
Appeal Decision

Site visit made on 13 December 2021

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 7 January 2022

Appeal Ref: APP/N4720/D/21/3284655

15 Moseley Beck Crescent, Cookridge, Leeds, LS16 7FA

- 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 Matt Dalingwater against the decision of Leeds City Council.
 - The application Ref 21/03398/FU, dated 17 April 2021, was refused by notice dated 19 July 2021.
 - The development proposed is relocation of timber fence line within boundary.
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Decision

1. The appeal is allowed and planning permission is granted for relocation of timber fence line within boundary at 15 Moseley Beck Crescent, Leeds, LS16 7FA in accordance with the terms of the application, Ref 21/03398/FU, dated 17 April 2021, and the plan submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawing: 342-01 'Application for Alteration to Fence', Revision A.

Preliminary Matters

2. I noted on my site visit that the appeal fence has already been constructed however, this is not in accordance with the submitted drawing 342-01, 'Application for Alteration to Fence', Revision A as it has been constructed partly along the gable wall. I have therefore considered this appeal against the submitted plan and not what has been constructed. This grant of planning permission does not permit the current development which has been constructed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the reduction of the landscape buffer.

Reasons

4. A short private access runs between No 15 and No 3 Moseley Beck Crescent. The appeal fence forms the boundary between this access and No 15's rear side garden. This fence was originally in line with the property's gable. Prior to the fence being moved, there was an approximate 1.5m wide landscape buffer

between the fence and the access which ran from the front side bin store to the end of the garden fence.

5. The fence has been stepped into the landscape buffer by around 1m however, this has been started partly along the gable wall rather than the end of the gable as shown on the submitted drawing. A mulched landscape buffer of around 0.5m has been retained.
6. The estate design uses a mix of boundary treatments around and between properties. Some include the use of landscape buffers, but others do not. This creates variation in the appearance and character of the area.
7. The gap provided for the access is relatively wide and this creates an open vista. The retained landscaping maintains a soft edge to the access. Considering only the section of moved fence from the end of the gable, the small reduction in the access width in conjunction with the relatively short fence length affected does not create a visually dominating or incongruous feature. On this basis there is not a significant effect on appearance.
8. The edge detail to the fence is not significantly different to the various boundary treatments used throughout the area and the small reduction of landscaping does not harm the character.
9. Consequently, I conclude that there is no conflict with Policy P10 of the Core Strategy Leeds Local Plan 2019 or Policies GP5 and BD6 of the Unitary Development Plan Review 2006. Nor do I find conflict with Policy HDG1 of the Householder Design Guide 2012. Together and amongst other matters these policies aim to ensure development provides a good design that is appropriate to its location, scale and function.

Conditions

10. The conditions set out above are based on those suggested by the Council. These conditions have been considered against the tests of the National Planning Policy Framework, published 20 July 2021 and advice within the Planning Practice Guidance on conditions. Those included are found to be reasonable and necessary in the circumstances of this case.
11. Planning permission is granted subject to the standard three year time frame and specification of the approved plan to provide certainty.

Conclusion

12. For the reasons given above it is concluded that the appeal should be allowed.

J Symmons

INSPECTOR