
Appeal Decision

Site visit made on 24 September 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2019

Appeal Ref: APP/N4720/D/19/3233113

The Orchards, Keswick Lane, Bardsey, Leeds LS17 9AG

- 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 Craig Rutherford against the decision of Leeds City Council.
 - The application Ref 19/01289/FU dated 1 March 2019, was refused by notice dated 25 June 2019.
 - The development proposed is erect a fence and driveway gate (herringbone bow top) of 1.7m at the front.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description from the planning application form however I have removed the reference to the reasons for submitting the application as these are not acts of development.
3. I saw on my site visit that a fence has been constructed but the proposed gates have not been installed.

Main Issue

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and Appearance

5. Keswick Lane is an attractive and established street characterised by a mix of house types set back from the road frontage. Front gardens are enclosed with boundary treatment abutting the back edge of the footpath. Most properties have vehicular drives and parking to the front. Hedging, shrubs and trees, low vehicle access gates, where these are installed, and low open fencing is the predominant boundary treatment. There is also a good level of landscaping within front plots. The character and appearance of Keswick Lane is in part derived from the landscaping to boundaries and within front gardens.
6. The proposed fence is close boarded and located on the back edge of the footpath and according to the drawings is 1.7 metres high reducing slightly

along its length. There is an existing tree and some shrub planting behind the fence. The shrubs are just visible above the fence and with the tree provide some softening to its appearance.

7. In addition to the fencing it is proposed to replace the existing timber open bar entrance gate with close boarded gates of a similar height. As existing the open bar gate with its lower height and open design, balances the starker appearance of the fence. The replacement gates would result in a significant length of solid enclosure along the boundary that would contrast with the landscaped surroundings. I consider that the boundary treatment, as a whole, because of its height, length and prominence would be an obtrusive and incongruous feature in the street detracting from the distinctive landscaped character I have described.
8. I accept that there are other fences in the area, most notably on the opposite side of the road where the boundary is enclosed by similar height fencing. However, the presence of this fence, which does not have a gated entrance, does not justify further harm.
9. Overall, I find that the proposed boundary treatment would be detrimental to the character and appearance of the area and would conflict with Policy P10 of the Leeds City Council Core Strategy, Leeds Local Development Framework 2014 (CS) saved Policy N25 of the Leeds Unitary Development Plan (review 2006) (UDP), Policy HDG1 the Household Design Guide Supplementary Planning Document April 2012 and Policy BE1 of the Bardsey cum Rigton Neighbourhood Plan October 2017 to October 2032 which, in various wording, seeks to achieve high quality design and respect the character and appearance of the locality. The development would also conflict with Paragraph 127 of the National Planning Policy Framework (the Framework) which requires that development add to the overall quality of the area.

Highway Safety

10. Keswick Lane is a through route connecting Wetherby Road with Wike Lane. The Keswick Lane Wetherby Road junction is signalised. From the Wetherby Road junction, the road slopes down and curves towards the appeal site so that visibility at the vehicular entrance is limited when exiting the site. Further, on the approach to the site vehicles are likely to be increasing in speed particularly as the road is relatively wide and vehicles are travelling down the slope.
11. The existing driveway and front garden arrangement have enough space for cars to enter and leave the site in a forward gear. However, even when leaving the site in forward gear I saw that the solid design and height of the fence limits visibility at the access point from the Wetherby Road direction.
12. The appellant acknowledges that the visibility is limited. I noted the mirror installed at the entrance. This may aid visibility however it is not apparent based on what I have seen and read whether this mirror is satisfactorily placed so that it does not distort images, whether it is sufficient to judge the speed of vehicles or whether its siting is prone to glare from sunlight or headlamps. Therefore, I cannot be satisfied that placing reliance on this mirror would overcome concerns in respect of visibility of oncoming traffic and pedestrians.
13. I accept that vegetation on front boundaries may restrict visibility. I also note the examples of fencing provided by the appellant however, it has not been

demonstrated that the road alignment and accesses at these properties are a direct parallel to the appeal proposal and in any event the reduced visibility of another access does not justify the acknowledged limited visibility at the appeal site.

14. I conclude that the location of the fence would have an adverse effect on highway safety and would conflict with Policy T2 of the CS and Policy GP5 of the UDP and the draft Street Design Guide Supplementary Planning Document – Main Draft Report August 2009 which collectively, seek to ensure highway safety. The development would also conflict with the Framework which requires safe and suitable access to sites.

Conclusion

15. I am mindful of the appellant's intentions to improve security at the site and provide suitable boundary treatment for his family. However, these matters do not outweigh the substantial harm that I have identified above.
16. For the reasons given above, the appeal should be dismissed.

Diane Cragg

INSPECTOR