



Appeal Decision

Site visit made on 8 November 2022

by C Megginson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2022

Appeal Ref: APP/N4720/D/22/3304532

School House, 14 Preston Lane, Great Preston, Leeds LS26 8AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr & Mrs Nick Barraclough against the decision of Leeds City Council.
 - The application Ref 22/02979/COND, dated 25 April 2022, sought approval of details pursuant to condition No 4 of a planning permission Ref 21/09462/FU, granted on 16 February 2022.
 - The application was refused by notice dated 13 July 2022.
 - The development proposed is described as a retrospective application for boundary wall and gates to front.
 - The details for which approval is sought are: design of entrance gates and railings – see drawing MJC-442-P10.
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Decision

1. The appeal is dismissed, and approval of the reserved matters is refused, namely the design of entrance gates and railings details submitted in pursuance of condition No 4 attached to planning permission Ref 21/09462/FU dated 16 February 2022.

Procedural Matters

2. It was evident from my site visit that the entrance gates have been installed.

Background and main issue

3. Planning permission has been granted for the boundary wall and gates, subject to condition No 4 which, in summary, requires the detailed design for the gates and railings to be submitted and approved. The appellants have submitted a detailed design, and the main issue is the effect that discharging Condition No 4 would have on the character and appearance of the area.

Reasons

4. The appeal site sits on Preston Lane, a long linear street, with dwellings running along it, set back and facing the road, with open frontages. The character of the area is mixed, with a variety of building styles, shapes and sizes. Opposite the appeal site is a high hedgerow with open countryside beyond. Along the street in the vicinity of the appeal site, frontages typically feature low boundary walls. Some of these include vertical, open fine wrought iron inserts and gates, which allow views through into front gardens and drives and gives the street an open, spacious feel.

5. The appeal proposal includes inserts for the boundary wall and gates and proposes a close boarded design, with grey aluminium boards running horizontally. The proposals span the full width of the property frontage. Whilst it would be possible to see the front of the property above the fence line, the proposed close boarded appearance and horizontal design would result in the appearance of a solid enclosed boundary. This would draw the eye and markedly contrast with the open, vertical, fine gates and walls of the surrounding properties and the spacious open feel of the area.
6. As a result, the proposed gates and railings, by virtue of their close boarded design and prominent position in the street scene, would unacceptably harm the character and appearance of the area. This would be contrary to Policy P10 of the Leeds Core Strategy (as amended 2019), Policies BD6 and GP5 of the Leeds Unitary Development Plan Review (2006) and the National Planning Policy Framework, which seek to secure high quality design that enhances or reinforces local distinctiveness.
7. The appellants have highlighted examples of similar boundaries in the surrounding area. It has not been demonstrated how the circumstances leading to those permissions are directly comparable. The examples in the immediate vicinity of the appeal site all feature low walls with vertical open gates and railings. The examples at 2 Preston Lane, Low Farm Cottage and Redhill Cottages appear to be side rather than front boundaries. The examples at Berry Lane feature a low boundary wall and high hedgerow and are therefore not directly comparable to the appeal proposal. Moreover, given the distance of all of the examples from the appeal site, they have not resulted in a change to the immediate characteristics of the area that I have identified, so would not result in this proposal appearing compatible.
8. I recognise that the new gates are set back from the street, that the new wall is slightly lower than the original wall that it replaced and that there was previously a hedge across part of the frontage. I also note that the Leeds Householder Design Guide (2012) does not restrict the use of close boarded fencing along front boundaries. Nevertheless, these factors do not lead me to a different view in this case.

Other matters

9. I appreciate the appellants need for security and privacy at the property following a recent break-in, however, I am not convinced that the proposed design of the gates and railings is the only way to achieve such security.
10. I note that the appellants state that the options available under permitted development should be considered when considering the proposals. Development that may be made under permitted development powers do not justify the harm that the proposal would cause in this instance. It is open for the appellants to utilise such rights if they wish to do so.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

C Megginson

INSPECTOR