



Appeal Decision

Site visit made on 17 January 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/N4720/D/22/3308908
14 Bodington Way, Adel, Leeds LS16 8FY

- 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 Andrew Bell against the decision of Leeds City Council.
 - The application Ref 22/03820/FU, dated 29 May 2022, was refused by notice dated 10 August 2022.
 - The development proposed is "*Enlargement of fencing to side and rear boundary*".
-

Decision

1. The appeal is allowed, and planning permission is granted for the enlargement of fencing to side and rear boundary at 14 Bodington Way, Adel, Leeds LS16 8FY in accordance with the terms of the application, Ref 22/03820/FU, dated 29 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 0001-BOD Rev 1.

Preliminary Matters

2. The Council altered the description of the development during the consideration of the application to read "*Enlargement of fencing to side and rear boundary*". This is a more concise description of the proposal and removes superfluous text from that set out in the application form. I have taken the description above which also appears in the appeal form. I am satisfied therefore that the cases of the main parties would not be prejudiced by use of the above description. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal site is a two-storey detached house on a corner plot on Bodington Way. A 1.8-metre-high fence is proposed which would extend from the front corner of the house, along the side boundary and tie into the corner of the detached garage to the rear of the property. The front garden would remain open. It would only be visible within the short section of cul-de-sac at the end of Bodington Way within which the proposal is situated.
5. The proposed fence would be roughly in line with the high brick wall and fence immediately beyond the appeal property, which, due to the topography of the

area is much higher than the proposal before me. On my site visit I observed a variety of boundary types and approaches across the estate. The proposed fence would be similar in appearance to many of the other boundary fences on the estate. Whilst most properties are open plan at the front, many have enclosed side boundaries, similar to that which is before me.

6. The proposed fence would reduce the open space at the side of the house. However, it would not appear as incongruous or have a harmful impact on the sense of openness within the estate or affect the way it functions. Consequently, it would not adversely affect the overall character and appearance of either the host property or the area as whole.
7. I therefore conclude that the proposed development would not be overly dominant with regard to its height, scale or location and therefore would not have a harmful effect on either the character and appearance of host dwelling or the surrounding area. Accordingly, I find no conflict with policy P10 of the Leeds Core Strategy (2019) and saved policy GP5 of the Leeds Unitary Development Plan Review (2006) which seek to achieve good design appropriate to its context. There would also be no conflict with Policy HDG1 of the Council's Householder Design Guide which states that extensions, additions and alterations should respect the scale, form proportions, character and appearance of the main dwelling and the locality.

Conditions

8. I have considered the Council's suggested conditions in the light of the National Planning Policy Framework and Planning Practice Guidance. I agree that time limit and plans conditions are necessary and reasonable in the interests of good planning and to provide certainty.

Conclusion

9. For the reasons given, above, and having considered the development plan as a whole and all other matters raised, I conclude that the appeal should be allowed.

K L Robbie

INSPECTOR