



Appeal Decision

Site visit made on 13 November 2023 by A Khan BSc (Hons) MA

Decision by S Edwards BA MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/N4720/D/23/3324309

77 Waggon Road, Middleton, Leeds LS10 4GN

- 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 Lukasz Kurek against the decision of Leeds City Council.
 - The application Ref is 23/02053/FU.
 - The development proposed is increase to height of boundary wall/fence to front, including electric gate to driveway.
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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.

Preliminary Matters

3. In December 2023, the Government published a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The description of development as detailed on the application form has been amended in subsequent documents. I have used the description included on the appeal form, which describes the proposal accurately and concisely.
5. At the time of the site visit there was an existing gate structure in the location of the proposed electric gate which was lower in height than the proposed electric gate. I will make my recommendation having solely regard to the plans used by the Council for the determination of the planning application subject to this appeal.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons for the Recommendation

7. The appeal property lies within a planned residential estate, which is predominantly characterised by two- and three-storey dwellings of a similar design. Buildings are typically set back from the road, behind small open front gardens and driveways, thus giving the area a pleasant suburban feel. Boundary treatments in the area generally take the form of low brick boundary walls or metal railings. The use of taller close boarded fencing adjacent to the highway is limited and, in most cases, to enclose private garden areas.
8. The garden is situated to the side of the appeal property and is formally enclosed by a low brick boundary wall, with timber fencing set between brick piers. No concerns have been raised by the Council regarding the limited increase to the height of the timber fencing enclosing the garden area, and there are no reasons for me to disagree with this view.
9. The proposed electric gate would however introduce a new type of boundary treatment not typically found in the area. Not only would the gate extend across the entire width of the driveway but it would also sprawl further, to replace a section of the existing enclosure. By reason of its excessive width and height, the electric gate would unduly stand out as an alien and incongruous structure, which would detract from the prevailing pattern of development and cause significant harm to the character and appearance of the surrounding area. The harm would be exacerbated by the design of the gate which, due to its solid nature, would appear as a dominant feature. For these reasons, I give significant weight to the harm the proposed electric gate would have on the character and appearance of the area.
10. The absence of boundary treatment between the appeal property's rear garden and the driveway notably raises safety concerns for the appellant, as the private garden was, at the time of the site visit, directly visible and accessible from the public road. However, no substantive evidence has been presented to demonstrate that the appellant has considered alternatives to the proposal which would address safety and noise concerns without causing harm to the surrounding area. Very limited weight is therefore ascribed to these considerations.
11. Although I empathise with the appellant's concerns regarding privacy, security and noise, this does not outweigh the significant harm which the proposed electric sliding gate would cause to the character and appearance of the surrounding area. The proposal would therefore be contrary to the design aims of Policy P10 of the Leeds Local Plan Core Strategy (Amendments adopted 11 September 2019), Saved Policies GP5 and NP25 of the Leeds Unitary Development Plan (2006), and General Principle HDG1 of the Leeds City Council Householder Design Guide Supplementary Planning Document (April 2012). These seek to ensure that alterations to existing spaces respect the character and appearance of the area and require, amongst other things, particular attention to be paid to boundary treatments.

Conclusion and Recommendation

12. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons given above, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Edwards

INSPECTOR