
Appeal Decision

Site visit made on 20 December 2021

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 6th January 2022

Appeal Ref: APP/N4720/D/21/3287148

54 Parkstone Grove, Lawnswood, Leeds LS16 6ET

- 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 Danuta Coulson against the decision of Leeds City Council.
 - The application Ref 21/04596/FU, dated 29 March 2021, was refused by notice dated 7 September 2021.
 - The development proposed is the removal of hedge and construction of 1.2m high feather edge fence to the front boundary of property (retrospective).
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Decision

1. The appeal is allowed and retrospective planning permission is granted for the removal of hedge and construction of 1.2m high feather edge fence to the front boundary of 54 Parkstone Grove, Lawnswood, Leeds LS16 6ET in accordance with the terms of the application, Ref 21/04596/FU, dated 29 March 2021 and the plans submitted with it, subject to the following condition:
 - 1) Within 3 months of the date of this permission the fence shall be treated/painted/stained in a neutral colour, details of which shall first be submitted to and agreed in writing by the Local Planning Authority.

Main Issue

2. This is the effect of the fence on the character and appearance of the area.

Reasons

3. Parkstone Grove forms part of a wider planned estate development characterised by pairs of generously spaced semi-detached houses. The set-back of the dwellings behind front gardens and grass verges lends the area a spacious and leafy suburban character. Despite that, Parkstone Grove is not subject to any formal townscape designation and I would be hard-pressed to describe it as particularly sensitive or remarkable.
4. In terms of front boundary treatments, it is undoubtedly true that the street scene contains a preponderance of hedges. Nonetheless, as I saw at the time of my visit, many properties have removed the hedges and replaced them with timber fences¹, low stone walls² and in some cases open-fronted driveways³. This has evidently eroded the distinctiveness of Parkstone Grove over time and

¹ For example, Nos 5 and 60

² For example, Nos 3, 4, 6, 8, 15, 21, 26, 28, 38, 42 and 44

³ For example, Nos 58, 21 and 22

means that there is a lack of uniformity with regard to front boundary treatments.

5. Of course, the removal of the hedge, which appears to be the Council's main concern did not require planning permission in any event. Nor for that matter would the erection of a timber fence (up to 1m in height) under permitted development rights. Put another way, the Council's allegation of 'detrimental harm' can only really apply to the top 20cm of the fence, since everything else did not require planning permission. That is clearly not a tenable position on the Council's part.
6. The visual impact of the fence could be reduced if it were to be painted a neutral colour. I have imposed a planning condition accordingly. Subject to that condition, I am satisfied that the fence would not cause unacceptable harm to the host property or wider street scene and there would be no conflict with Policy GP5 of the Leeds UDP (2006), Core Strategy Policy P10 or Householder Design Guide Policy HDG1.

Conclusion

7. The planning conditions suggested by the Council are unnecessary as the development has already been carried out.
8. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector