



Appeal Decision

Site visit made on 15 December 2021

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/N4720/D/21/3284090

76A High Ash Drive, Alwoodley, Leeds LS17 8RB

- 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 J Ourique against the decision of Leeds City Council.
 - The application Ref 21/03748/FU, dated 28 April 2021, was refused by notice dated 10 August 2021.
 - The development proposed is erection of boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Permission is sought retrospectively for the development described above.

Main Issue

3. The main issues are the effect of the development i) on the character and appearance of the area, and ii) highway safety.

Reasons

Character and Appearance

4. The appeal site is a bungalow located in a residential area. Dwellings are generally detached and semi-detached, and either bungalows or 2-storeys in height. Dwellings are generally set back from the highway behind drives/and or front gardens with no or low boundary treatments to the front, although there are a number of dwellings in the area with high front hedges. This creates a predominantly spacious green and open character to the area.
5. The tall timber fence, including a large timber gate to provide access, is located along the frontage of No 76A High Ash Drive, immediately adjacent to the highway of Linton Road. Whilst the fence is approximately the same height as the adjacent hedge bounding No 76 the materials used, and its scale mean that it is a starker and more imposing boundary treatment. It is an unsympathetic and discordant addition which is out of the scale with the host dwelling and unacceptably contrasts with the prevailing front boundary treatments of the area.
6. The fence also includes a return along the boundary of the front garden with the adjacent dwelling on Linton Road. This accentuates the dominant effect of the fence in the street scene with it being clearly visible from a distance on the approach along Linton Road towards the junction with High Ash Drive.

Therefore, the fence is an incongruous feature which harms the character and appearance of the area due to its location, scale, and materials used.

7. I acknowledge the appellant's evidence that there is a similar scale fence on the opposite side of Linton Road. However, I am not aware of the particular circumstances relating to that fence and in any event, I must consider the appeal scheme on its own merits. Notwithstanding this, the existence of a similar fence in the locality does not justify the harm that I have identified.
8. The appellant also notes that whilst the fence results in a different appearance to that locally the National Planning Policy Framework (the Framework) does encourage appropriate innovation and change. However, I do not consider that the change generated by the introduction of the fence to be appropriate for the reasons set out above, nor is it innovative in nature.
9. Consequently, I conclude that the development results in harm to the character and appearance of the area. The development is contrary to Policy P10 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review) (2019), saved Policies N25 and GP5 of the Leeds Unitary Development Plan Review (2006), and Policy HDG1 and the principles set out in the Householder Design Guide (2012). These policies and principles taken collectively require that development is of a high-quality design, location, and scale that respects the character and appearance of a dwelling and locality. It is also contrary to the Framework, which amongst other things, requires that developments are of a high-quality of design and sympathetic to local character.

Highway Safety

10. The appeal site is located close to the junction between High Ash Drive and Linton Road. Access from the private driveway at No 76A onto Linton Road is through a tall gate on the edge of the highway.
11. I find the arrangement as proposed unacceptably restricts visibility for vehicles exiting the driveway of No 76A. Vehicles leaving the driveway in a forward direction would not have a full view of the highway until the front of the vehicle has left the driveway and progressed over the footpath. Visibility would be worse if vehicles were reversing off the driveway. This would prevent the driver of a typical car from seeing any pedestrian or vehicle approaching along Linton Road until they were crossing the footpath, which could be hazardous to traffic, particularly pedestrians.
12. The appellant has referred to the Council not providing any evidence to suggest that there are any highway safety issues and that the appellant's study of records indicates that there have been no serious traffic incidents in the area. However, I do not have the details of the records before me to consider. Notwithstanding this, the lack of evidence of such previous incidents does not diminish or outweigh the increased risk to highway safety for both vehicles and pedestrians due to the lack of adequate visibility at the driveway at No 76A.
13. The appellant has also highlighted that the height of the fence and the visibility levels achieved are similar if not identical to those of the fence on the opposite side of Linton Road. However, as I have stated above, I am not aware of the particular circumstances in relation to that fence and I must consider the appeal scheme on its own merits. Notwithstanding this, the arrangement on

the opposite side of Linton Road does not justify the unacceptable effect on highway safety that results from the fence at No 76A.

14. Consequently, I conclude that the development results in unacceptable highway safety issues and that it conflicts with Policy P10 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review) (2019), and saved Policy GP5 of the Leeds Unitary Development Plan Review (2006), which amongst other things, require that development maximises highway safety and creates a safe and secure environment. I also note that it is also contrary to the principles contained in the Council's Street Design Guide (2009) which sets out guidance on suitable visibility splays for driveways where they meet footpaths. It also fails to accord with paragraph 111 of the Framework as it results in unacceptable impact on highway safety.

Conclusion

15. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Richard Newsome

INSPECTOR