



Appeal Decision

Site Visit made on 22 June 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2021

Appeal Ref: APP/N4720/W/21/3268102

1 East Causeway, Adel, Leeds LS16 8JT

- 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 Eyal Avigdori against the decision of Leeds City Council.
 - The application Ref 20/05468/FU, dated 4 August 2020, was refused by notice dated 23 November 2020.
 - The development is a retrospective application for a new boundary fence to side.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more accurate.
3. The development has been undertaken. I am therefore considering the appeal retrospectively.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, including the setting of the Adel St John's Conservation Area (ASJCA).

Reasons

5. The appeal property is a detached corner bungalow. It is situated within a predominantly residential area. There is an area of open land on the opposite side of the road that runs along the side of the property that forms part of the ASJCA. On the whole, the frontages of nearby dwellings are mainly open with higher boundary treatments where they enclose rear gardens. The open plan nature of the area adds positively and distinctively to its character and appearance.
6. The fence has been constructed immediately behind an existing low level stone wall, the style and condition of which appears to pre-date the dwelling and is consistent with the style and apparent age of the boundary treatment that defines the edge of the ASJCA opposite the appeal site. It is a positive feature of the area and positively contributes to the setting of the ASJCA.
7. The fence, due to its height and siting, dilutes and diminishes the significance of the low-level stone wall. Due to its, height, siting and its continuous length, the fence appears dominant and oppressive when viewed from Long Causeway. It also dominates the view from the junction between Back Church Lane and

Stair Foot Lane/Long Causeway which serves as a gateway to the ASJCA. In light of the identified harm and the clear visibility from, and proximity to, the ASJCA, harm is caused to the setting of the ASJCA.

8. The appellant has referred to other fences in the surrounding area. Whilst I acknowledge that these do exist, none of these are at locations that have the exact same characteristics as the appeal site. The examples do not alter my views expressed above about the character and appearance of the immediate area, and I consider some of the examples serve to demonstrate the harm that can be created by having dominant boundary treatments in the street-scene. Furthermore, I have dealt with this appeal on its individual planning merits and, in any event, I am not certain of the exact circumstances in the examples provided which led to these other boundary treatments being erected.
9. The appellant has suggested imposition of a condition requiring the planting of ivy in a similar manner to the fence at the neighbouring property. Any such planting would take time to establish and would not remove the harm I have identified in terms of the height, siting and length of the boundary treatment.
10. I therefore conclude that the fence has a harmful effect on the character and appearance of the area, and the setting of the ASJCA. It is contrary to Policies P10, P11 and P12 of the Leeds Core Strategy (As amended 2019) and Saved Policies GP5, BD6, N19 and N25 of the Leeds Unitary Development Plan (Review 2006). Collectively, these policies seek, amongst other things, to ensure that development, including boundaries, are of good design and either preserve or enhance conservation areas.
11. The development is also contrary to the National Planning Policy Framework (2019) (the Framework), which requires, amongst other things, that development is of high-quality design, sympathetic to local character whilst sustaining and enhancing the significance of heritage assets.
12. The development is also contrary to guidance contained in the Leeds Householder Design Guide Supplementary Planning Document (2012) which outlines that alterations which harm the character and appearance of the main dwelling or the locality will be resisted. It is also contrary to the Adel Neighbourhood Design Statement Supplementary Planning Guidance (2006) that identifies the fine walls of dressed stone, which although pierced and altered by recent housing development, remain largely intact and are an important feature of Adel.

Other Matters

13. The appellant has commented that the fence is required to resolve privacy and security issues as the property is completely exposed to the public across all of its western side. I am not persuaded that this is the sole means of achieving acceptable levels of privacy and a safe and secure environment. There are likely to be boundary treatments that are not as great in length, or dominant in terms of siting, that contribute to achieving acceptable levels of privacy and a safe and secure environment, particularly for the rear garden, that do not cause the level of harm I have identified.
14. I note the letters of support that were received to the planning application and the appeal. Most of the issues raised relate to the effect of the development on the character and appearance of the area that I have considered above.

15. Reference is made in representations to the welcome removal of the previous boundary treatment. I am provided with a brief description of the previous boundary treatment; however, the evidence shows that this was sited further into the property boundary, aligning with the side elevation of the dwellinghouse. It is therefore not directly comparable, and I do not have full details of the former boundary in any event.
16. Representations also refer to the fence not obstructing any lines of sight for road users. This is not pertinent to the main issue and the lack of harm in this regard is a neutral factor in the balance.

Planning Balance and Conclusion

17. For the reasons set out above, the fence causes harm to the character and appearance of the area and the setting of the ASJCA.
18. Having regard to paragraph 196 of the Framework, I find that the harm to the ASJCA is relatively localised and therefore the development causes less than substantial harm to the significance of the Conservation Area. I do not, however, find that this harm is outweighed by any public benefits of the development.
19. I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR