
Appeal Decision

Site visit made on 16 September 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/X4725/D/21/3279653

21 Leafield Drive, Wakefield WF2 0FT

- 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 Stuart Murray against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 20/02864/FUL, dated 30 December 2020, was refused by notice dated 9 June 2020.
 - The development proposed is the erection of a new fence to western boundary.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The fence has already been erected. Therefore, I am considering the appeal on the basis of it being a retrospective proposal. I am also dealing with a retrospective fence at No 31 Leafield Drive¹ which is opposite the appeal site. This the subject of a separate appeal decision.
3. The National Planning Policy Framework was revised in July 2021 (the Framework) and this post-dates the Council's refusal notice. The amendments to the Framework have not had a significant bearing on the consideration of main issue in this appeal. Consequently, there was no requirement for me to seek further submissions from the main parties on the revised Framework, and no party's interests have been prejudiced by me taking this approach.

Main Issue

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

Reasons

5. The appeal property comprises a detached dwellinghouse located within a modern housing estate. As is the case for the fence at No 31 Leafield Drive, it is positioned at the entrance to a cul-de-sac of four detached dwellinghouses. The approximately 2 metre high wooden appeal fence has been erected tight up against the road leading into this cul-de-sac.
6. The evidence before me indicates that when planning permission was approved for this part of the estate, it did not include any form of fencing abutting the

¹ Appeal Ref APP/X4725/D/21/3281790 – erection of new fence on eastern boundary.

highway. Indeed, the land was open and green, as was the land to the side of No 31 Leafield Drive, in accordance with condition No 15 of planning permission No 13/03018/FUL. The evidence also suggests that while the appeal site is in the ownership of the appellant, it nonetheless functions as a service strip for a number of properties. I understand that there may be covenants in place relating to this land, although that is not in itself a relevant planning matter.

7. I acknowledge that there are other boundary treatments elsewhere on the estate that are close to the highway edge. However, these boundary treatments are not seen within the immediate context of the appeal site and, in any event, are not directly analogous taking into account their location and use of brick to match the dwellings. Owing to the position, long length and height of the appeal fence, and the use of concrete posts/boards and timber infill panels, I find that development appears unacceptably enclosing, stark and out of place when entering and leaving the cul-de-sac.
8. I give weight to the fact that as part of the approved landscaping scheme for this part of the estate, the Council deliberately avoided any form of boundary treatment on the service strips. Indeed, the previous soft and undeveloped verges to the side of the Nos 31 and 21 Leafield Drive added positively and distinctively to the spacious character and appearance of this part of the estate. In contrast, the appeal development detracts from the aforementioned sense of spaciousness that was afforded by the landscaped service strip. Indeed, and to this extent, the development appears as a dominant and incongruous addition when viewed by passers-by.
9. I acknowledge that the fence has increased the amount of private garden space for the occupants of No 21 Leafield Drive. However, there is no evidence that the amount of private amenity space was particularly deficient prior to the fence being erected.
10. Private amenity space would still be possible by positioning the fence well away from the service strip land as was the case previously. Furthermore, while I do not doubt the appellant's claim that there have been issues with visitor and delivery vehicles parking on the land, I am not persuaded that it would not be possible to include some sort of sensitive low level landscaping to stop this from happening. This in turn would minimise the potential for cigarette ends being left on the land. Therefore, the appellant's reasons for erecting the fence do not outweigh the significant harm that has been caused to the character and appearance of the area.
11. For the above reasons, I therefore conclude that the development does not accord with the design and character requirements of policy CS10 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy 2009; policies D9 and D10 of the Wakefield Development Policies Local Development Framework 2009; the Wakefield Residential Design Guide SPD 2018, and chapter 12 of the Framework.

Conclusion

12. The development does not accord with the development plan for the area and there are no material considerations which justify granting planning permission that would be in conflict with the development when considered as a whole. Therefore, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR