



Appeal Decision

Site visit made on 5 March 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/N4720/W/24/3337468

26A Harehills Avenue, Leeds, LS7 4EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Maria Firth against the decision of Leeds City Council.
 - The application Ref is 23/04949/FU.
 - The proposed development is described on the application form as 'a linear perimeter fence off existing boundary wall in softwood timber. The fence is to be open boarded palisades and stained.'
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Decision

1. The appeal is allowed and planning permission is granted for a fence above existing wall to the front and site at 26A Harehills Avenue, Leeds, LS7 4EU in accordance with the terms of the application, Ref 23/04949/FU, and in accordance with drawing no. 23/0002, submitted with it, and subject to the following condition:
 - 1) Within 6 months of the date of this decision, the whole of the fence shall be stained a dark brown colour, and retained as such thereafter.

Preliminary Matters

2. The fence has already been installed, so I have treated the appeal as being retrospective.
3. In the decision above I have used the description of development used in both the Council's decision notice and the appellant's appeal form, which describes the proposal more succinctly and accurately than that on the application form.

Main Issue

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

Reasons

5. Harehills Avenue is a tree-lined residential street of traditional terraced town houses, set back from the road behind front gardens. Along Harehills Avenue, and the streets of smaller terraced houses which lead off it, boundary treatments are generally formed of low brick or stone walls, often topped with hedges, or, less frequently, railings.
6. The boundary walls and hedges contribute to the established character of the area, and fencing is not a traditional or prevalent form of boundary treatment here. That said, when walking around the grid of streets in the vicinity of the

appeal site, I noticed a number of properties which had installed fences along their front boundary walls, with examples along the section of Harehills Avenue to the east of the appeal site, as well as along Nassau Place and Grange View. Whilst they may not all have planning permission, they were too numerous to be described as isolated examples. As such, fencing has become part of the character of this area.

7. The timber fence which has been installed at the appeal property sits above the low brick front and side wall, to provide a boundary of around 1.8m in height. Being on a corner plot, the appeal property is in a prominent location, with a more extensive boundary than neighbouring properties.
8. The fence is clearly visible from Harehills Avenue, but its dark brown stain helps it blend in with the surrounding trees and the dark red bricks of the buildings. This helps to reduce the visual impact of the fence in the wider streetscene. As it is of a similar height to nearby boundary hedges along Harehills Avenue, the scale of the fence does not appear excessive. Even though fencing is not a traditional boundary treatment here, the appeal fence does not appear overly prominent or overbearing in this location.
9. I acknowledge that the fence does reduce the open character of this corner of Harehills Avenue and Nassau Place compared with the situation without such a structure. However, the spacious quality of Harehills Avenue is derived primarily from the relationship between the buildings and the street. The fence does not appear out of scale compared with the three storey terrace, and does not compromise the open character of the street. In any case, the fence is not completely solid, and glimpse views of the garden are afforded through its slightly open form.
10. Compared with the formality character of Harehills Avenue, there is a lack of uniformity in the buildings along Nassau Place, with more variety in building lines and boundary treatments. From Nassau Place, the fence is viewed in the context of nearby properties which appear to be in non-domestic use, with fencing on the adjacent property. As such, the appeal fence does not appear particularly conspicuous or out of place when viewed from Nassau Place.
11. I note the appellants comments regarding anti-social behaviour and littering, particularly associated with the annual carnival event that takes place over several days. Whilst the fence may not prevent such behaviour, by enclosing their garden in this way, the appellant and their family now have an outdoor space which feels more safe and secure, and therefore more usable. I have no reason to suppose that a fence of this height and form would encourage criminal activity here.
12. Overall, I find the effect of the fence on the character and appearance of the area to be acceptable. The scale and design of the fence is appropriate to its location and conserves the character of the townscape, as required by Policies P10 and P12 of the Leeds Core Strategy (amended 2019). The scheme accords with saved Policy GP5 of the Unitary Development Plan (UDP), which requires that detailed planning considerations be resolved.
13. Saved UDP Policy N25 is concerned with boundary treatments, and whilst it does not particularly mention fences, I have found that the appeal scheme does not cause harm to the character of the area, so does not conflict with the

policy. For similar reasons, it is consistent with the requirements for landscape design contained in Saved UDP policy LD1.

14. I have identified no conflict with the guidelines for house extensions contained in Policy HDG1 of the Householder Design Guide Supplementary Planning Document, or with the requirements for high quality design contained in the paragraph 135 of the National Planning Policy Framework.

Condition

15. The fence is already in place but is not completely finished, with one area left unstained. To ensure a satisfactory appearance, I have imposed a condition requiring that this be done within 6 months of the date of this decision, and maintained as such thereafter.

Conclusion

16. I have found that the fence does not cause unacceptable harm to the character and appearance of the area. For the reasons set out, the appeal is allowed subject to the above condition.

R Morgan

INSPECTOR