



Appeal Decision

Site visit made on 24 August 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/N4720/D/21/3276509

8 Wellstone Avenue, Swinnow, Leeds LS13 4DY

- 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 Mrs Yekaterina Howe against the decision of Leeds City Council.
 - The application Ref 21/00627/FU, dated 24 January 2021, was refused by notice dated 29 March 2021.
 - The development proposed is the installation of a cat netting security feature on the private back garden fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit the development was already in place. I have therefore considered the appeal on this basis.
3. I have omitted additional text from the description of the development taken from the planning application form as it results in a more succinct description.
4. The revised National Planning Policy Framework (the Framework) was published in July 2021. This has replaced the 2019 iteration. Whilst there have been some changes to content and thus paragraph numbers, the substance of the Framework as it relates to the main issue of the case has not changed. I have not therefore sought the views of the main parties since, for these reasons, their respective cases would not be prejudiced. The Framework is a material consideration.

Main Issue

5. The effect of the development on the character and appearance of the area.

Reasons

6. This appeal concerns netting which is attached to and sited above the boundary fence around the perimeter of the host dwellings rear garden. The appeal site is located within a residential area, with several neighbouring properties within close proximity.
7. Whilst it is angled inwards to the appeal site, the netting nevertheless projects above the boundary fence by a considerable amount. It is therefore highly prominent in the immediate street scene and from surrounding properties in the locality, particularly the neighbouring gardens of 6 and 10 Wellstone Avenue. The material is also uncharacteristic and appears as a stark contrast to

boundary treatments in the locality which are predominantly timber fences of a consistent height. Therefore, due to its excessive height and design, the netting appears as a dominant and unattractive feature that is visually incongruous within this residential setting.

8. The examples of a chicken coop, trellis fence panels, tall fences and what appears to be safety netting around a trampoline are all common domestic features in a residential area. However,, these examples appear to be less visually prominent than the existing netting.
9. I am unaware of the full circumstances of the other examples of netting and thus cannot be sure that they are directly comparable to the development before me. In any event, this appeal has been determined on its own merits and the examples do not therefore serve to justify the appeal development as a result.
10. Consequently, the development harms the character and appearance of the area and conflicts with Policy P10 of the Core Strategy, Leeds Local Plan (November 2014), saved Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review 2006) and the Householder Design Guide, Supplementary Planning Document (April 2012) which collectively seek to ensure that developments respect and are appropriate to their context. It would also conflict with the requirement of the Framework to achieve good design. The letter of support from a neighbouring occupier does not alter the conclusion that I have reached in this regard.

Other Matter

11. It is acknowledged that the netting may prevent animals from entering and/or leaving the appeal site. However, cats and other wildlife are common features in residential areas and there is no substantive evidence that indicates there is a significant concern with this matter in this locality. This therefore carries limited weight as a potential benefit of the development, which is insufficient to outweigh the harm to the character and appearance of the area as identified above.

Conclusion

12. The development conflicts with the development plan and there are no relevant material considerations that outweigh this conflict. Therefore, and for the reasons given above, I conclude that the appeal should be dismissed.

H Ellison
INSPECTOR