
Appeal Decision

Site visit made on 16 August 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal Ref: APP/N4720/D/21/3277977

9 Spencer Place, Chapeltown, Leeds LS7 4DQ

- 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 Ms Jane Henry against the decision of Leeds City Council.
 - The application Ref 21/02093/FU, dated 10 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is described as 'Retrospective permission for new fence and gate to front of 9 Spencer Place, LS7 4DQ case number 21/00088/UHD3'
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Decision

1. The appeal is allowed. Planning permission is granted for a new fence and gate at 9 Spencer Place, Chapeltown, Leeds LS7 4DQ in accordance with the terms of the application Ref 21/02093/FU, dated 10 March 2021.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal, however I have omitted wording that is not a description of development relating to the site address, case reference and the term retrospective.
3. I noted on my site visit that a fence and gate were present at the time. This boundary treatment appeared to broadly accord with the submitted plans. I have determined the appeal on the basis of the submitted plans for the avoidance of doubt.

Main Issue

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

Reasons

5. Properties on the eastern side of Spencer Place as it runs northwards from Roundhay Road incorporate long front gardens which extend from the roadside towards the properties. The appeal relates to a timber close boarded fence and gate which have been placed respectively on top of and adjacent to a low brick wall topped with coping stones.
6. The boundary treatment in place at the western end of the gardens adjacent to the highway when heading north to the junction with Gipton Avenue and beyond is mixed in height although is generally comprised of brick walls.

7. While many are at such a height that they allow views into the front gardens, there are examples of higher brick walls and instances where fencing or trellising has been placed above a brick wall. Where this has occurred, the boundary treatment is a similar height to that within the proposal before me. Railings do not form a current common component of the existing boundary treatment on this part of Spencer Place.
8. Overall, due to the varying heights, use of different brick types, varying arrangement of coping stones and incorporation of fencing and trellising to some boundaries, the character of the boundary treatment is mixed. There is no uniform design or appearance.
9. The proposal therefore merely offers another variation within this particularly mixed setting and does not form an intrusive or stark structure. It does not harm the character or appearance of the area.
10. The proposal does not therefore conflict with Policy P10 of the Core Strategy Selective Review (2019) which amongst other things requires that development respects the character and quality of an area. The proposal does not conflict with Policies GP5 and N25 of the Leeds Unitary Development Plan (2006) which amongst other things require proposals to address issues of design and that boundaries should be designed in a positive manner, using walls, hedges or railings where appropriate.
11. SPD guidance¹ advises that proposals which seek to erect large fences, walls and solid gates to the fronts of properties and adjacent to public areas will not normally be acceptable.
12. However, the use of the word 'normally' introduces the concept of some flexibility and the guidance also suggests that changes to front boundaries will normally be considered acceptable where, the height, material and style of boundary treatment reflects the local character. Given that the boundary treatment is mixed, exhibiting examples of similar height, I have not therefore found clear conflict with SPD guidance.

Conditions

13. A condition suggested by the Council relating to approved plans would not be necessary given the appeal development appears to be completed.

Conclusion

14. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

¹ Leeds City Council Householder Design Guide 2012.