



Appeal Decision

Site visit made on 22 October 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/N4720/W/19/3228137

29 Harrison Crescent, Gipton, Leeds LS9 6NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Lisa Walker against the decision of Leeds City Council.
 - The application Ref 18/06542/FU, dated 12 October 2018, was approved on 8 February 2019 and planning permission was granted subject to conditions.
 - The development permitted is detached garage to side and retention of gates.
 - The conditions in dispute are Nos 2 and 4 which state that: [2] The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule; and [4] Within two months from the grant of planning permission the gates shall be stained a dark colour and shall be retained as such thereafter.
 - The reasons given for the conditions are: [2] For the avoidance of doubt and in the interests of proper planning; and [4] In the interests of visual amenity.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Planning permission has been granted for a detached garage. The appeal seeks to amend the approved scheme to provide an attached garage, substitute the drawing numbers set out in the schedule to Condition 2, and include front porch in the description. However, the appeal process should not be used to evolve or revise a scheme. It is important that what is considered during the appeal is essentially what was considered by the local planning authority, and on which interested people's views were sought. For these reasons, the amended drawings are not accepted and consequently Condition 2 cannot be amended. An appropriate application should instead be made to the Council.

Background and Main Issue

3. Planning permission has been granted for driveway gates. The appellant considers that they should be free to paint them whatever colour they choose. Therefore the main issue is whether or not Condition 4 is necessary and reasonable having regard to the character and appearance of the street scene.

Reasons

4. The appeal site is located on a prominent corner plot, with frontage facing onto Harrison Crescent and towards Wykebeck Valley Road. These streets contain a variety of boundary treatments, including hedges, fences, and railings,

predominantly recessive in appearance and colour. The proposal would result in the installed gates being finished in an unknown colour.

5. Condition 4 is justified by the Council in the interests of visual amenity. At my site visit, I observed that the installed gates were neatly detailed, constructed with naturally finished timber facing panels, and topped with railings. Whilst the gates are of considerable size, they are not currently visually obtrusive in the street scene. Nonetheless, were the gates to be finished in an inappropriate colour, their prominence would be much more pronounced at this particular location. Accordingly, I find that Condition 4 is necessary to prevent harm to the street scene. In protecting the public realm, Condition 4 is clearly relevant to planning and to the development itself. The wording of the condition is sufficiently precise and enforceable, and all other aspects of the condition, including timescale for compliance, are reasonable.
6. I conclude that Condition 4 is necessary and reasonable having regard to the character and appearance of the street scene. Removal of the condition would cause potential conflict with policy P10 of the Leeds City Council Local Development Framework Core Strategy, which requires development to provide good design that is appropriate to its location and the public realm, amongst other considerations.

Other matters

7. The reference to a nearby garage and any compliance with permitted development rights are not relevant to this appeal given the procedural matter above. The appellant has also highlighted issues concerning the amendments agreed during the consultation process. However, this is not a matter within my jurisdiction, which is limited to the merits of the appeal proposal.

Conclusion

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

Patrick Hanna

INSPECTOR