



Appeal Decision

Site visit made on 1 June 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/N4720/D/21/3271254

66 Conisbrough Grove, Garforth, Leeds, LS25 2QD

- 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 Karina Wrigley against the decision of Leeds City Council.
 - The application Ref 20/08272/FU, dated 7 December 2020, was refused by notice dated 3 March 2021.
 - The development is described as the demolition of existing wall and construction of new boundary wall including associated landscaping.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Karina Wrigley against Leeds City Council. This application is the subject of a separate Decision

Main Issue

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

Reasons for the Recommendation

5. The appeal site comprises a detached dwelling on a corner plot on a bend on Conisbrough Grove, with the side boundary adjacent to a public footpath. The street is part of a recently built housing estate that consists of predominantly detached dwellings that area set back from the highway with front gardens and driveways. Most of the front boundaries have no physical boundary at all, while a property opposite the side of No 66 has a low wooden fence surrounding two sides of the front lawn area. There are a few properties, including the appeal property, where taller walls that enclose the rear gardens are visible from the street. However, these walls generally follow the building lines of the adjacent properties, such that they do not project into the gardens and verges to the front and side. Consequently, the estate has an open, green and pleasant character and the carefully planned arrangement of front and rear boundaries
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contributes to that pattern of development, particularly those on corner plots such as the appeal site.

6. Saved policy N25 of the Leeds Unitary Development Plan (Review 2006) (UDP) requires the boundaries of sites should be designed in a positive manner, and that walls may be used where they are appropriate to the character of the area. This is supported by Policy HDG1 of the Householder Design Guide Supplementary Planning Document (April 2012) (SPD), which requires all extensions, additions and alterations, including boundary treatments, to respect the character and appearance of the locality, and further states that extensions or alterations which harm the character and appearance of the locality will be resisted.
7. The proposed wall would project to the side of the property and would be significantly closer to the pavement than the current enclosure. Consequently, it would be well forward of the building line and would significantly reduce the existing open space to the side of the property. Although the proposed wall would be slightly lower than the existing wall, it would still be in substantial in height. In this case the height and extent of the wall would fail to retain the open appearance and character of the street, and the wall would be an obtrusive feature in the street scene at a prominent point on Conisbrough Grove. The slightly reduced height compared to the existing wall would not offset the additional prominence of the proposed structure.
8. The appellant states that a mature specimen tree would be planted to the side of the dwelling to screen the wall when viewed from the front of the property. In addition, the appellant suggests a condition that would require the wall to not exceed 1m in height until the tree has been planted and for the tree to be replaced should it become diseased or die within the first five years. However, the tree could be cut down or removed at any time after the five-year period has expired. As such a tree would not comprise a permanent screen for the wall. In any event, the provision of a tree and/or other landscaping would not mitigate against the enclosure of the space and the proposal would still detract from the deliberately planned open character to the side of the property which forms part of the wider character of the estate. Consequently, the suggestion does not overcome my concerns in that regard.
9. The appellant suggests that a fallback position exists, as a hard surface and/or a fence, wall or other means of enclosure that does not exceed 1m in height could be erected under the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and that such a fallback option would be more harmful to the street scene than the appeal proposal. No plans of any such scheme under permitted development have been provided. With regard to the hard surface it is not clear why the appellant would undertake such work if the present scheme was refused and it is debatable whether there is a realistic prospect of that fall-back occurring. In any event, while a hard surface would remove the existing soft landscaping, the openness of the area would be retained and the impact would be less harmful than the development subject of this appeal. A 1m wall or fence would be significantly lower than the proposed wall and as such would likely retain the open character of the street scene. I am therefore not persuaded that the presence of these fallback options would justify the harm that would be caused by the appeal proposal.

10. My attention has been drawn to an excerpt of the approved layout plan, which shows the property on plot 136, which is a corner plot, having a side boundary wall in close proximity to the adjacent pavement. Although no details have been provided to confirm the street address for the property on plot 136, from the location plan submitted with the appeal and my observations during my site visit, plot 136 would appear to be No 18 Pickering Place, at the junction with Conisbrough Grove. While the boundary wall is in close proximity to the adjacent pavement, the wall follows the side elevation of No 18 and therefore does not encroach on the small amount of grassed area to the side of the property. As such, the reference to a different arrangement on a different plot does not alter the prevailing pattern of development or the contribution the land to the side of the appeal property makes to the open character in the vicinity of the appeal site. The wall at No 18 Pickering Place is therefore not directly comparable to the proposal before me.
11. For the reasons given above, the proposed wall would cause significant harm to the appearance and character of the street scene. The proposal would therefore conflict with saved UDP Policy N25 and the guidance in the SPD. The proposal would also fail to comply with policy P10 of the Leeds City Council Core Strategy (2014) and saved policies GP5 and BD6 of the UDP. These policies all seek, in various ways, for the size, scale and design of a development to be appropriate to its context and to respect the character and quality of the original building and surrounding area. The proposal would also conflict with the National Planning Policy Framework, which states that permission should be refused for development of poor design.
12. The appellant states that saved policy BD6 of the UDP is not applicable in this case, as it refers to alterations and extensions respecting the original building and that a wall would not classify as a building. While no definition of 'building' exists in the policy, section 336(1) of the Town and Country Planning Act 1990 defines a building as 'any structure or erection, and any part of a building'. A wall clearly falls under this definition as a structure or erection, and therefore policy BD6 is applicable in this case.
13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR