



Appeal Decision

Site visit made on 7 March 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/N4720/D/23/3314237

138 Gamble Hill Drive, Bramley, Leeds LS13 4TW

- 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 Miss Beauty Mupa against the decision of Leeds City Council.
 - The application Ref 22/04774/FU, dated 7 July 2022, was refused by notice dated 21 October 2022.
 - The development proposed is erection of a fence around my front garden, near the highway. Fence is 1.8m high.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have not included the full description of development from the appellant's planning application form as it makes reference to the proposal being retrospective and that is not in itself development. However, I was able to see on my site visit that the appeal fence has been erected and therefore I have determined this appeal on the basis that it is a retrospective proposal. I have also not included the parts of the application form description that are not related to describing the development itself.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The part of the residential estate on which the appeal dwelling is located has an open plan character and layout. The nearest dwellings on this side of Gamble Hill Drive are set at a substantially lower ground level than the public highway, with sloping verges being located to their frontages.
5. With the exception of a length of fencing to the front of 136 Gamble Hill Drive which adjoins the appeal fence, on this side of the road the street scene in the immediate vicinity of the appeal site and further down the hill has an open aspect that is uninterrupted by the presence of any boundary structures. This openness contributes positively to the character and appearance of the area.
6. The appeal fence is of both a significant height and length. It is clearly visible from the public domain due to its prominent positioning on the back edge of the pavement. Its presence is uncharacteristic in the context of other frontages which are open. These factors mean that the fence has had a dominant and

incongruous visual impact upon the street scene and this has resulted in significant harm being caused to the character and appearance of the area.

7. There are several other fences present to the frontages of dwellings close to the appeal site. None of these are said by the Council to benefit from planning permission, but some of which it is said that enforcement action could no longer be taken against.
8. The aforementioned fence at No 136 is however set back and angled away from Gamble Hill Drive itself and drops down alongside the adjacent steps. As a result, it does not have a comparable visual impact. The other fences referred to are on the opposite side of the road, which does not share an open plan layout to the same extent as the side of the road on which the appeal site is located. Accordingly, the presence of the other fences has not substantially altered the character and appearance of the street scene in which the appeal fence is primarily viewed, and they do not justify its retention.
9. For these reasons I conclude that the development has caused significant harm to the character and appearance of the area. Consequently, the development fails to accord with Policy P10 of the Core Strategy 2019 and Saved Policies GP5 and N25 of the Unitary Development Plan 2006, where they seek to protect character and appearance. There is also a conflict with Policy HDG1 of the Householder Design Guide Supplementary Planning Document 2011 in the same regard, and with the National Planning Policy Framework where it seeks to achieve well-designed places.

Other Matters

10. I acknowledge that the fence provides privacy with respect to the front windows of the appeal dwelling and its frontage in general. However, the arrangement of the appeal property in relation to the public domain is typical of the surrounding area and is a relationship shared by many other dwellings. The fact that the fence affords a degree of privacy does not in that context justify the harm that it causes to the character and appearance of the area.
11. That the fence may prevent rubbish being thrown into the garden of the appeal property also does not outweigh the harm that has been caused, nor does the fact that it causes no detriment to pedestrian or highway safety. Whilst a letter of support was submitted during the course of the planning application, this too does not justify a harmful development.
12. The appellant has suggested that they would be willing to paint the fence a darker colour. Whilst this could reduce its visual starkness slightly, it would not overcome the harm caused by its size and positioning, and by it being an incongruous feature in comparison to the open plan nature of the surroundings.

Conclusion

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

Graham Wraight

INSPECTOR