



Appeal Decision

Site visit made on 13 July 2023

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4TH July 2023

Appeal Ref: APP/Z4718/D/23/3322537

94 White Lee Road Batley West Yorkshire WF17 8AF

- 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 Zaheer Ahmed against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/93904/E, dated 2 December 2022, was refused by notice dated 22 March 2023.
 - The development proposed is 1565 High wall with pillars and decorative panels.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit the development had been partly constructed with the brick wall and pillars built. The decorative panels were not installed. For the avoidance of doubt I have determined the appeal on the basis of the plans as submitted.
3. The submitted block plan shows the wall abutting Hollinbank Lane and to the rear of the appeal property. However it is clear from my site visit and the information before me that the appeal scheme relates to the wall fronting the site at White Lee Road and I have determined the appeal on this basis.

Main Issue

4. The main issue in this appeal is the effect of the development on the appearance of the host dwelling and the area.

Reasons

5. The appeal property, No 94 White Lee Road (No 94) is a detached dwelling located on the west side of White Lee Road, a residential street. On the east side of White Lee Road opposite to No 94 lie open fields. The dwellings on the west side of White Lee Road are set back from the road, with the front boundaries of the majority of dwellings marked by low brick walls. This, together with the open aspect on the opposite side of the street, gives the area an attractive open character and appearance.
6. The design, height and materials of the wall including the incorporation of pillars bounding No 94 would be out of keeping with the open frontages on this

part of White Lee Road and would fail to integrate well with its surroundings. I accept that not all the front boundary treatments are of the same materials and the wall may soften slightly in its appearance as it weathers. However, the use of non matching materials in this instance in juxtaposition of the height and design of the appeal scheme would be an unsympathetic feature at odds with the prevailing appearance of the streetscene.

7. I appreciate that the proposal as currently built retains a semi-open aspect. However this is not the scheme on the plans before me which proposes the incorporation of decorative panels between the pillars. The addition of decorative panels, between what are high pillars, would add to the incongruity of the development within the general street scene and would introduce a sense of enclosure to what is otherwise an open area. As such it would cause unacceptable harm to the appearance of the general streetscene and area.
8. The appellant has referred me to a number of other similar walls/fences on White Lee Road. Whilst I saw these on my site visit, I do not know the full circumstances in which these developments were accepted. However the majority of these developments are sited further away from No 94 and are different to the area in which No 94 is located where there is a greater sense of openness. In the case of the neighbouring dwelling drawn to my attention, the enclosing effect of the shrubbery and vegetation is of a natural, rather than built, form and the brick wall has iron railings atop of it which mitigate against a "closed" appearance. Accordingly the existence of these developments do not represent direct parallels to the current appeal scheme and merit limited weight. In any event they do not justify development which would otherwise be unacceptable.
9. I note that the wall is acceptable in relation to highway visibility issues and that no other concerns have been raised by the Council in relation to the amenity of the occupiers of neighbouring properties. However the absence of harm in these respects does not weigh in favour of the appeal scheme.
10. Therefore, I conclude that the proposal results in unacceptable harm to the appearance of the host dwelling and the area. As such it would be contrary to Policy LP 24(a) of the Kirklees Local Plan which seeks to promote requires good design and to protect character and appearance.

Other Matters

11. I acknowledge the wish of the appellant to create a secure private playing space for his family and the need for security. However there is no reason why the dwelling cannot be secured with fencing or a wall which would be less harmful than the current development. I note too the reference to the Council's handling of the application. However this is not a matter before me, nor does it alter my findings.

Conclusion

12. For the reasons given and having regard to all matters raised, I hereby dismiss the appeal.

K Winnard

INSPECTOR