in the street. Consequently, it is not harmful to the character of the street or the wider locality.
8. I conclude that the fence is not harmful to the character and appearance of the area and accords with policies P10 and P12 of the Leeds Local Development Framework Core Strategy adopted 12th November 2014, saved policies GP5, BD6 and N25 of the Leeds Unitary Development Plan, the Householder Design Guide SPD April 2012, the Adel Neighbourhood Design Statement SPG and the National Planning Policy Framework which, in various wording, seek to ensure that alterations to properties are appropriate to the character of the area respecting scale, design and materials.

Conclusion

9. For the reasons given above, and having had regard to all the matters raised, the appeal should be allowed. The council suggest a condition to ensure that the development is carried out in accordance with the plans however since the appeal is retrospective and, according to the application form, the development is complete this condition is not necessary.

Diane Cragg

Inspector