
Appeal Decision

Site visit made on 11 February 2020

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/N4720/W/19/3241786

32 Back Roman Place, Roundhay, Leeds LS8 2DG

- 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 Miss Madeleine Thompson against the decision of Leeds City Council.
 - The application Ref 19/04858/FU, dated 1 August 2019, was refused by notice dated 28 October 2019.
 - The development proposed is the demolition of retaining wall and fence; erection of new boundary fence and gate.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development on the planning appeal form and the Council's decision notice as it is more concise than the description given on the planning application form. However, I have removed "*retrospective planning application*" as this is not an act of development.
3. The development has been carried out and I am considering the appeal retrospectively.
4. The Procedural Guide for Planning Appeals - England (January 2020) states that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Therefore, although suggested by the appellant, I am unable to consider a reduction in the height of the fence because this is not what planning permission was originally sought for and it would materially alter the scheme.

Main Issue

5. This is the effect of the development on the character and appearance of the area.

Reasons

6. The development relates to the side and front gardens of 3 properties, comprising an end terrace location, positioned on the corner of Back Roman Place, Roman Terrace and Roman Grove. The area is of a residential suburban

- character, consisting of traditional red brick terraced or semi-detached housing on a linear street pattern.
7. The development is for a boundary fence, erected following demolition of the existing boundary wall and fence. It is around 1.8-1.9 metres tall and is constructed from timber close board panels. The fence surrounds the side and front gardens of the properties, the most elongated section being on Roman Terrace. Because of the corner setting, it is conspicuous and prominent from all 3 streets, but principally Roman Terrace and Roman Grove.
 8. Existing boundary treatments in the surrounding area are varied in height and style, with fencing, modern brick walling, railings, hedges and some remaining low height traditional walls. However, for properties within the terrace row, boundary treatments are generally made up of low height traditional walls, some with landscaping behind.
 9. Due to the nature of the design, the fence contains very little detailing or features. Thus, it appears as a solid, blank and starkly unbroken structure directly abutting the footway. Because of this, and its prominent location, it is a dominant, imposing and incongruous addition in the street.
 10. The height of the fence is of a similar height to the boundary treatment that was replaced. However, the structure is materially different because of the removal of the low height walls; which, notwithstanding any asserted disrepair, served to provide visual interest and relief to the overall structure. Therefore, as a result of the overall height, coupled with the poor design, the fence creates a hardened, severe appearance, which is far more harmful in the street scape than the previous boundary treatment.
 11. I accept that the fence creates a safe, private and secure environment that reduces the opportunities for crime for the residents. However, this is to the detriment of the character and appearance of the area.
 12. A condition requiring the fence to be stained a darker colour would improve the appearance, as would elements of landscaping behind; but these would not overcome my concerns.
 13. Consequently, the development harmfully affects the character and appearance of the area. This conflicts with Policy P10 of the Leeds Core Strategy (November 2014, amendments adopted September 2019) and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (July 2006). Together, these seek to provide good, high quality design.
 14. There would also be conflict with the Householder Design Guide (April 2012) which sets out general principles under 'HDG1', seeking to ensure that all alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to boundary treatments. Lastly, there would be conflict with the National Planning Policy Framework, which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other Matters

15. Other considerations advanced by the appellant such as assertions of litter problems, the dilapidated nature of the previous boundary treatment, the

financial implications associated with replacing the previous wall, anti-social behaviour and support from neighbouring residents would not collectively outweigh my findings above. Furthermore, the length of time the structure has been in place for without any action from the Council, and assertions over not knowing planning permission was required, are not matters that are relevant in the context of determining this planning appeal.

16. Examples of other fencing in the street have been presented by the appellant. The Council claim that the first and fourth examples have been erected without planning permission and are liable to enforcement action. Thus, they do not provide justification to allow this development. The second example is broken up by brick pillars and thus the circumstances are different. The third example is also different, containing a low stone wall at the base and has a varied height, along with visible hedges in places. Therefore, the other examples are not sufficiently comparable, and thus of little weight. Moreover, in any event, each proposal must be determined upon its own merits.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR