



Appeal Decision

Site visit made on 9 July 2024 by I Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2024

Appeal Ref: APP/N4720/D/24/3344288

38 Croft House Way, Morley, West Yorkshire LS27 8UB

- 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 Mrs Valerie Catherall against the decision of Leeds City Council.
 - The application Ref is 23/05998/FU.
 - The development proposed is described as 'fence at the front of my garden'.
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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. On my site visit, I saw that the fence subject of this appeal is already in situ. The appeal has therefore been assessed on the basis that planning permission is sought retrospectively.
4. No elevation drawings are before me. However, the application was supported by location and block plans which identify the location and length of the fence, together with photographs of the fence that has been erected. These factors correspond with my own observations on site and I have assessed the development on this basis.

Main Issues

5. The main issues are the effect of the development on:
 - a) the character and appearance of the area; and
 - b) highway safety.

Reasons for the Recommendation

Character and appearance

6. The appeal property is a semi-detached bungalow located on a corner plot on Croft House Way. The surrounding area is residential and is predominantly characterised by semi-detached bungalows which are set back from the road. The front gardens serving these properties are more often bordered by either

low lying brick walls, low fencing and/or trees and hedges. This provides an overriding order and spaciousness which positively contributes to a pleasant residential character.

7. Due to its height, considerable length along the boundary with the highway and its connection to other tall side boundary treatments within the plot, the fence has an unacceptable enclosing effect which appears at odds with the generally more open frontages of other properties in the area. The extent and scale of the fence in combination with its materials, which consist of wooden panels and concrete posts, presents as a stark composition. Taken together with the site's prominent corner position, the development is incongruous and significantly detracts from the order and spacious character of the street scene.
8. The appellant has drawn my attention to examples of other tall fences within the surrounding area and I observed these on my site visit. It is not clear from the evidence before me whether those fences benefit from planning permission. Therefore, I am not aware that those fences have been erected having regard to the current requirements of the development plan. In any case, they do not reflect the prevailing characteristics of the area and do not justify the site-specific harm in this instance.
9. I conclude that the development is harmful to the character and appearance of the surrounding area. Consequently, it conflicts with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (the CS) and Saved Policies GP5 and N25 of the Leeds Unitary Development Plan Review (2006) (the UDPR), which require amongst other things, that the size, scale, design and layout of development is appropriate to its context and respects the character and quality of surrounding streets, that developments resolve detailed planning considerations including landscaping and design, and that boundaries should be designed in a positive manner appropriate to the character of the area.
10. For the same reasons, the proposal also conflicts with paragraph 135 of the National Planning Policy Framework (the Framework) which requires that developments add to the overall quality of the area and are sympathetic to local character.

Highway Safety

11. The appeal site is located at a bend in the road and levels descend as one moves away from the site towards the junction with Croft House Avenue. The Council's Transport Development Service (TDS) team has confirmed that visibility of 25 metres (m) is required at the bend based on a speed limit of 20 mile per hour and that this should ideally be drawn in accordance with paragraphs 268 and 269 of the Leeds City Council Transport SPD (Adopted February 2023) (the SPD).
12. However, from my own observations on site, the height and solid composition of the fence combines with the tall side boundary fencing within the site to unacceptably obscure visibility at the corner. Indeed, TDS suggests that the fence has reduced forward visibility on the bend to 15.0m and therefore significantly below its recommended distance. The appellant has not provided any technical evidence to demonstrate why forward visibility significantly below 25m and which does not provide for the splays illustrated at Figure 21 of the SPD would be acceptable in this instance. Consequently, from what I have seen

and based on the evidence before me, there is the potential that drivers approaching the corner would not be afforded sufficient visibility of oncoming vehicles or other hazards within the road such as cyclists or pedestrians. Therefore, the proposal results in an unacceptable increased risk of collision.

13. The appellant suggests that there are no records of any conflict between pedestrians and vehicles across the estate. Whether or not that be the case, that does not justify the reduced visibility in the vicinity of the appeal site resulting from the appeal development, which for the site-specific reasons described unacceptably increases risk on the highway.
14. I note that TDS have suggested that a reduction in the height of some sections of the fence and part of the adjoining side boundary fence to no more than 1m would be an acceptable solution. However, the appellant has not indicated that they would be agreeable to altering those sections of fence. A condition requiring those sections to be reduced in height would not in any case be sufficient to overcome my concerns in respect of character and appearance and so would not lead to an alternative recommendation on this appeal.
15. I conclude the development has an unacceptable effect on highway safety. In that regard, it conflicts with Policy T2 of the CS and Saved Policy GP5 of the UDPR which require that new development will not create or materially add to problems of safety on the highway network and that proposals should maximise highway safety. For the same reasons, the development also conflicts with paragraph 115 of the Framework which confirms that development should be refused on highway grounds if there would be an unacceptable impact on highway safety and would also not accord with the SPD.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

I Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR