



Appeal Decision

Site visit made on 6 December 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/N4720/D/22/3311411

98 The Drive, Alwoodley, Leeds LS17 7QQ

- 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 and Mrs Aldrin Khan against the decision of Leeds City Council.
 - The application Ref 22/04597/FU, dated 27 June 2022, was refused by notice dated 20 September 2022.
 - The development proposed is described as 'retrospective planning application for replacement fence with vehicle and pedestrian gates to property boundary fronting The Drive Alwoodley'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area; and ii) highway safety.

Reasons

Character and appearance

3. The Drive is characterised by properties which are set back from the road behind front boundary treatments comprised of either low stone or brick walls supplemented by hedging or railings above, and in some cases simply just hedging. Where driveway gates exist, these are mostly in the form of decorative metal railings. As a result, front boundary treatment generally maintains a degree of openness to the roadside, or otherwise imparts a complementary soft and verdant form of enclosure to the street scene through the use of natural vegetation. These attributes add positively and distinctively to the character and appearance of this established residential environment.
4. The proposed front boundary treatment is already in situ and comprises of anthracite grey plank panels set above white rendered dwarf walls with the vehicular and pedestrian gates in matching grey plank panels sitting flush with the front edge of the wall/fence. The overall height ranges from approximately 1.6-2 metres, but is uniform across the top.
5. The appellant opines that the colour treatment of the fence and gates, together with the existing greenery at the neighbouring properties helps to assimilate the development into its surroundings. I firmly disagree and consider that the development appears dominant and intrusive within the street scene. Through its height, design, materials, and mostly solid nature, it creates a harsh edge to

the back edge of the pavement and stands out as noticeably different and incongruous in its setting.

6. The gates at No 55 are an exception to the prevailing character, and in any event are slightly lower in height and sit between more typical boundary treatment comprising a low stone wall and hedging, so are not directly comparable. I am also unaware of their planning status. Thus, I do not regard that existing development to justify the appeal scheme or to be a reason to allow harmful development.
7. I therefore 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) (the CS), saved Policies N25 and GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP), and the Council's Householder Design Guide Supplementary Planning Document (2012). Amongst other things, these 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 the National Planning Policy Framework with regards to achieving well designed places.

Highway safety

8. The height and solid nature of the boundary wall/fence means that drivers would have to egress onto the public footway before they could see oncoming pedestrians and traffic. However, the Council acknowledges that this is likely to be done at low speed. It is also not a situation that is unique to this property, and from the evidence before me, does not represent a significant change from the previous situation when the driveway was flanked by hedging of a similar height. Nor is this a case where the use of the vehicular access would be intensified or be unexpected for pedestrians and other highway users in this residential environment.
9. In light of the above, and given the apparent absence of objection from the local highway authority on these grounds, I find that the development is not a highway safety concern. In this regard, the proposal does not conflict with the general highway safety aims of Policies P10 and T2 of the CS, saved Policy GP5 of the UDP, and the guidance within the Council's Street Design Guide SPD, Draft Transport SPD, and the Framework.

Other Matters

10. I note the appellant's desire to provide security to their property, but such personal circumstances will seldom outweigh general planning considerations and there may also be other less harmful ways to achieve this desired objective. Consequently, this is not a matter which justifies or outweighs the harm to the character and appearance of the area and the identified conflict with the development plan.
11. 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

12. The proposal is harmful to the character and appearance of the area, and is therefore in conflict with the development plan taken as a whole. Material considerations do not indicate that the decision should be taken other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR