



Appeal Decision

Site visit made on 16 March 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2020

Appeal Ref: APP/N4720/W/19/3242497

55 The Oval, Otley LS21 2ED

- 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 N Wilde against the decision of Leeds City Council.
 - The application Ref 19/06154/FU, dated 2 October 2019, was refused by notice dated 27 November 2019.
 - The development proposed is the change of use of public open space to domestic curtilage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site relates to part of a small triangular piece of open land to the side and rear of No 55 The Oval - a semi-detached dwelling located on the corner of The Oval and Weston Ridge. The house has a detached garage located at the end of the rear garden. This is accessed from Weston Ridge by an informal driveway across the open space. The access is located close to, and impedes, a public right of way that runs to the rear of the property.
4. To overcome this, the proposal seeks to create a new driveway to the garage that would be located to the south of the existing one, in a position that would avoid the public footpath.
5. I observed that many of the road junctions along Weston Ridge had small areas of open space to either side of them, which helps to create an open character in the area. As many of these were crossed by tarmacked footpaths, the proposed driveway crossing the open space would not appear out of keeping. Moreover, the driveway itself would retain the open character of the land.
6. However, the appellant's evidence indicates that the drive would be enclosed by close board timber fencing which would be around 1.8m in height closest to the garden of No 55, reducing to 1.2m nearer to the road. Whilst the rear gardens of many of the dwellings in the vicinity are enclosed by high close board fencing, the location of such fencing in the middle of the area of open space would appear incongruous and a visually dominant feature in the street

scene. Such a fence would divide the open space into two smaller areas, significantly reducing its openness and the contribution it makes to the character and appearance of the area.

7. The appellant has suggested that as the details of the fence have not been submitted, a condition could be used to ensure that it had an open appearance. Nevertheless, even if the fence was more open in nature it would still appear an incongruous feature in the middle of the area of open space. Alternatively, the appellant has suggested the driveway could be left open. However, such a proposal would fundamentally change the nature of the appeal scheme, and I have determined the case on the basis of the proposal that is before me.
8. All in all, I consider that the proposal would unacceptably harm the character and appearance of the area. As such, it would be contrary to Policy P10 of the *Leeds Core Strategy (adopted November 2014) (as amended by the Core Strategy Selective Review 2019)* and Policy GP5 of the *Leeds Unitary Development Plan Review 2006 (adopted July 2006)* which require that developments have a high quality of design that respects and enhances the character of the area and resolves detailed design considerations.
9. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR