



Appeal Decision

Site visit made on 10 May 2022

by A Caines BSc(Hons) MScTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/N4720/D/22/3296302
676 King Lane, Moortown, Leeds LS17 7AR

- 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 Miss Katie Turner against the decision of Leeds City Council.
 - The application Ref 22/00314/FU, dated 15 January 2022, was refused by notice dated 17 March 2022.
 - The development proposed is erection of wooden picket style fence of 1.6m in height around the front garden of the property.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of brevity I have shortened the description of development given on the application form to include only the act of development proposed.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The fence is already in situ and comprises a picket-style construction of around 1.6 metres in height, which is sited adjacent to the highway and continues down the sides of the property. The majority of properties along this part of King Lane and on the opposite side of the wide central reservation have either low boundary walls, or hedges, shrubs and ornamental trees to their road frontages. In this context, the appeal fence appears markedly out of character with its surroundings. Whilst there are some examples of 1.6 metre high fencing further along the road, I saw that these were firmly in the minority and not as extensive in length. I further note from the appellant's statement that these examples are unlikely to be authorised. Consequently, these few identified exceptions are not defining features and should not be seen as setting any precedent.
5. Views of the fence are only fleeting when travelling by vehicle along King Lane. It is also largely obscured from view by garden vegetation at the King Drive junction. However, that is not the case for passing pedestrians, or from the road and houses opposite where I saw that the fence is highly conspicuous over a wide area. I do not consider that the introduction of a climbing-style plant or other forms of planting behind the fence would completely remove its harmful visual impact. Landscaping should not be used to hide development

that is unacceptable in its own right, and it can die or be removed for other reasons. I also cannot agree with the appellant's assertion that the visual appearance of a fence erected under permitted development would remain virtually as presently exists, as such a fence would be lower at the front with a much reduced visual presence.

6. The site is not within a conservation area and I am not aware of any nearby listed buildings. However, this does not absolve the development from complying with the design requirements of the relevant local and national planning policies that still apply to the development.
7. For these reasons, I conclude that the development significantly harms the character and appearance of the area, and so, conflicts with Policy P10 of the Leeds City Council Core Strategy (amended 2019), saved Policies N25 and GP5 of the Leeds City Council Unitary Development Plan (Review 2006), and policy HDG1(iv) of the Council's Householder Design Guide Supplementary Planning Document (2012). Amongst other things, these policies require new development, including boundary treatments, to be well designed, appropriate to its context, and with the intention of contributing positively to place making. The proposal is also contrary to section 12 of the National Planning Policy Framework with regards to achieving well designed places.

Other Matters

8. The appellant explains that the fence was constructed to provide a safe and secure area for their dogs to exercise, and also for the safety of young family members who regularly stay overnight. However, such personal circumstances will seldom outweigh general planning considerations. In this case, I have no convincing evidence before me that the development is the only way through which these desired objectives can be achieved. I am also mindful that the circumstances of the occupants will change over time whereas the development would be permanent. Thus, the appellant's personal circumstances are ones to which I afford limited weight in favour of the appeal.
9. The effect on highway safety did not feature in the Council's refusal reasons, and whilst I have noted the comments of interested parties, I have no reason to disagree with the Council's conclusion on this matter. However, the absence of harm in this regard is neutral in my considerations.
10. It is unfortunate if the appellant was incorrectly advised over the need for planning permission, but this is not a matter which has any bearing on my consideration of the planning merits of the appeal.

Conclusion

11. For the reasons set out, the appeal scheme results in conflict with the development plan taken as a whole. There are no other material considerations, including the appellant's personal circumstances, which indicate the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR