



Appeal Decision

Site visit made on 1 February 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/N4720/D/23/3335769

3 The Drive, Adel, Leeds LS16 6BG

- 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 Abdul Goffar against the decision of Leeds City Council.
 - The application Ref 23/04780/FU, dated 31 July 2023, was refused by notice dated 28 September 2023.
 - The development proposed is gates and boundary treatment to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit, I observed that the proposed front boundary wall and piers had been erected, but not completed. The proposed railings and gates had not yet been installed. I have therefore determined this appeal on the basis of it being partly retrospective.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions from the main parties on the revised Framework.

Main Issue

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

Reasons

5. The appeal site comprises a substantial detached dwelling with a long frontage onto The Drive, which is a residential road featuring large properties of varied age and style. In common with other properties on The Drive, the appeal property is situated within a large plot and is set back from the road behind a grass verge, front garden and driveway. Front boundary treatments along The Drive predominantly consist of established hedges, though some also have railings, walls or fencing. The mature frontage hedges, together with trees within the grass verges lining the road and in the gardens of properties contribute positively to a spacious, verdant character.
6. The appeal proposal consists of a new boundary wall to the site frontage constructed in Yorkshire stone with aluminium powder coated gates and railings interspersed with piers. The former vehicular access to the site has

been closed and a new, more central access has been formed which has resulted in the removal of a section of the grass verge. The evidence before me indicates that the front boundary treatment to the property previously consisted partly of a laurel hedge which would have maintained the verdant character of the area.

7. The combination of the new wall, piers, railings and gates would, by reason of their overall height and substantial length adjacent to the highway, create a stark and dominant barrier to the site frontage, which would not reflect the more modest boundary treatments generally found along The Drive.
8. Other railings and gates along this road are of a design that allow views through them and they thus maintain a sense of openness. In contrast, the design of the proposed gates and railings would give a more solid appearance that would result in a sense of visual enclosure to the front garden and detract from the verdant, spacious feel of this road. Consequently, the proposal would not accord with saved Policy N25 of the Leeds Unitary Development Plan Review (2006) (UDP) which states that boundaries of sites should be designed in a positive manner, using walls, hedges, or railings where appropriate to the character of the area. Due to their relatively solid appearance, planting behind the wall and railings would not sufficiently mitigate the impact of the proposal. In addition, the loss of part of the grass verge to the site frontage has exacerbated the adverse visual effects on the verdant character of the area.
9. The appellant has referred to a number of other front walls, gates and railings within the locality, including at 4 The Drive, which is on the opposite side of the road. However, I do not have the details of the planning history of these other cases before me, and their design are not identical to the appeal proposal. The submitted plans indicate that the proposed railings and gates would be a more solid barrier than others on this part of the road and would, therefore, have a more visually enclosing effect on the street scene. Moreover, some of the other examples referred to are uncharacteristic of the prevailing character of the area and are not good examples to follow in my view. In any case, I have assessed the appeal scheme on its own merits.
10. For these reasons, I conclude that the proposal would result in significant harm to the character and appearance of the area. Accordingly, it would be contrary to Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review (2019) (CS), saved Policies BD6, GP5 and N25 of the UDP and Policy HDG1 of the Council's Householder Design Guide, Supplementary Planning Document (2012). Amongst other things, these policies seek to ensure that development respects the character of the surrounding area. The proposal would also conflict with Framework, where it seeks to ensure that development is well-designed and sympathetic to local character.

Conclusion

11. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR