



Appeal Decision

Site visit made on 4 October 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022

Appeal Ref: APP/N4720/D/22/3302041

2 The Drive, Cross Gates, Leeds LS15 8EP

- 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 Stephen Wood against the decision of Leeds City Council.
 - The application Ref 22/01064/FU, dated 12 February 2022, was refused by notice dated 27 June 2022.
 - The development proposed is the erection of a timber fence, gates and gate pillars to the front and side boundaries.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From my site visit I saw that fences, gates and gate pillars had been erected along the boundaries with Austhorpe Road and The Drive. Although the gate pillars fronting Austhorpe Road extend slightly above the fence and gates, and this differs marginally from the plans, in other respects the works carried out generally accord with the details shown in the application plans. The application forms indicate that the development has been completed and, while noting that minor difference between the gate pillars as constructed on Austhorpe Road and the detail shown on the plans, I have assessed the development on the basis of what was constructed at the time of my visit.
3. The evidence indicates that planning permission was granted for means of enclosure to the boundaries of the appeal property in 2009. I note that the appellant indicates that they erected gates in 2009. However, the Council says the development permitted at that time differs from the works undertaken. I have nothing before me that demonstrates precisely what was permitted earlier. I have assessed the case on the information provided to me by the main parties.
4. The description of the development given in the application form provides a detailed commentary of events at the site. The Council modified that original description so that it described each part of the development. The Council's modified description also refers to part of the development proposed as being retrospective. However, that does not make clear which parts had been completed. For clarity, I have further modified the description of development, as set out above, so that it relates to the completed development I saw at the time of my visit, thereby taking account of the information included in the planning application form. While no further consultation has taken place in

respect of this matter, I do not consider that the changes I have made to the description of the development prejudice the interests of any party.

Main Issue

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

Reasons

6. The appeal property is a large, traditional semi-detached house situated on a corner plot having frontages and vehicular access to Austhorpe Road, a busy main road, and to The Drive, which is a quieter, long-established residential street. Both frontages adjoin highways where a predominant feature is their soft, green boundaries created by hedges, trees and shrubs located in, and bounding, the front gardens of houses. These boundary features contribute significantly to the pleasing overall appearance of the area immediately surrounding the appeal site and are common to the nearby contemporary streets. This lends a good degree of coherence to the character of the area.
7. There are some tall fences in the vicinity to which my attention has been drawn, and the evidence suggests that some may not benefit from planning permission. However, none that I saw, including those referred to by the appellant, are in such a prominent position as the case before me.
8. The boundary fence and gates fronting Austhorpe Road are noticeably different and jar markedly when seen in context with other fences, low walls, railings, and the established hedges found nearby along that road. In these respects, the development would be at odds with guidance set out in the Leeds City Council Householder Design Guide Supplementary Planning Document (April 2012) ('the SPD') which, in noting the contribution boundary treatments make in defining the character of an area, guards against the introduction of large solid structures to the fronts of houses.
9. The development introduces a tall, solid, prominent, long and continuous visually intrusive boundary feature fronting Austhorpe Road. This appears out of place by virtue of these features and therefore causes harm to the character and appearance of the area. Painting would do little to mitigate the effects arising from its appearance. Whilst other tall fences exist in the locality, this does not equate to a lack of harm being caused to the character and appearance of the area and it does not justify the further harm that would arise from the development.
10. Accordingly, the development conflicts with Policy P10 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019), and Policies GP5 and N25 of the Leeds Unitary Development Plan (Review 2006) which seek to prevent environmental intrusion and require development to respect the character and quality of the area in which it is located. Conflict also arises with the SPD guidance as noted above, and Policy HDG1 of the SPD which, in requiring particular attention to be given to boundary treatments amongst other things, seeks to resist alterations which would harm the character and appearance of the locality. The development also conflicts with the National Planning Policy Framework which seeks the same outcomes from development.

Other Matters

11. I recognise the personal benefits that solid boundary fencing may give in respect of preventing family pets from straying outside the gardens, and I note that one neighbour has offered support for the development. Notwithstanding this limited personal benefit, none of the matters raised by the appellant weigh significantly in favour of the development and they do not mitigate the harm I have identified.

Conclusion

12. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR