



Appeal Decision

Site visit made on 22 July 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/N4720/D/23/3319032

2 Amberton Grove, Leeds, LS8 3JL

- 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 Nazakat Ali against the decision of Leeds City Council.
 - The application Ref is 22/06089/FU.
 - The development proposed is a gate and fence.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. I saw at the site visit that the gate and fence is already in place and as such consent is sought retrospectively. I have determined the appeal on this basis.
3. The main issue is the effect of the appeal scheme on the character and appearance of the appeal property and the wider area.

Reasons

4. The appeal site consists of a modest residential property of a style and appearance that is typical of the area.
5. The fence is described by the appellant as ranging between 1.5m and 1.7m¹ in height owing to the arched design. The appellant has referred to slim gaps between the fence boards, nonetheless I saw it appears largely as a solid barrier when viewed from the street.
6. The gate is described as being 1.95m high. I note that the gate incorporates design features, specifically a central vertical struct, to give the impression of two traditional opening gates, rather than the single sliding gate. However, I saw at the site visit that the gate appears as a wide and solid structure that is a prominent and incongruous feature in the street.
7. Within the surrounding area there is a wide variety of forms of boundary treatments, including low level open fencing, walls, hedges and some taller fencing. I saw that the gates to driveways on the street were of a tall but open design allowing views from the street into the front garden, thus reducing their visual prominence.

¹ Paragraph 6.6 Statement of Case dated 15th March 2023

8. The appellant has referred to boundary treatments elsewhere in the immediate area around the appeal site. The presence of these boundary treatments does not persuade me as to the acceptability of the appeal scheme.
9. The combination of the height and solid appearance of the fence and the height, width and solid nature of the gate results in a visually prominent and incongruous feature that harms the character and appearance of the appeal property and the wider area.
10. Thus, I find that the appeal scheme is contrary to policy P10 of the Core Strategy, Saved Policies GP5 and N25 of the Unitary Development Plan and policy HDG1 of the Householder Design Guide SPD that amongst other matters require that boundary treatments respect the character and appearance of the dwelling and locality.

Other Matters

11. I note that, as stated by the appellant, a gate and fence of the same design but with a reduced height of 1m would be allowed as permitted development. The appellant has referred to this as a fallback position. Even if I were to accept that there is a greater than theoretical possibility of this being implemented, such a fence and gate, by virtue of its reduced height and scale, would have a correspondingly reduced effect on the character and appearance of the area and as such, while a material consideration, I afford it only limited weight.
12. I note there has not been an objection on highway grounds and I have had regard to it in reaching my decision but I consider the absence of harm in this regard is neutral.
13. I do not consider these matters, singularly or cumulatively, outweigh the harm that I have identified previously.

Conclusion

14. For the reasons given above the appeal should be dismissed.

Mr M Brooker

INSPECTOR