



Appeal Decision

Site visit made on 22 November 2023 by T Bennett BA (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2024

Appeal Ref: APP/N4720/D/23/3329075

14 John O Gaunts Walk, Rothwell, Leeds LS26 0LR

- 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 Emma Smithson against the decision of Leeds City Council.
 - The application Ref 23/03480/FU, dated 6 June 2023, was refused by notice dated 29 August 2023.
 - The development proposed is described as 'retrospective application for new boundary fencing and gates to the front of the dwelling.'
-

Decision

1. The appeal is allowed and planning permission is granted for development described as 'retrospective application for new boundary fencing and gates to the front of the dwelling' at 14 John O Gaunts Walk, Rothwell, Leeds LS26 0LR in accordance with the terms of the application, Ref 23/03480/FU, dated 6 June 2023.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The fence and gate are in place and appear to have been erected in accordance with the submitted plan. In the interests of conciseness and preciseness, I have omitted the additional text from the description on the application form.

Main Issue

4. The effect of the development on the character and appearance of the area.

Reasons for the Recommendation

5. Like the appeal property, others in this part of the road are set back substantially from the highway, behind front gardens or drives, contributing to a pleasant sense of openness and spaciousness. Boundary treatments in the street vary in their height and materials. These include brick walls (some with railings), fencing and hedging. A high metal security fence also spans the end of the cul-de-sac. This adds a varied feel to frontages in the street scene.
6. The proposal has introduced an approximate 1.8m timber fence along the front boundary and a solid metal-framed gate with wood-effect composite, set back approximately 2.7m from the highway. Whilst the installation is higher than the

adjacent boundary treatment at No. 13, it is not substantially so. There is a more noticeable difference between it and the low wall at No. 15, however, this is mitigated with the gate set back from the highway and matching height of the boundary fence between the two properties.

7. Several dwellings in the vicinity have boundary treatments and gates of height and form similar to those at the appeal property. These include a solid timber gate and boundary fence adjacent to No.15, a high fence at No. 2 and, whilst set back from the front boundary, solid timber and metal framed gates and fencing at No.1. The wood-effect composite of the gate is similar in colour and material to that used on nearby properties. The scheme does not therefore appear unduly prominent or incongruous.
8. The gate lacks permeability, with a number of properties in the street either having no gates or such that allow views through, adding to the sense of openness. However, because of the substantial set back of the appeal property from the highway, even with the solid gates, the prevailing pleasant sense of openness and spaciousness is retained.
9. The development does not therefore harm the character and appearance of the area. As such, there would be no conflict with Policy P10 of the Leeds Core Strategy (as amended 2019) and saved Policy N25 of the Leeds Unitary Development Plan (2006) which collectively seek to ensure development and boundaries respect the character of the area. I have also had regard to the 'Householder Design Guide' Supplementary Planning Document which also seeks to ensure proposals respect local character. It also accords with the overarching designs aims of the National Planning Policy Framework, the relevant substantive parts thereof have not been materially affected by the most recent December 2023 version.

Conditions

10. As the development has already been carried out in accordance with the submitted plans, no conditions are relevant or necessary.

Conclusion and Recommendation

11. For the reasons given above, the appeal scheme complies with the development plan and there is nothing sufficient to make me find otherwise. I therefore recommend the appeal be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence, and my representative's report and on that basis the appeal is allowed.

John Morrison

INSPECTOR