



Appeal Decision

Site visit made on 4 June 2024

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/N4720/D/24/3339917

2 West Farm Avenue, Middleton, Leeds LS10 3SQ

- 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 Greater Moyo against the decision of Leeds City Council.
 - The application Ref is 23/07079/FU.
 - The development proposed is for installation of a new rendered wall and timber gate with a black metal frame.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed elements from the description of development in the application form, as these were not acts of development, nor accurately described the development. The development has taken place and the proposal is retrospective. I have considered the appeal on this basis.
3. The Council's reasons for refusal refer to a fence instead of a wall. This is a typographical error and I have assessed the development as proposed.

Main Issues

4. These are the effect of the development on the character and appearance of the street scene and the safety of all highway users.

Reasons

Character and appearance

5. Located on the corner of West Farm Avenue, a suburban residential street, the property is a semi detached red brick dwelling. Front gardens are common, bounded by low level red brick walls or fences. Where there are taller front boundary treatments, these are generally walls topped with railings. This maintains an open aspect to the fronts of dwellings. The low level boundary treatments contribute towards a pleasant, open and locally distinctive character.
6. The development is for a solid block wall, around 1.8m high, that runs the entire length of the front of the property. A solid metal framed gate, of a similar height to the wall, facilitates the vehicular access point in the middle of the wall. The wall has been rendered in an off-white finish and replaced a dilapidated wall and conifer trees.

7. In this setting, the wall and gate appear starkly at odds with the character of the area. This is because of the impermeable, tall and elongated appearance. This is compounded by the mass of off-white render and the dark metal framing, which is inconsistent with the predominant red brick. The result is a highly prominent and inappropriate development, that harmfully encloses the whole front of the property. This detrimentally affects the street and spaces surrounding the site.
8. Consequently, the development has an unacceptable effect on the character and appearance of the area. This conflicts with Policy P10 of the Leeds Core Strategy (as amended, September 2019) (CS), and Policies GP5 and N25 of the Leeds Unitary Development Plan (Review, July 2006) (UDP), which together seek good design that is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.
9. There would also be conflict with the National Planning Policy Framework (the Framework), which seeks to achieve well designed and beautiful places. Lastly, there would also be conflict with the Householder Design Guide Supplementary Planning Document (April 2012) which seeks to avoid harm to the character and appearance of the locality.

Safety of all highway users

10. The Transport Supplementary Planning Document (February 2023) (TSPD) details that 2.0m x 2.0m pedestrian sight lines should be provided where the drive meets the back of the footway. There should also be no physical obstructions. The access point is about 5m wide. However I have not been provided with any sight lines on plan to demonstrate that the access can achieve those advocated in the TSPD.
11. Additionally, the tall height and solid nature of the wall means that it is difficult to see if any pedestrians are walking on the footway outside the site behind the wall. Whilst vehicles are likely to be exiting slowly and infrequently, the restricted visibility could result in pedestrians, especially children or those with reduced mobility, being put at risk of a collision.
12. The appellant claims that the trees used to restrict visibility. Yet, these were not there on my visit. Furthermore, trees can be easily reduced in height to facilitate improvements to visibility.
13. Therefore, the development has an unacceptable effect on the safety of all highway users. This conflicts with Policy T2 of the CS and Policy GP5 of the UDP. These seek to ensure new development has a safe and secure access for all. There would also be conflict with the Framework, which sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

14. Representations were made to the effect that the rights of the appellant to respect her private and family home under the Human Rights Act 1998, Article 1 of the First Protocol, would be violated if the appeal were dismissed. I do not consider this argument to be well-founded, because there are other means to secure a property than by this development. Thus, the degree of interference

that would be caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol.

Conclusion

15. For the reasons set out above, the appeal is dismissed.

Katie McDonald

INSPECTOR