



Appeal Decision

Site visit made on 26 November 2019 by L Wilson BA (Hons) MA

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/N4720/D/19/3238267

15 Haven Chase, Cookridge, Leeds LS16 6SG

- 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 Philip Carlton against the decision of Leeds City Council.
 - The application Ref 19/02783/FU, dated 3 May 2019, was refused by notice dated 1 August 2019.
 - The development proposed is described on the application form as "Boundary fence erected which follows the outer perimeter of my property and is constructed out of wood fencing panels and wood posts (not concrete). At the rear of the property the fence is erected using overlapped or closed slat fencing panels to maximise privacy and security. Towards the front of the property the fence is constructed using open slat fencing panels which are open. The maximum height of the fence is less than 6ft at the it's highest point. There has been no change of purpose to this development and it was completed over 13 months ago. The fence is neat, tidy and provides an aesthetically pleasing solution to privacy and security."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. On the application form, the appellant confirms that the fence has been erected since March 2018. I noted on my site visit that the development had been carried out. From the evidence before me, it is clear that the proposal is to retain the development that has already occurred, and I have dealt with it on that basis.

Main Issue

4. The effect of the fence on the character and appearance of the street scene.

Reasons for the Recommendation

5. No.15 is a detached bungalow located on a prominent corner plot. The garden is adjacent to the footway and there are land level differences within the site. Haven Chase is characterised by a mix of detached two-storey dwellings and bungalows; the estate has an open plan character.

6. Both main parties agree that the height of the fence measures 1.65 metres to the side and rear boundaries and drops to 1.5m to the front. The lower fence, to the frontage, has less of an impact upon the street scene as it has been treated a dark brown colour and has gaps between each picket. In contrast, the side and rear element of the fence has solid panelling and has not been treated. The appellant intends to treat the side and rear fence in a matching brown and has suggested this could be conditioned.
7. Haven Chase is characterised by a mix of low boundary treatment and open frontages which results in a sense of spaciousness and openness. The low boundary treatment is an essential element to its characteristic. At my site visit, I observed boundary fences which were similar in height to the appeal scheme. However, their impact upon the street scene was limited because they were located to the side boundaries and did not relate to corner plots. As no.15 is located on a corner plot, the fence is adjacent to the footpath. As a result, it is clearly visible within the street scene. The length, and solid nature of the rear and side elements, of the fence further adds to its prominence. The development harms the street scene as it appears as a dominant feature due to its height, length, solid design and siting in a prominent location.
8. Whilst treating the fence brown would reduce the schemes impact, it would not outweigh the adverse impact outlined above. The appellant highlights that the site previously did not have an open boundary as the fence has replaced a hedge. I understand the hedge was overgrown and was subject to littering. Nonetheless, the height of the fence is taller than the removed hedge and these considerations do not justify visually harmful development.
9. The appellant asserts that no objection was made by any local residents, however the Council has provided an objection comment from a resident within Haven Chase. I appreciate the fencing provides privacy and security for the appellant, but little weight can be attached to such personal circumstances. These matters do not outweigh the harm identified.
10. Local residents consider that, within the estate, there are other structures which breach the restrictions regarding boundary treatment. This is a matter for the Council and has little bearing on the planning merits of the case.
11. For these reasons, the development has an unacceptable visual effect on the character and appearance of the street scene and therefore does not form sustainable development, as defined by the National Planning Policy Framework (the 'Framework'). Consequently, the scheme conflicts with the Framework, Policy P10 of the Leeds Core Strategy (2014), along with saved Policies GP5 and N25 of the Leeds Unitary Development Plan (2006) and guidance within the Householder Design Guide: Supplementary Planning Document (2012).

Conclusion and Recommendation

12. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR