



Appeal Decision

Site visit made on 1 February 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/N4720/D/21/3286183

Rowan Lodge, Cattle Lane, Aberford, Leeds LS25 3BH

- 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 Kevin Hayton against the decision of Leeds City Council.
 - The application Ref 21/02635/FU, dated 23 March 2021, was refused by notice dated 13 August 2021.
 - The development proposed is erection of wrought iron railings on top of existing boundary stone wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development has already been undertaken. Therefore, I have considered the appeal on the basis that planning permission is sought retrospectively.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Aberford Conservation Area (CA).

Reasons

4. The significance of the Aberford CA primarily derives from its largely linear layout and the high quality of its mainly traditional built environment. The CA partially extends along Cattle Lane where substantial sections of the road frontage are lined by stone walls. The Aberford Conservation Area Appraisal and Management Plan (2011) identifies strong boundary treatments, particularly stone walls amongst important streetscape features within the CA. Indeed, the stone walling on Cattle Lane is identified as a non-designated heritage asset in the Aberford Neighbourhood Plan 2018 – 2028 (made 2019) (the NP). In these respects, the stone walling forms an integral part of the character and appearance of the CA.
5. The appeal dwelling is one of several dwellings accessed from Waterside Meadows which back on to, and are situated at a lower level than, Cattle Lane. The stone walling sits along their rear boundaries and there is occasional planting within rear gardens which exceeds the height of the wall. However, hard boundary treatments above the height of the wall are not a common feature to this side of the road. Therefore, the stone walling on the appeal site forms part of a distinctive unified boundary to the road frontage which adds to the significance of the CA.

6. The wrought iron railings are a relatively lightweight structure offering views through. Even so, due to their isolated position on top of the stone wall and their design incorporating spear railheads and a black finish, the railings are a conspicuous ornamental feature at odds with the simple uniform appearance of the boundary walling to this side of Cattle Lane.
7. I acknowledge that there are a mix of rear boundary treatments siting above the top of the stone walling on the opposite side of Cattle Lane. My attention has also been drawn to examples of wrought iron railings elsewhere in the CA. However, I am unaware of the planning history of these other boundary treatments. In any case, given the strong visual cohesion to the boundary walling to the side of Cattle Lane where the appeal site is located, I am not persuaded that the development would preserve or enhance the CA in this particular instance.
8. For the above reasons, and in the context of paragraph 199 of the Framework, I consider that the development would result in less than substantial harm to the character and appearance of the CA. In accordance with the Framework this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
9. I saw on my site visit that the planting shown in 'figure 2' of the appellant's statement was not in leaf and the wrought iron railings were fully visible. Therefore, I cannot be certain that supplementary planting would fully disguise the visual impact of the development in perpetuity. In any case, screening to improve privacy for occupiers of the host dwelling would be a private benefit. I must attach great importance and weight to the desirability of preserving the character or appearance of the CA. There are therefore no public benefits of sufficient magnitude to outweigh the less than substantial harm to the CA.
10. I conclude, the development has a significantly harmful effect on the character and appearance of the Aberford CA. In that regard it conflicts with the design, local context and conservation requirements of Policies P10 (Design) and P11 (Conservation) of the Leeds City Council Core Strategy (as amended 2019), Policy BH1 (Development Affecting the Aberford Conservation Area) of the Aberford Neighbourhood Plan 2018 – 2028 (made 2019) and Saved Policies GP5, N25 and BD6 of the Leeds City Council Unitary Development Plan Volume 1: Written Statement (2006) (the UDP).
11. Policy N20 of the UDP and the Householder Design Guide (the HDG) are both referred to in the Council's decision. Policy N20 relates to demolition or removal of features in the CA and a copy of the HDG has not been provided. I have therefore not identified conflict with them. In any case, this does not diminish the harm or conflict with the policies of the development plan identified above.

Conclusion

12. The development is harmful to the character and appearance of the CA and therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR