



Appeal Decision

Site visit made on 28 March 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2023

Appeal Ref: APP/N4720/W/23/3316119

30 Radcliffe Lane, Pudsey, Leeds LS28 8BE

- 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 Mrs Kate Havercroft against the decision of Leeds City Council.
 - The application Ref 22/07744/FU, dated 17 November 2022, was refused by notice dated 6 February 2023.
 - The development proposed is described on the application form as '*Erect wooden garden fence in front garden for safety reasons, the current wall height at the occupier side of the garden is approx 80cm. There are 2 young children who play in the garden with a potential fall height into a busy highway of approx 4m. Also, our neighbours had 2 instances of burglaries where the access was gained through the occupier's front garden. Replace existing concrete garage with a new concrete garage of the same dimensions. Partly to be used as a traditional storage garage. An area to be utilised as a home office for the occupiers when working from home is required*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the proposed development was already in place, and I note that the application has been submitted retrospectively. I have considered the appeal on that basis.
3. The appellant indicates that they would be willing to reduce the height of the front fence by around 300mm, but that is not the development that was applied for. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. If the appellant thinks that amending their proposals would overcome the reasons for refusal, they should make a fresh planning application to the local planning authority.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Pudsey Conservation Area.

Reasons

5. The appeal site lies within the Pudsey Conservation Area (the CA), which draws some of its significance and special character from the high quality of its built and historic environment, including streets lined by 19th and early 20th Century stone buildings. The majority of these sit behind historic stone boundary walls of a low height, sometimes supplemented by metal railings or

hedges above. The Pudsey Conservation Area Appraisal and Management Plan (PCAMP) states that such forms of boundary treatment have a positive effect on the streetscape of the conservation area, and that in order to retain the established character, all boundary treatments should be sympathetic with those in existence, and those which add character to the area. The PCAMP further states that Radcliffe Lane is an important thoroughfare in this part of the CA and contains a number of positive buildings, including the appeal property.

6. The fence subject to this appeal has been placed on the ground above a stone wall at the front of the site. Through its overall height above the street, solid nature, and somewhat makeshift appearance, the fence does not reflect or complement the historic character of the existing boundary treatment, and stands out as a starkly incongruous visual intrusion in this street scene. The effect is a visually discordant form of development which does not contribute positively to the character or appearance of the CA.
7. I have considered whether the fence could be made acceptable by applying some colour treatment. However, this would do little to overcome the harm from its height, design, and prominence. I have also had regard to the appellant's suggestion of evergreen planting to screen the fence, but there appeared to be very limited space in some places for this to be introduced. In any event, landscaping should not be used to hide unacceptable development. Nor can its screening effect be relied on in perpetuity, as it can die, or be removed at any time.
8. The appellant has provided a number of photographs taken locally where boundary fences have been erected atop stone walls, including some on Radcliffe Lane. However, these are firmly in the minority, and indications are that these examples may not even benefit from planning permission. Furthermore, whilst each proposal must be considered on its own merits, these other examples demonstrate to me the negative effects that can be caused by inappropriate boundary treatments within the CA. As such, their presence is not a reason, on its own, to allow further harmful development.
9. The new concrete sectional garage at the front of the site did not feature in the Council's refusal reasons, and I note from the planning officer's report that a similar structure may have existed there previously. I have therefore considered whether I could issue a split decision allowing this part of the scheme only. However, I have opted not to as my findings in relation to the fence have potentially significant implications for the visibility of the garage from the street, which may not have been the case with the previous building due to the former boundary vegetation. I do not consider a large concrete sectional garage to be in keeping with the historic character of the area, and without appropriate screening, it would be very harmful.
10. For all these reasons, I conclude that the development has an adverse visual effect on the site and its surroundings, and as a consequence has failed to preserve or enhance the character or appearance of the CA as a whole. Whilst the harm to the CA can be classed as less than substantial, this is nevertheless a matter of considerable importance and weight. The appellant points to safety and security benefits of the fence, and I note that the garage would also provide home office space when required. Even so, such private benefits are

not sufficient to outweigh the harm to the CA, and it is likely that less harmful options could achieve similar objectives.

11. Thus, the proposal fails to satisfy the statutory requirements of the Act¹, and the National Planning Policy Framework with regards to conserving and enhancing the historic environment. It is also contrary to the design and heritage requirements of Policies P10 and P11 of the Leeds City Council Core Strategy (amended 2019); saved Policies N19, N25, BD6, BC7, and GP5 of the Leeds City Council Unitary Development Plan (Review 2006); as well as policy HDG1 of the Council's Householder Design Guide Supplementary Planning Document (2012). Amongst other things, these policies and guidance require new development, including boundary treatment, to be well designed, appropriate to its context, sensitive to the historic environment, and with the intention of contributing positively to place making.

Conclusion

12. For the reasons given, I conclude that the proposal fails to accord with the relevant policies of the development plan and the Framework. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990