



Appeal Decision

Site visit made on 29 March 2022

by Ms S Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2022

Appeal Ref: APP/N4720/W/21/3292019

205 Tong Road, LEEDS, Yorkshire, LS12 4NA

- 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 Sahlabh Hussain against the decision of Leeds City Council.
 - The application Ref 21/03932/FU, dated 21 April 2021, was refused by notice dated 13 August 2021.
 - The development is "a wooden fence (tantalised 4x1) with concrete posts around perimeter of car park".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development had been implemented. However, I saw at my visit that the section of the fence which was along the front boundary has been removed and the concrete posts at the front have been cut down to approximately 0.6m in height. The appellant has requested that I consider the proposal on the basis of the amendments. As the development has been reduced in scale, I consider that there is no prejudice to either party for me to consider it on this amended basis.
3. The fence on the side boundary furthest away from the pub building has been painted black and the appellant has offered to paint the remainder of the fence black. This matter could have been secured via a condition were I minded to allow the appeal and therefore I have also taken this offer into account.

Main Issues

4. The main issues are the effect of the fence upon (i) the character and appearance of the area including upon the setting of The Star public house, a Grade II Listed Building and (ii) highway safety.

Reasons

Character and Appearance

5. The fence is some 1.8m high on the side boundaries of the pub. The panels project very noticeably beyond both the front elevation of the pub and the side elevation of the adjacent terrace so that they meet the boundary of the site with the public highway. Whilst there are narrow gaps between the individual vertical wooden slats, the fence has a fairly solid appearance. The height, bulk and projection of the fence beyond these buildings result in it appearing prominent and obtrusive in the street-scene. The black paint does not

sufficiently mitigate this appearance. The remaining grey concrete posts on the front boundary look unfinished and out of place on their own and no plans have been submitted to show what might go between them, if anything at all.

6. The fence would also be next to the Star Public House which is a Grade II Listed Building. It dates from the early 19th century and is two storeys high with a three-bay wide symmetrical gabled frontage. The frontage has a central doorway with an overlight, architraves and a cornice above. The doorway is flanked by large windows in pilastered surrounds which also have cornices above. The first floor front elevation has two four-pane sash windows with stone sills and wedge lintels. Overall, the pub has a classically proportioned and symmetrical appearance. An area of the original stone flagged footway survives to the front of the building. It is a rare survival of a roadside inn on an important route between Leeds, Pudsey and Bradford. The significance of the building is derived from its age, architectural detail and its historic use.
7. The fence is next to the pub. Due to its proximity and intervisibility the fence is within the setting of the Listed Building. The fence partially obscures close-range views of the side and front elevation of the building from an easterly direction. Due to its modern and unattractive design and its position, it forms an incongruous feature next to the historic building.
8. For the reasons above, the fence has an adverse effect upon the setting of the Listed Building that is harmful to its overall significance as a designated heritage asset. I consider the harm caused to its significance would be less than substantial in the language of the National Planning Policy Framework and about half way along the scale of less than substantial harm. This harmful impact is a matter of considerable importance and weight.
9. The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme. An interested party, says that there has been illegal car parking, rubbish dumping and anti-social behaviour on the site. They say that the removal of the rubbish is an economic cost which threatens the viability of the pub.
10. The appellant has not explained how the amended proposal would prevent the above problems. Moreover, I have no evidence of the frequency or extent of these occurrences or any detailed information on viability. Therefore, I give these assertions little weight in support of the appeal. Consequently, I find that there are not public benefits which are sufficient to outweigh the less than substantial harm.
11. I note the appellant's comments that trees already obscure views of the building but these are further away from the pub than the fence. They are also natural features which are not out of character with the listed building. I also acknowledge that there is a variety of styles of fencing and boundary treatment in the vicinity but none are comparable to the specific proposal before me.
12. I conclude that the fence causes harm to the character and appearance of the area, including to the setting of the Listed Building. It is contrary to Policy GP5 of the Leeds Unitary Development Plan Review (UDPR) and Policies P10 and P11 of the Leeds Core Strategy¹ (CS). In combination, these policies seek to ensure development is of a high-quality design which is appropriate to its

¹ Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan

context and respects the character and quality of surrounding buildings, streets and spaces; and to preserve and enhance the historic environment.

Highway Safety

13. Tong Road, along the site frontage, is a main distributor road and averages 15,216 two-way vehicle flows per day, based on traffic survey data undertaken by Leeds City Council. Therefore, it is a busy road. The visibility splays have been increased since the appellant removed the front fence. Nevertheless, the fencing on the side boundaries adjoins the back of the pavement and I saw at my visit that this would block the visibility of oncoming traffic to drivers emerging from the car park. Drivers would have to move their cars forward onto the public footway before they could see oncoming traffic which could result in pedestrians walking into traffic. The appellant has not provided any drawings of visibility splays that would demonstrate that the egress is safe.
14. Therefore, the fence is harmful to highway safety. The development conflicts with CS Policy T2 which seeks to protect highway safety by ensuring that development has safe and secure access.

Conclusion

15. For the above reasons the appeal is dismissed.

Ms S Watson

INSPECTOR