



Appeal Decision

Site visit made on 14 February 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/N4720/D/22/3311203

2 Jakeman Court, West Ardsley, Wakefield WF3 1UR

- 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 Navraj Sandhu against the decision of Leeds City Council.
 - The application Ref 22/02978/FU, dated 25 April 2022, was refused by notice dated 25 August 2022.
 - The development proposed was originally described as 'I would like permission for a 2M fence and gate to be erected around my house. The fence would enclose my front garden and the gate for my drive.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development on the application form, it is clear that the application was made retrospectively, and I have considered the appeal on that basis.

Main Issues

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

Reasons

Character and appearance

4. The appeal site is located within a planned residential estate of similar properties, which are generally arranged in cul-de-sacs leading off Lowry Road. The majority of properties are open fronted, apart from the corner plots which contain boundary walls that drop down from the side to approximately 1 metre in height around the corner and at the front of the property. Some corner plots have supplemented the front boundary wall with a hedge, which despite their height, imparts a complementary soft and verdant form of enclosure at the cul-de-sac entrances. Driveways remain without gates and open. These attributes give the area a highly consistent and pleasant suburban character.
5. The appeal site is a prominent corner property that is surrounded by highways on three sides. The boundary enclosures which are the subject of this appeal are a mix of solid timber fencing above the low brick boundary wall to the north and east; solid timber driveway gates; and a section of concrete panels with timber insets to the south. All are around 1.8-2 metres in height and fully enclose the property from the street.

6. Through their height, design, materials, and solid nature, the enclosures and gates stand out as a starkly incongruous visual intrusion in this prominent corner location. The gates themselves also have a somewhat crude and makeshift appearance. The overall effect is a visually discordant form of development which detracts significantly from the established character and appearance of the area.
7. The appellant refers to other examples of wooden fences atop brick walls, but they are in a different part of the estate, better designed, and crucially, are kept at a low height around corner properties. As such, they do not justify the harmful development at the appeal site.
8. 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) (CS), saved Policies N25 and GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (UDP), and policy HDG1(iv) of the Council's Householder Design Guide Supplementary Planning Document (2012) (SPD). 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 (the Framework) with regards to achieving well designed places.

Highway and pedestrian safety

9. The roadway to the south has shared use by vehicles and pedestrians and has a narrow entrance onto Jakeman Court. The new section of wall along the southern boundary of the appeal site is built up to the highway edge and severely restricts northern visibility for and of any vehicles and pedestrians entering, leaving, or passing the shared surface. While this is already the case for southern visibility due to the existing hedge, the proposal has exacerbated a poor situation, increasing the potential for conflict to arise between simultaneous vehicle and pedestrian users at this point. The fact that vehicle speeds will likely be low does not mean that the area in question is inherently safe from a highway safety perspective, particularly as it is a shared surface.
10. In addition, the position of the gates at the back edge of the footway means that any vehicle waiting for the gates to be opened is likely to result in the footway and carriageway being obstructed in a location close to two road junctions, to the further detriment of highway safety. To my mind, this unsafe arrangement, as well as the general inconvenience, would also be likely to discourage regular use of the gates, leading to the potential for obstructive parking outside the site. Indeed, there is evidence of this in the representations from local residents, and within the appellant's own photographs. It was also present at the time of my site visit.
11. I do not share the Council's concern in relation to the effect on western visibility at the Lowry Road junction. Nevertheless, for the reasons above, I find that the development has an unacceptable effect on highway safety for both vehicle and pedestrian users. This is contrary to the general highway safety aims of saved UDP Policy GP5. It is also contrary to the Framework in terms of preventing unacceptable impacts on highway safety.

Other Matters

12. The development is likely to offer some privacy and security benefits and I appreciate the difficulties posed in this respect by the corner location. However, such private benefits would not be sufficient to outweigh the harm I have identified and the resultant conflict with the development plan as a whole.

Conclusion

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

A Caines

INSPECTOR