



Appeal Decision

Site visit made on 15 February 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/N4720/D/21/3286989

57 Throstle Terrace, Middleton, Leeds LS10 4HN

- 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 Stephen Gavaghan against the decision of Leeds City Council.
 - The application Ref 21/06769/FU, dated 5 August 2021, was refused by notice dated 28 October 2021.
 - The development proposed is the erection of 1.8m timber fence to allow for safe play of disabled child/occupant.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site lies within a residential area which typically consists of two-storey semi-detached houses. The majority are setback from the road behind modest front gardens and enclosed by a mix of low boundary fences, walls and mature hedges. There are some limited examples of high walls and fencing to a number of boundaries within the estate.
4. The appeal property is located at the corner of Throstle Terrace and Throstle Lane. Part of the property's garden runs along Throstle Lane and this boundary has a low timber fence with a short section of hedging. This initial section of Throstle Lane is relatively short as it is bisected by Throstle Road. The adjacent neighbouring property has a high close boarded timber boundary fence while the neighbours to the opposite side have low walling and mature hedge boundaries. The Council have advised that the neighbouring high fence does not have planning permission. The short road length, generally low boundary treatments and largely visible gardens, create an open and relatively spacious aspect.
5. The proposal would replace the low fence and hedge running along Throstle Lane with a 1.8m high close boarded timber fence with a gate access. This would, due to its height, close boarded nature, and its direct abutment to the pavement, appear as a solid, stark and imposing feature in the street scene. The fence would be at odds with the generally low boundary treatments and less imposing hedging and would be, even if painted, visually dominant and an

incongruous feature. This would harm the character and appearance of the area.

6. My attention has been drawn to a similar fence at 44 Throstle Lane which was permitted by the Council (Ref 17/05865/FU). While this initially appears to be comparable to the proposal, it is evident that the decision, despite identified harm to character and appearance, involved a planning balance due to the occupants' personal circumstances. Within the appeal documentation, reference is made to a disabled child/occupant. However, no details regarding the personal circumstances or need for the proposal have been provided by the appellant. It is therefore not demonstrated that the circumstances for this proposal would be similar to those at No 44. I have therefore given the similar fence little weight in my decision. In the absence of evidence on the personal circumstances present in this appeal, this would not outweigh the degree of harm I have found.
7. Consequently, I conclude that the proposal would harm the character and appearance of the area and conflicts with Policy P10 of the Core Strategy Leeds Local Plan 2019, Policies GP5 and N25 of the Leeds Unitary Development Plan Review 2006, the Householder Design Guide Supplementary Planning Document 2012 and the National Planning Policy Framework. Together and amongst other matters these policies seek to ensure development respects and enhances existing streets and is designed in a positive manner appropriate to the character of the area.

Conclusion

8. For the reasons given above, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR