



Appeal Decision

Site visit made on 14 May 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2024

Appeal Ref: APP/N4720/D/24/3340195

11 Whinmoor Court, Whinmoor, Leeds LS14 1NX

- 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 Mr Aston Goodison against the decision of Leeds City Council.
 - The application Ref is 23/05624/FU.
 - The development proposed is application for fence and gates to front facing highway 1.2m in height.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A fence has already been erected around the property however the proposed development is for a fence and gates to the front facing highway which is a reduced height of 1.2m.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the street scene and the wider area; and
 - Whether the proposal makes suitable provision for safe access and parking of vehicles.

Reasons

Character and Appearance

4. The appeal site is located in a verdant residential area comprising two-storey, brick built, detached properties with small front parking and garden areas. Most front boundaries are enclosed by low level brick walls with some properties having no means of enclosure. Side boundaries are comprised of low-level fencing or hedging. These low-level boundary features are a key characteristic of the area and create a sense of openness to the street scene.
5. The proposal is for the provision of 1.2m high fencing along the front boundary of the site, constructed of timber and composite posts with composite infill panels.
6. The materials and height of the fencing would be a discordant feature in the streetscape which is not in keeping with the existing local character of low-level boundary treatments. The solidity of the proposed fencing would create an

enclosed appearance around the property, interrupting the open aspect of the street scene and would harm the character and appearance of the local area.

7. I therefore conclude that the proposal would have a significantly detrimental effect on the character and appearance of the street scene and the wider area. Hence it would be contrary to the design requirements of Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS), Policies GP5 and N25 of the Leeds Unitary Development Plan (Review 2006) (LUDP) and Policy HDG1 of the Householder Design Guide Supplementary Planning Document (2012). These policies require development to respect the character of the locality and for site boundaries to be designed using walls, hedges, or railings which are appropriate to the character of the area. The proposal would also conflict with the requirements for good design set out in the National Planning Policy Framework (the Framework).

Highway Safety

8. The proposed fence and the panels are positioned up to the footway for Whinmoor Court. Together with the width of the gates, their location, height and materials of construction, they would restrict the inter-visibility between the vehicles exiting the site and other road users and pedestrians, to the detriment of the safety of all concerned.
9. The depth of the footway is also insufficient for vehicles to wait clear of the road and for pedestrians to pass. Therefore, whilst the gates are opened for vehicles to enter the site, vehicles may need to wait stationary on the footway, overhanging the carriageway. This would be an inconvenience and safety risk to users of the footway who would be likely to need to enter the road to navigate around vehicles parked on the footway.
10. The width of the proposed vehicular access gates is not of an appropriate size and therefore is likely to lead to on street parking, which would obstruct the safe movement of traffic along this stretch of Whinmoor Court and represent a danger to other road users and pedestrians.
11. I have been provided with an illustrative example of how the top composite panel of the driveway gates and adjacent panels could be replaced by trellis panels. While this may allow for a greater extent of visibility, it would not be unrestricted due to the presence of posts and the trellis, so there would still be potential for accidents to occur.
12. For the reasons outlined above, I conclude that the proposed development would not make suitable provision for safe access and parking of vehicles and therefore would have an unacceptable impact on highway safety. Hence it would conflict with the aims of Policy T2 of the CS and Policy GP5 of the LUDP, which seeks to ensure that development provides safe and secure access for pedestrians, cyclists and people with impaired mobility and requirements. The proposal would also be contrary to the aims of the Framework in relation to highways safety.

Other Matters

13. I note that the appellants reasons for the erection of the fencing are in relation to security but there is no substantive evidence before me to suggest that other security deterrents have been explored or would not be equally effective.

Nonetheless, this does not outweigh the harm of the proposed development as outlined above.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons outlined, the appeal should be dismissed.

C Skelly

INSPECTOR