



Appeal Decision

Site visit made on 31 May 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/X4725/D/22/3294199

6 Rhodes Crescent, Pontefract, West Yorkshire WF8 3PX

- 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 Ms Samantha Briggs against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/00866/FUL, dated 31 March 2021, was refused by notice dated 23 February 2022.
 - The development is described in the application as up to 6ft gates since and driveway.
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Decision

1. The appeal is allowed and planning permission is granted for wooden fence and gates up to 1.8m high at 6 Rhodes Crescent, Pontefract WF8 3PX in accordance with the terms of the application, Ref 21/00866/FUL, dated 31 March 2021, and the plans submitted with it.

Procedural Matter

2. I have amended the description to that shown on the appeal form, amending gate to gates, as it more accurately describes the development than that stated on the application form.
3. I note from the appeal documentation and my site visit that the fence and gates have been erected. I have dealt with the appeal on the basis of what I saw.

Main Issue

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

Reasons

5. The appeal site is within a predominantly residential area, with the dwellings set back from the road behind spacious front gardens. Along Rhodes Crescent, and in the wider surrounding area, are a range of boundary treatments in terms of their height, position in relation to the footpath and colour treatment. Rhodes Crescent is on a reasonable incline and the appeal site is located on the inside of a gradual bend in the road. The appeal site is lower than the level of the road, while the properties on the opposite side are higher.
6. The fence and gates are adjacent to the footpath, siting them in a prominent position. The visual impact of the fence is however reduced by its siting on the inside of the bend and the varying land levels. Consequently, the fence and gates do not appear discordant in the streetscene.

7. I noted other fences in the surrounding area that were of a similar design and some varied colour treatments. The fence and gates are higher than the boundary features typically found adjacent to the footpath. However, a range of boundary treatments are clearly visible in the surrounding area, including some at a similar or greater height than the appeal proposal. This range, along with the locational aspects I have identified above, results in the fence and gates integrating acceptably into the streetscene.
8. In relation to the main issue, the development has a satisfactory effect on the character and appearance of the area. The fence and gates appropriately respect the character of the locality in terms of its design, scale, height, materials and colour, not resulting in significant harm to the character of the area. This would therefore comply with Policies D9 and D10 of the Wakefield Metropolitan District Council Local Development Framework (LDF) Development Policies, April 2009. It would also be appropriate in terms of its scale as sought by Policy CS10 of the LDF Core Strategy, April 2009.

Other Matters

9. As the development has already been carried out and bearing in mind the advice and tests set out in paragraph 56 of the National Planning Policy Framework, planning conditions are not necessary in this case.
10. I note reference to the personal circumstances of an occupier of the appeal property who has a protected characteristic under the Equality Act 2010. As I have not found harm to the character and appearance of the area from the fence and gates, the Public Sector Equality Duty is not considered further.

Conclusion

11. For the reasons given above, the appeal is allowed.

J Downs

INSPECTOR