

Appeal Decision

Site visit made on 12 January 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/N4720/D/20/3257759
26 Pennwell Garth, Stanks, Leeds LS14 5NZ

- 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 Stephen Bostridge against the decision of Leeds City Council.
 - The application Ref 20/00762/FU, dated 5 February 2020, was refused by notice dated 10 June 2020.
 - The development was described as the *'erection of a wooden fence to the left side of the property. The fence is 1.07 metres high made of solid horizontal slats, and 0.32 metres made of a rectangular lattice'*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The initial planning application was made to retain a fence at the appeal property in accordance with the submitted plans and photographs. It is clear that the Council considered the proposal on this basis and so shall I.

Main Issues

3. The main issues are the effects of the development on:
 - The character and appearance of the surrounding area; and
 - Highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal property is a prominent corner plot fronting on to the entrance to a small residential courtyard cul-de-sac within an area of recent residential development but set amongst an existing residential setting which surrounds it. There is an existing substantial brick wall / timber fence panel enclosure on one side of the appeal property, and the appeal enclosure on the other side of it. Despite this existing brick wall / timber fence enclosure, and a similar structure at the rear of the property opposite and which together form a noticeable visual pinch-point when entering the courtyard cul-de-sac, the prevailing character of the recent residential development is of open plan frontages.
5. Thus, the newer housing along the main stretch of Pennwell Garth generally features open-plan frontages. Set against this, the enclosure around the garden area at the side / front of the appeal property is an incongruous and strident intervention into the prevailing open-plan character of Pennwell Garth.

6. There are other properties where means of enclosure are in place, but these are predominantly other corner properties and generally rely on decorative metal railing fences or hedges and shrubbery. The timber fence panels utilised in the fence at the appeal property are, in contrast, stark and visually obtrusive.
7. I accept too that low fences are commonplace on older dwellings in the surrounding streets. However, none are so stridently or visually intrusive as the appeal scheme, the visual impact and incongruity of which is compounded by the way it attempts to follow the sweep of the pavement but juts out awkwardly where the pavement terminates and is replaced by a narrow brick strip at the side of the carriageway.
8. Despite the presence of older properties nearby with fences enclosing front garden areas, the appeal property is clearly part of, and has more in common in terms of layout, character and appearance with, the newer properties elsewhere on Pennwell Garth, Swarcliffe Avenue and Whinmoor Way, not with those older properties. Nor am I persuaded that the circumstances or context of the older properties are sufficiently or directly comparable with those of the appeal property to justify the appeal scheme.
9. Thus, for the reasons I have set out above, the appeal scheme would fail to respect or enhance the character or appearance of the streets and spaces of Pennwell Garth and would not be appropriate to the character, appearance or layout of the surrounding area. as such, it would fail to deliver the high-quality design sought by Leeds Core Strategy (CS) policy P10 or saved policies GP5 or N25 of the Leeds Unitary Development Plan Review (UDPR).
10. I have some sympathy for the appellant's reasons for erecting the fence. However, alternative approaches to corner plots are evident elsewhere on surrounding streets and I have not been presented with any compelling justification for the approach taken in this instance over other methods. This is not therefore a material consideration to which I give any significant weight.

Highway and pedestrian safety

11. The fence is located directly adjacent to the driveway and garage of the neighbouring property at No. 28. There has been no attempt to chamfer the corner of the fence or drop its height to improve visibility for drivers when exiting the driveway of No. 28. Indeed, due to the slight fall in ground levels of both Pennwell Garth and No. 28's driveway, the fence's highest point appears to be the abrupt corner level with the end of the driveway.
12. I accept that speeds would be low exiting the driveway and that perhaps the route from the courtyard cul-de-sac past the fence and driveway at No. 28 is unlikely to be the busiest in terms of vehicle and pedestrian movements. I note too, the inclusion of the trellis element to provide an element of through-visibility at the upper part of the fence.
13. However, the fence is a significant impediment to visibility upon exiting No. 28's driveway, restricting views of vehicles entering and passing along Pennwell Garth, and of pedestrians as they negotiate the abrupt end of the pavement adjacent to the fence. The trellis element atop the more solid panels does little, if anything, to ensure a clean line of sight as suggested by the appellant and does not mitigate the adverse highway and pedestrian safety

impact of the proposal. For these reasons, the proposal fails to resolve matters of highway and pedestrian safety, contrary to saved UDPR policy GP5, resulting in an unacceptable impact on highway safety, contrary to the provisions of the Framework, within this residential setting.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR