



Appeal Decision

Site visit made on 17 January 2024 by T Bennett BA(Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/N4720/D/23/3332189

2 Jakeman Court, West Ardsley, Wakefield WF3 1UR

- 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 Navraj Sandhu against the decision of Leeds City Council.
 - The application Ref 23/02970/FU, dated 15 May 2023, was refused by notice dated 8 August 2023.
 - The development proposed is described as 'I am seeking permission to install a fence that will be set 6 inches behind the boundary wall inside my garden. The purpose of this fence is to ensure there are no obstructions within my garden while providing necessary privacy and security for my property.'
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Decision

1. The appeal is dismissed.

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.

Background and Preliminary Matters

3. From the evidence before me and as detailed in the delegated report, this proposal is substantively the same as a previous scheme that was dismissed at appeal in July 2023¹. It is not clear whether the Council may have been able to use its powers under section 70A of the Town and Country Planning Act (1990) to decline to determine the application. Notwithstanding this, the previous appeal is a material consideration and I have given regard to the previous Inspector's comments in my own assessment of the appeal before me.
4. From my site visit and the appeal submissions, notwithstanding the description of development, it is evident that the application is retrospective and I have assessed it on this basis.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - highway and pedestrian safety.

¹ APP/N4720/D/22/3311203

Reasons for the Recommendation

Character and appearance

6. Jakeman Court is a residential cul-de-sac off Lowry Road, predominantly characterised by open frontages with occasional hedging. The appeal property is located in a prominent position on the corner of Jakeman Court and Lowry Road, originally having a low front boundary wall, similar to other corner properties coming off Lowry Road where the boundary treatment is typically low walls or hedging. In the case of Jakeman Court, this contributes positively to a harmonious, spacious and verdant character.
7. By virtue of their height and total span around the corner and across the frontage of the host property the timber fencing and gate form an incongruous and stark sense of enclosure. Furthermore, the concrete posts and gravel boards utilised to the southern boundary integrate poorly with the brick wall which encloses the rear of the appeal site. The prominent corner position of the appeal property amplifies the harmful visual effects of the development in wider views, such that it appears markedly at odds with the spacious characteristics of Jakeman Court.
8. The appellant has provided other examples of tall boundary walls and fencing within Lowry Road. I accept these are a regular feature within the Lowry Road street scene. However, Lowry Road is a wide spine road from which Jakeman Court, along with several other residential cul-de-sacs are accessed. Moreover, where tall boundary treatments are present, they do not typically relate to the frontage of these properties and so are not directly comparable to the appeal development.
9. The example at Blackgates Rise drawn to my attention by the appellant appears to be some distance from the appeal site. I have not been provided with any evidence relating to its planning history, therefore I cannot be sure whether it benefits from planning permission. In any case, this example only serves to highlight the harmful visual effects of such development and does not persuade me that the appeal development is sympathetic to the characteristics of Jakeman Court.
10. For the reasons above, the boundary treatment significantly harms the character and appearance of the area and therefore conflicts with Policy P10 of the Leeds Core Strategy (as amended 2019) (CS), saved Policies N25 and GP5 of the Leeds Unitary Development Plan (2006) (UDP) and the Householder Design Guide Supplementary Planning Document (SPD). Collectively, these seek to ensure new development, including boundaries respect the character of the area. It also conflicts with the overarching designs aims of the National Planning Policy Framework.

Highway and pedestrian safety

11. Due to the height of the boundary fence and its position close to the edge of the footway, I observed that vehicle users would have poor visibility of the road and adjacent pavement in both a northerly and southerly direction when exiting the driveway of the appeal property. It is likely that vehicles would first need to be driven onto the pavement for the driver to be able to see oncoming pedestrians and traffic. This poor visibility increases the risk of collision and therefore creates an unsafe environment for users of the highway.

12. The gates across the vehicular access have been positioned at the back edge of the footway. This means that there is also the potential that vehicles would obstruct the carriageway and footway close to the junction with Lowry Road and the shared access drive to the south whilst the gates are being opened. This has the potential to cause inconvenience for other highway users and also be detrimental to highway safety.
13. The fence erected on the southern boundary significantly also impairs visibility of both pedestrians and vehicle users that may be approaching from the north for drivers exiting the adjacent shared surface drive. Similarly, for motorists turning into the shared surface driveway from Jakeman Court, the height of the fence along the front and side boundary prevents advance sight of pedestrians or vehicles that may be using the shared surface road. This further adds to my highway safety concerns.
14. Whilst vehicle speeds on Jakeman Court are likely to be low and traffic levels minimal, the issues identified nevertheless unacceptably increases the risk of collision and inconvenience for highway users.
15. For the reasons set out above, the development has a detrimental impact on highway and pedestrian safety. It therefore conflicts with Policy T2 of the CS, saved Policy GP5 of the UDP and the Transport Supplementary Planning Document. These, amongst other matters, seek to safeguard highway safety. It also conflicts with the aims of the National Planning Policy Framework in terms of preventing unacceptable impacts on highway safety.

Other Matter

16. I understand the boundary treatment has been erected to provide privacy and security for the appellant. However, the principal windows serving the dwelling are set back from the road and, as is commonplace within the area, its private amenity space is located to the rear. I have not been provided with any information to suggest crime is a significant issue in the area which would require the property to be enclosed in such a manner. Accordingly, these matters do not outweigh the harms that I have identified.

Conclusion and Recommendation

17. The appeal scheme conflicts with the development plan and there are no compelling material considerations that indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR