



Appeal Decision

Site visit made on 14 January 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/N4720/D/24/3354132

1 Taylor Grove, Methley, Leeds LS26 9AD

- 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 Emily Uden against the decision of Leeds City Council.
 - The application Ref is 24/02571/FU.
 - The development proposed is to take down a 10ft conifer hedge and replace with 5ft fence along the side of Taylor Grove up to our drive way and no in front of no. 2 window views. the fence looks into the neighbours garden with a higher fence than ours proposed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no interested parties have been prejudiced by taking this approach.
3. The above description of development is taken from the application form. However, the proposal would be more accurately described as 'erection of boundary fence'. I have removed reference to 'retrospective' used in the Council's Decision Notice as it does not form part of the description of development. I observed during my site visit that the boundary fence has been erected. Nonetheless, I have dealt with the appeal on the basis of the revised description above and the submitted plans.

Main Issue

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

Reasons

5. The appeal site is a semi-detached dwelling located at the entrance to Taylor Grove, a cul-de-sac comprising similar style dwellings. Due to the street layout, the majority of the garden of the host property is located to the side of the house. There is a mix of boundary treatments along the street including hedges, low level walls and fencing. A number of boundary treatments have been removed entirely to provide access for off street parking. The low-level boundary features are a key characteristic of the area and create a sense of openness to the cul-de-sac.

6. The appeal site adjoins an area of land which sits on the corner of Taylor Grove and Pinfold Lane, which is enclosed by cement posts and timber fencing. The opposite corner plot has been enclosed by a fence of approximately 2m with cement posts. However, the Council has confirmed that there is no planning history for this.
7. The installed fence is lower than the height of the previous conifers. However, the solidity and height of the fencing is a discordant feature which is not in keeping with the existing character of low-level, open boundaries. The height and solid nature of the fencing creates an enclosed appearance to the garden area, which interrupts the open aspect of the cul-de-sac and harms the character and appearance of the locality and surrounding area.
8. The appellant has referred me to other examples around Methley where properties have fencing over 3m in height. I do not have the full details of whether these examples benefit from permission nor the circumstances which led to permission being granted. Therefore, I cannot be certain that they are directly comparable to the appeal scheme.
9. I therefore conclude that the proposal has a detrimental effect on the character and appearance of the locality and surrounding area. The proposal therefore conflicts with Policy P10 of the Leeds Core Strategy (as amended by the Core Strategy Selective Reviews 2019) or policies GP5 and N25 of the saved Unitary Development Plan (Review 2006). These policies amongst other things require development to respect the character of the locality and for site boundaries to be designed using walls, hedges, or railings which are appropriate to the character of the area.

Other Matters

10. I note that the appellant contends that the previous conifers were difficult to maintain and as a result they had overgrown and were causing a hazard to pedestrians and users of the garden. However, there is no substantive evidence before me to suggest that other, more sympathetic means of enclosure have been explored or would not be equally effective. Nonetheless, this does not outweigh the harm of the development as outlined above.
11. Whilst support for the fence has been submitted from neighbouring residents this does not outweigh or alter my conclusions on the main issue.
12. I recognise that the appellant was not made aware of the requirement to seek planning permission for the erection of the fence, however, this is not a matter for me in the determination of the appeal.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
14. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR