



Appeal Decision

Site visit made on 3 December 2024 by T Morris BA (Hons) MSc

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2025

Appeal Ref: APP/N4720/D/24/3349142

11 Tempest Square, Tyersal, Bradford BD4 0FE

- 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 Miss Justyna Wronska against the decision of Leeds City Council.
 - The application Ref is 24/02297/FU.
 - The development proposed is boundary wall/fence to the front and both sides.
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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 of development on the planning application form provided states only that 'the fence I have put in my front garden is mainly for security'. It does not include a description of the development. Therefore, the description of development within the heading above is taken from the decision notice. In addition, I have removed reference to the application being retrospective as that is not a description of development.
4. The site address on the planning application form is 11 Tempest Square, Tyersal, Leeds, Bradford, BD4 0FE. However, the address on the decision notice omits Leeds from the address. I have checked the address using the Royal Mail online checker and this also omits Leeds from the address. I have therefore used the address from the decision notice within the heading above.
5. I observed during my site visit that the development has already commenced and appears to be completed. Planning permission is therefore sought retrospectively, and I have made my recommendation on that basis.

Main Issue

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

Reasons for the Recommendation

7. 11 Tempest Square (No 11) is a semi-detached dwelling situated within a modern housing estate. The dwellings in the area are mostly sited close to the

street behind small front gardens with driveways to the side. The front boundaries to the street are predominantly open-plan without any significant enclosing features. Where there are taller boundaries including walls and fences, these more often enclose the rear gardens of dwellings on corner plots. These open-plan frontages together with the wider landscaping throughout the estate soften the appearance the dwellings and make a positive contribution to the character and appearance of the area.

8. Due to its prominent siting to the front of the dwelling alongside its overall appearance, the boundary wall/fence is a conspicuous feature in the street scene. The concrete posts and timber fence panels enclose the front garden and unacceptably contrast with the more open frontages of dwellings in the estate. Consequently, the development is an incongruous feature in the street scene and has failed to maintain the character and quality of the area.
9. I conclude that the development has had a detrimental effect on the character and appearance of the area. It conflicts with Policy P10 (Design) of the Leeds City Council Core Strategy (2019) and Policies N25 (Landscape Design), GP5 (Detailed Planning Considerations) and BD6 (Alterations and Extensions) of the Leeds Unitary Development Plan (Review 2006). Amongst other things these policies require that the size, scale, design and layout of the development is appropriate to its context and respects the character and quality of the streets and spaces that make up the public realm and the wider locality and for boundaries to be designed in a positive manner using walls, hedges or railings where appropriate to the character of the area.
10. The development also conflicts with Policy HDG1 of the Leeds City Council Householder Design Guide Supplementary Planning Document (2012), which advises that additions and alterations should respect the scale, form, proportions, character and appearance of the main dwelling and the locality, including with particular attention paid to boundary treatments.

Other Matter

11. I have carefully considered the personal circumstances that explain why the appellant has erected the fence. However, the justification for the boundary wall/fence on the grounds of the health issues of elderly family members residing at the property, does not adequately demonstrate why the front garden must be enclosed and therefore weighs only modestly in favour of the proposal. Furthermore, the suggestion that the erected fence addresses crime, anti-social behaviour, stress and wellbeing issues has not been substantiated by any detailed evidence and can only be afforded limited weight in support of the scheme. Therefore, whilst I sympathise with the appellant's situation and understand the benefits of the boundary wall/fence to the appellant, these matters do not override the substantial harm of the development to the character and appearance of the area.

Conclusion and Recommendation

12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

B Plenty

INSPECTOR