



Appeal Decision

Site visit made on 7 November 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2023

Appeal Ref: APP/N4720/D/23/3325539

320 Wood Lane, Rothwell, Leeds, Yorkshire LS26 0PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Grant Munro against the decision of Leeds City Council.
 - The application Ref 23/01306/FU, dated 24 February 2023, was refused by notice dated 3 May 2023.
 - The development proposed is described as, *'proposed new boundary fence with new pedestrian and vehicular access fronting Wood Lane'*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the above banner heading has been taken from the original application form. The decision notice does however include pedestrian and vehicular access gates which I have had regard to and determined the appeal accordingly.
3. A front boundary treatment has been constructed onsite comprising a brick wall with timber fence on top and in sections between brick piers. This scheme has been the subject of a previous application which was dismissed at appeal¹. The appeal before me comprises an alternative design to what has been constructed onsite and I have considered this appeal based on its own merits.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site accommodates the residential property of No. 320 Wood Lane located along a row of other residential properties within a residential setting. The property is set back from the footpath and main road with off street parking provided via an existing drive from Wood Lane. It appears undisputed that the plot is much wider than others nearby which results in a lengthy frontage along the footpath and main road.
6. As referred to above, a boundary treatment consisting of a red brick wall with a timber fence on top, and in sections between brick piers has been constructed on site which fronts directly onto the footpath and main road and is highly

¹ APP/N4720/D/21/3274646

- visible within the street scene. Trees and vegetation sit behind the boundary wall providing screening from the main property and front amenity areas.
7. The proposed development seeks to provide a new boundary treatment along the frontage to that present onsite which would comprise brick walling with metal wire railings on top, and in sections between brick piers. The proposed boundary treatment would also comprise a recessed pedestrian and vehicle access point to the site which would also comprise metal railing gates.
 8. At my site visit, I observed the properties nearby and noted that the front gardens of the properties are generally open with low level boundary treatments including low rise walls and hedging/shrubs particularly along this side of the road. Such low height enclosures and soft landscaping creates a pleasing sense of openness and spaciousness within the street scene. It is noted that there are a small number of properties which have higher boundary enclosures to the front, but larger more solid boundary treatments do not dominate this part of the street scene and those which tend to be higher are either on the other side of the road or a further distance away and do not form part of this particular street scene.
 9. The proposed development would result in a lengthy boundary treatment close to the pavement and main road which by virtue of its overall design, height, and excessive length, would be visually prominent and incongruous in comparison to other boundary treatments in the area which is in the greater part defined by lower height enclosures and hedging/shrubs. As a result, it would reduce the positive character of the street scene created by the softly landscaped, openness of the properties frontages.
 10. I appreciate that permitted development rights exist for certain boundary treatments. However, the appeal before me is not permitted development given its overall height and I have therefore assessed the appeal based on its own merits and thus identified the harm that would arise. Whilst the proposed railings may provide some views into the site, it would still result in a lengthy and high boundary treatment of a solid form which would be at odds with the existing character of the area. I note the option of hedge planting behind the wall which could be secured via a planning condition were I minded to allow the appeal. This would not however overcome the harm identified as the spacious open character would still be eroded.
 11. I have taken account of the appellants' comments regarding security and safety. However, there is no evidence before me to suggest that this could not be achieved by a scheme that would be less harmful to the character and appearance of the area.
 12. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. It would therefore be contrary to Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review, 2019), Policies GP5 and N25 of the Leeds City Council Unitary Development Plan (Review 2006) and Policy HDG1 of the Leeds City Council Householder Design Guide Supplementary Planning Document, 2012 which together, amongst other matters, requires new development to provide good design that is appropriate to its location, scale and function. For the same reasons, the proposed development would also be contrary to the aspirations of the National Planning Policy Framework relating to achieving well-designed places.

Other Matters

13. The Council do not appear to raise any particular concern in relation to residential amenity and parking/highway safety. A lack of harm in this respect is however a neutral factor in my overall decision.

Conclusion

14. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR