
Appeal Decision

Site visit made on 2 July 2024

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/N4720/D/24/3340123

6 St Ann's Tower, Kirkstall Lane, Leeds LS6 3DS

- 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 Ms Simone Ratcliffe against the decision of Leeds City Council.
 - The application Ref 23/06834/FU, dated 10 November 2023, was refused by notice dated 26 January 2024.
 - The development proposed is addition of a trellis to wall at front.
-

Decision

1. The appeal is allowed and planning permission is granted for the addition of a trellis to wall at front at 6 St Ann's Tower, Kirkstall Lane, Leeds LS6 3DS in accordance with the terms of application Ref: 23/06834/FU.

Procedural Matter

2. The application that is the subject of this appeal sought retrospective planning permission for the development as described in the banner heading above. As such, I was able to view the development in situ during the site visit. Accordingly, in addition to considering the appeal in relation to the evidence before me, I have assessed and determined the effect of the development in that context.
3. The Council has pointed out that a previous application in 2005 for a fence upon the same stone wall was also refused planning consent on design grounds. I note this, however, I have given this point limited weight as I must determine the development before me on its own merits and circumstances whilst having regard to all the evidence before me, including my observations on site.

Main Issue

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

Reasons

5. The appeal concerns the retrospective application to install a trellis fence on the existing original stone boundary wall to St Ann's Towers which dates from the Nineteenth Century. The wall and trellis fence also form part of the present boundary to the host dwelling at 6 St Ann's Tower. property. The trellis fence that is the subject of this appeal is of a modern horizontal slat design and a soft timber construction. The position of the trellis and the wall upon which it sits divides the private garden area of the host property and the busy public highway of Kirkstall Lane.
6. Policies GP5, N25 and BD6 of the Leeds Unitary Development Plan (UDP) Review and Policy P10 of the Leeds Core Strategy (2014) set out, amongst other things, that

development should seek to avoid problems such as loss of amenity, danger to health or life and to maximise highway safety. Development should also be based on a thorough contextual analysis and provide good design, appropriate to its location, scale and function. Development should also respect and enhance existing streets and spaces, their character and quality and protect the visual, residential and general amenity of that area. In addition, development should protect and enhance useable space and privacy and assist in creating a safe and secure environment. Furthermore, the boundaries of sites should be designed in a positive manner using walls, hedges or railings where appropriate to the character of the area.

7. The appellant stated the Council's initial concern related to the height of the trellis fence above the stone wall and that there was no mention of any aesthetic issue. Nonetheless, in terms of its appearance, I note that the material for the trellis was a soft timber, the colour of which was chosen as it was in keeping with the light colour of the Yorkshire Stone of the host property. As I have seen, the trellis has darkened with age, albeit in a relatively short time since it was erected. As a result, aesthetically, the trellis has moved more towards the colour palette of the stone wall upon which it sits. In my assessment, its appearance is now more tonally in keeping with its surrounding visual context of the wall and surrounding trees and vegetation. It does not stand out visually in the street scene and does not appear odd or incongruous to its surroundings. In this regard, I find that the trellis respects the character and appearance of not only its host dwelling but also the wider area and as such accords with the guidelines of the relevant policies.
8. The Council raised concerns that the trellis fence varies in height between 0.45 metres and 0.8 metres above the existing stone wall. Furthermore, the trellis has a modern design and appearance with horizontal slats which, in the Council's view, does not complement the wall upon which it sits in terms of its character and appearance, thus creating an awkward juxtaposition between the two. However, I note that the stone wall also varies in height between 1.6 metres and 1.75 metres above street pavement level. As a result, the difference in height of the wall and the trellis fence work in concert to provide a boundary treatment that is a consistent total height above ground level in relation to the boundary of the host property. I find this to be a reasonable approach to ensure that the trellis protects and enhances useable space and privacy and creates a safe and secure environment that is in accordance with parts (iii) and (v) of Policy P10.
9. The Council stated that the existing wall runs for a length of around 180 metres along Kirkstall Lane and the trellis only runs atop a small section of it (approximately 12.5 metres) relative to the host property boundary. As such, the trellis looks odd and incongruous as it interrupts the otherwise uniform appearance of the stone wall and its relatively constant height within the street scene along Kirkstall Lane. In addition, in visual terms, the Council has said that the trellis has an adverse impact on the character and appearance of the local area and street scene as it is highly visible on the main road, near to a busy road junction. In my view, the trellis forms only a small section of the street scene in total and, in fact, has a very limited visual impact on the wider locality due to its now darkened and weathered appearance.
10. The local area surrounding the appeal site presents a mix of eras in terms of its built environment, its design and architecture. Headingley Cricket Stadium is a short distance from the appeal site and is visible along Kirkstall Lane when standing opposite the site location. It provides a modern construction amongst residential properties built in the nineteenth century through to the present day. There is an eclectic mix of styles, materials and designs within the locality. The trellis adds to this mix in a small way that does not cause any substantive harm to the character and appearance of the surrounding area. Indeed, as provided in evidence by the appellant and as I have observed, there are several examples of various forms and sizes of fencing adjacent to, or on top of, existing stone walls and railings present along Kirkstall Lane. These features do not result in any significant adverse impact on the character or appearance of the street scene and are, in

fact, aspects that form an integral element of the present character of the locality. In that context, I find that the trellis fencing in this case results in no substantive harm to the character and appearance of the surrounding area nor does it substantively adversely affect the protection and enhancement of an historical site feature in terms of the nineteenth century boundary wall.

11. Consequently, I conclude that the development is in accord with Policies GP5, N25 and BD6 of the Leeds UDP Review (2006), Policy P10 of the Leeds Core Strategy (2014), Policy HDG1 of the Council's Householder Design Guide and the relevant guidance within the National Planning Policy Framework.

Other considerations

12. It is noted that the ground level within the private garden of the host property is significantly higher than the pavement on the public side of the boundary wall. This is due to the root systems of the existing protected trees on the site adjacent to the stone boundary wall. As such, the removal of the trees is not possible. Consequently, in my assessment on site, the garden ground level rises to approximately 0.8 metres below the height of the existing stone wall.
13. Despite the garden area being considerably well planted with trees and vegetation, it is evident that without the trellis fence in place, the private garden area would be relatively open visually to the busy public highway of Kirkstall Lane. The ground level of the garden is lower in other parts of the property where the stone wall is higher and provides a greater level of privacy. However, the provision of the trellis does provide a significant level of privacy for the occupiers of the host property. Furthermore, I have considered the appellant's point regarding the safety and security that the trellis fence provides within the private garden for younger family members. It is clear to me that without the trellis in place, the garden would not only be less secure but also less safe with the potential for a young child to be able to leave the garden over the lower height section of the existing wall and enter the busy public highway.
14. Overall, having taken account of all points before me and my observations when visiting the site, I conclude that the very limited harm the trellis fence causes to the character and appearance of the surrounding area is clearly and demonstrably outweighed by the benefits that I have set out above in terms of privacy, safety and security for the occupiers of the host property.

Conclusion

15. Therefore, for the above reasons, and having had regard to all other matters raised, the appeal is allowed.

A McCormack

Inspector