
Appeal Decision

Site visit made on 28 February 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2023

Appeal Ref: APP/N4720/D/22/3310906

1 Bridge Wood Close, Horsforth, Leeds LS18 5TR

- 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 & Mrs Addotey against the decision of Leeds City Council.
 - The application Ref 22/04321/FU, dated 16 June 2022, was refused by notice dated 23 August 2022.
 - The development proposed is boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have considered the appeal on this basis.
3. Fencing of differing height is proposed as part of the scheme. Forward of the south-west facing elevation of the dwelling adjacent to Low Lane the height of the fence would be 1m. Only a small portion of this fence had been constructed at the time of my visit.
4. The plans indicate a 1.8m timber panel fence with concrete posts and gravel boards beyond the south east facing elevation of the property adjacent to Bridge Wood Close.
5. The 1.8m timber panel fence was in place at the time of my site visit. What has been constructed broadly accords with the plans submitted, but for the avoidance of doubt, my determination has been made on the basis of the plans.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area with regard to the 1.8m timber panel fence.

Reasons

7. Properties in the area often have no or low boundary treatment to their front / most publicly visible front elevations. This could be observed on the properties immediately opposite the appeal site on Bridge Wood Close, those further to the north west along Low Lane, and opposite around the flats on St James Drive.

8. This contributes positively to the character and appearance of the area through the openness that this arrangement offers allowing views of pleasant open green spaces bounding nearby properties.
9. The 1.8m timber panel fence is located right on the boundary and has a stark and prominent appearance. As a result of its height and reasonably solid construction, it shuts the garden area beyond the southeast facing elevation off from public views. This runs contrary to the general characteristics of the area, thereby significantly harming its character and appearance.
10. The proposal therefore fails to accord with Policy P10 of the Leeds Core Strategy (2019). Amongst other things, this policy requires high quality design and states that development should respect and enhance existing streets and spaces.
11. There would also be conflict with SPD¹ guidance at p.38 where it is advised amongst other things that proposals which seek to erect large fences to the fronts of properties and adjacent to public areas will not normally be acceptable.

Other Matters

12. I accept that there are some instances of taller boundary treatment on Low Lane, however lower boundary walls/fences and railings are a more common arrangement. I therefore afford this matter limited weight.
13. I accept that there have been some benefits in erecting the fencing for the appellant in terms of safety and security. However, it does appear to be the case that separately there is a garden area beyond the northeast elevation that is fenced off with robust boundary treatment. I therefore afford these benefits limited weight.
14. It could be the case that a lower fence could be erected under permitted development rights as acknowledged by the Council. However, any such fencing would likely be much lower and as a result less harmful to the character and appearance of the area than that erected. I therefore afford this matter limited weight.

Conclusion

15. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR

¹ Householder Design Guide Leeds Local Development Framework Supplementary Planning Document April 2012.