
Appeal Decision

Site visit made on 19 May 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2020

Appeal Ref: APP/N4720/D/20/3244751

7 Alwoodley Gates, Alwoodley, Leeds LS17 8FB

- 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 Simon Myers against the decision of Leeds City Council.
 - The application Ref 19/05478/FU, dated 3 September 2019, was refused by notice dated 23 October 2019.
 - The development proposed is timber trellis fence above an existing stone boundary wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have removed reference to a Leeds City Council letter from the description of the development as this is not in itself development.
3. I saw at my site visit that a fence has been constructed and it appears that the development is retrospective. Notwithstanding those works which have taken place, I have considered the appeal on the basis of the proposal as shown on the submitted drawings and determined the appeal in accordance with these.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The rear garden of 7 Alwoodley Gates faces the A61 Harrogate Road; a busy dual carriage way which is a main route into and out of Leeds. Although the road is wide, grass verges, boundary treatment and mature tree planting along it provide the road with an attractive setting. There is a predominance of stone boundary walls and mature hedging and trees enclosing properties near the appeal site. As a consequence, the character and appearance of the area is partly derived from the mix of mature landscaping within gardens and the quality of the boundary treatment.
6. The trellis fencing is attached to the boundary wall of the appeal site adjacent to the road. It returns along the side boundary for a short length on one side. The trellis is more open and 'light weight' than the average garden fence. However, the materials and design of the trellis appear insubstantial against the solid stone boundary wall and as a result it does not sit comfortably against it. Given its height, length and prominence, the trellis fencing forms an

obtrusive and incongruous feature in the street scene which is at odds with the area's prevailing character.

7. During my site visit I observed the difference in the land levels along the footpath adjacent to the Harrogate Road and within the garden area of the appeal site. I appreciate that there are some limited views into the site from the footpath particularly towards the garden's raised patio. However, views into the garden are mainly obscured by existing trees and the boundary wall and the trellis provides limited additional benefit in this respect. Given the width of the verge and footpath passing cars would have very limited views into the garden. The possibility that recent planting adjacent to the wall would reduce the prominence of the trellis does not alter my concerns about the design and location of the fencing.
8. Overall, I conclude that the development harms the character and appearance of the area and conflicts with Policy P10 of the Leeds Local Development Framework Core Strategy adopted November 2014 and saved Policies GP5 and N25 of the Leeds Unitary Development Plan Review 2006 which collectively seek to ensure that development is of good design, appropriate to its location and the character of the area. There would also be conflict with Policy HDG1 of the Leeds Householder Design Guide April 2012 which seeks to resist development that is harmful to an area's character and appearance. In addition, the proposed development conflicts with the National Planning Policy Framework in so far as it relates to the design of development.

Other Matters

9. I appreciate that there is support for the development from an adjacent occupier. There has also been concerns raised by another neighbour about the design of the fence. I have had regard to these comments and concluded that the development causes harm for the reasons set out above.
10. I acknowledge that the boundary wall is not listed and is not in a conservation area. It nevertheless contributes to the street scene and the positive features that form part of the street's character and appearance would be undermined by the location and design of the trellis fencing.
11. I note that the appellant considers that there is a fallback position whereby the erection of a building in the garden could have an eaves height adjacent to the boundary of 2.5 metres high. I consider it unlikely that a building would be constructed along the full length of the boundary to this height. Indeed, it is likely that the position of the mature protected trees would prevent this. In any case I do not have any evidence that the construction of such a building is a realistic prospect and therefore I attached very limited weight to this possibility.

Conclusion

12. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR