



Appeal Decision

Site visit made on 27 June 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/N4720/D/23/3317918

23 New Occupation Lane, Pudsey, Leeds LS28 8HR

- 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 S Shaffner against the decision of Leeds City Council.
 - The application Ref 22/06997/FU, dated 13 October 2022, was refused by notice dated 12 December 2022.
 - The development proposed is a wall and fence to front and side.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have not included the full description of development from the planning application form as it makes reference to the proposal being retrospective and that is not in itself an act of development. However, I was able to see on my site visit that the wall and fence have been constructed and therefore I have determined this appeal on the basis that it is a retrospective development.

Main Issues

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

Reasons

Character and appearance

4. The appeal dwelling is located on the end of a small terrace of residential properties and is adjacent to a public footpath leading to an area of public open space. Front boundary treatments at properties on the same side of New Occupation Lane are predominantly of a limited height and consist of low walls, some of which also have railings and low hedges or other vegetation above. These features contribute positively to the character and appearance of the area by giving the frontages of the dwellings an open and spacious feel.
5. The wall and fence subject to the appeal are of a considerable height, are solid and are notably different in their scale and visual impact to these other existing boundary treatments. In the context in which it is found, and when viewed against the existing boundary treatments on the same side of New Occupation Lane, the appeal development appears as a stark and harsh addition to the street scene. This has resulted in significant harm being caused to the character and appearance of the host dwelling and the area.

6. Some boundary treatments on the other side of New Occupation Lane differ more greatly in their height and visual impact, in particular the high wooden fence at the dwelling immediately opposite the appeal site. This it would appear at least partly serves to enclose the rear garden area of the dwelling at which it is located, but nonetheless by reason of its height, length and positioning it too has a notable impact on the character and appearance of the street scene.
7. The impact of the fence in question is not however comparable to that which occurs from the appeal development, as it does not enclose the frontage of a dwelling in a row of terraced properties. Furthermore, its presence does not overcome the incongruity caused by the appeal wall and fence when it is viewed in conjunction with the open frontages of the dwellings in the adjoining terrace and those further down the road, these being the views in which the appeal development appears the most harmful. For these reasons, the presence of the fence opposite does not justify the retention of the appeal development.
8. I therefore conclude that the appeal development has caused significant harm to the character and appearance of the host dwelling and the area. It as a result fails to accord with Policy P10 of the Core Strategy 2019 (CS), where it seeks to protect character and appearance. It also does not accord with the aims of the Householder Design Guide Supplementary Planning Document 2012 in the same respect.

Highway safety

9. Due to the height of the stone pillars, the presence of the high fencing and the relatively narrow width of the access onto the driveway of the appeal dwelling, pedestrian and vehicle visibility splays are not present. This means that drivers leaving the driveway and pedestrians walking along the pavement on New Occupation Lane do not have the benefit of being able to see and judge any conflicts that may arise as vehicles exit the appeal site. This causes unacceptable harm to highway safety.
10. The appellant has installed two mirrors on the pillars, which do provide both drivers and pedestrians with some degree of an indication as to when a vehicle is seeking to leave the driveway. However, they require that pedestrians, who may be children, anticipate that the mirrors need to be used so that they can pass the entrance safely. Their scope is therefore such that they do not adequately compensate for the lack of visibility splays that would be expected at a new or altered access point.
11. For these reasons, I conclude that the lack of visibility splays causes unacceptable harm to highway safety. Consequently, the development fails to accord with Policy T2 of the CS and Saved Policy GP5 of the Unitary Development Plan 2006, where they seek to safeguard highway safety and resolve detailed planning considerations. There is also a conflict with the Street Design and Parking Supplementary Planning Document 2009 and the Framework in the same regard.

Other Matters

12. The appellant has undertaken improvements to the dwelling and has invested time and money in doing so. I acknowledge that the wall in particular uses good quality materials and that the appellant has taken time to cut and lay the

stone. Reference is also made to the presence of high gates and high vegetation at the time that the property was purchased, which it is contended had a greater impact both visually and in terms of highway visibility considerations. These have however now been removed. I acknowledge that there is variation in the ages, styles and materials of properties along New Occupation Lane.

13. The appellant has also provided evidence of the levels of parking they experience outside their property, due to the proximity to the access point to the public open space and to business uses, and I accept that the wall and fence provides a degree of privacy and security in light of this. These considerations, taken individually and collectively, do not however outweigh the harm to character and appearance and to highway safety that I have found.

Conclusion

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

Graham Wraight

INSPECTOR