



Appeal Decision

Site visit made on 5 November 2024 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2024

Appeal Ref: APP/N4720/D/24/3352536

21 Manor Garth Road, Kippax, Leeds LS25 7PD

- 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 David Mitchell against the decision of Leeds City Council.
 - The application Ref is 24/03040/FU.
 - The development proposed is described as 'Erect a 1 metre fence on top of existing 1 metre high stone wall to side 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. The description above is taken from the application form which also includes explanatory text. Namely 'The garden is a corner plot with a footpath edging it. At the top end is a bus stop. The fence needs raising for safety and security of my back garden for our 3 children and pets. It is also to afford protection for the continuing problem of litter, cans, bottles and dog poo bags being regularly deposited into the garden. The 1 metre high random Yorkshire stone wall is already in existence. A full height gate and path leading to the back door will be incorporated into the design. The wall and fence will not go beyond the front corner of the bungalow to the front of the property.'
4. I have taken this detail into account but, for ease of identifying the development to which the appeal relates, I have omitted it from the banner header above. This has not changed anything fundamental nor prejudiced the ability of any party to make their case in respect of the appeal scheme.
5. The appellant has referred to a revised plan that would reduce the length and height of the proposed fencing. However, the appeal process should not be used to evolve a scheme. In the interests of fairness for all parties therefore, I have considered the scheme as it was submitted to the Council.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

7. The appeal site is a detached bungalow that occupies a large corner plot at the junction of Manor Garth Road and Gibson Lane. The bungalow benefits from a garden that is visible from the surrounding area due to a low boundary wall and hedging to the front. Land rises along Gibson Lane and therefore the property sits in an elevated position. Development in the area is of a low nature comprising bungalows with front gardens and low boundary treatments or hedging creating a pleasant sense of spaciousness and consistency.
8. The proposal would double the height of the roadside boundary treatment and thus erode the sense of spaciousness that is currently experienced. It would be a dominant feature within the street scene due to its prominent position on a corner plot where the land levels are raised, and other surrounding development is low. The boundary treatment would stand out unacceptably and, as well as the above, detrimentally affect the quality of the area's consistency and thus adversely affect the character and appearance of the area.
9. The proposal would therefore be contrary to Policies GP5 and N25 of the Leeds Unitary Development Plan 2006 and P10 of the Leeds City Council Core Strategy as amended 2019 which are concerned with development being appropriate for its location amongst other things.

Other Matters

10. I viewed the examples cited by the appellant at my site visit. Although I do not have their specific history, it is worth noting that most of them are located on secondary roads such as Manor Garth Road where the character is different, and they are not as prominent. Some are also smaller in height and shorter in length. The examples are therefore not directly comparable.
11. Within the examples provided, there were also some where taller fencing has been erected on corner plots that also face on to Gibson Lane. However, such developments are an exception to the norm that do not sufficiently change the character as I have identified it above. With this and the above in mind, I am not led to recommending allowing the appeal.
12. The appellant has suggested incorporating landscaping to soften the appearance of the development. However, given the substantial height of the fencing, any planting would take a considerable time to properly establish. Furthermore, there would be limited space between the wall and the proposed fencing which casts doubt over whether there would be room to facilitate such planting. The appellant has also suggested choosing coloured fencing to match the property however given the size of the development, this would not satisfactorily alleviate the harm caused to the character and appearance of the area.
13. The appellant has advised that there would be benefits to their amenity and other matters such as security and safety because of the proposal. Although I appreciate their aims, I am not advised as to whether the appeal scheme would be the sole way of achieving them. I would consequently afford these matters limited weight.

Conclusion and Recommendation

14. For the reasons given above, the appeal scheme would conflict with the development plan and there are no sufficiently weighty material considerations to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR