



Appeal Decision

Site visit made on 24 March 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/N4720/W/24/3355126

119 Dean Park Drive, Drighlington, Bradford, West Yorkshire BD11 1AW

- 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 Alexander Devlin against the decision of Leeds City Council.
 - The application Ref is 24/01786/FU.
 - The development proposed is to change the use of this land from vacant to extend the curtilage of the domestic property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. Wording pertaining to a description of the site and reference to the retrospective nature of the application, have been omitted. This is for clarity, and to ensure that the description refers solely to an act of development requiring planning permission.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on local residents with particular regard to a reduction of access to recreational open space.

Reasons

Character and appearance

4. The site is within an edge of settlement residential location. The houses appear as a secondary feature as they are set far back behind a uniform tract of managed grassland, and expansive highway verge, intersected by a pavement. This green space centres on the Dean Park Drive junction, then closes down in the vicinity of Hammond Crescent, however the continuation of the highway verge provides continuity throughout. The grassland is a harmonious, ordered, verdant open area, which is characteristic of mid twentieth century residential development and is a maintained gateway feature into Dean Park Drive. Regardless of whether the land is publicly or privately owned, it adds value to the locality as a breathing space within the built environment.

5. It was clear from my site visit that prior to the enclosing of the land, the appeal site was a seamless continuation of the planned open green space, mirroring that on the opposite side of the road junction.
6. The enclosure of the appeal site, erodes and unbalances the grassland, to the detriment of spaciousness. The position of the fence, forward of what is clearly the front boundary of the house, and cutting across the pavement and the grass, confuses the ordered, planned, and verdant character of the area. This discordance would be heightened if the area were to become domesticated, with associated garden paraphernalia. As it diminishes the extent of openness, I find that the proposal also reduces the wider grassland's value as a breathing space.
7. Similar enclosures have been created to the southeast. The discordant appearance of these enclosures is apparent due to their size, and the relationship with the host dwellings and pavement. Further, the hedges prevent any interface with the grassland eroding the openness of the green space still further. As such, the existing enclosures reinforce my concerns rather than providing sound justification for similar development.
8. The appellant is open to planting a hedge inside the fence, however I am not persuaded that this would overcome the harm to the character and appearance of the area that I have identified, particularly in relation to my findings in respect of the existing enclosures.
9. I acknowledge that the fence aligns with the side boundary of the neighbouring property to the northwest, however it is evident that this marks the point where the managed grassland gives way to a change in the residential estate layout, with houses positioned further forward towards Bradford Road. Accordingly, I attribute little weight to this factor.
10. I conclude that the proposed development would be harmful to the character and appearance of the area and as such, conflicts with Policies P10 and P12 of the Core Strategy (as amended by the Core Strategy Selective Review 2019), Leeds Local Plan, and policies GP5 and N25 of the Leeds Unitary Development Plan (Review 2006), Volume 1: Written Statement, Leeds UDP Review. Amongst other things these policies seek to protect and conserve townscapes, streets, and spaces, and avoid loss of amenity.

Reduction of access to recreational open space

11. Paragraph 103 of the National Planning Policy Framework recognises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for well-being and health. During my site visit, I saw little evidence of trampled ground, community uses or desire lines, which might have indicated recreational use. Its size and proximity to a highway also lead me to conclude that the area has limited potential for sport and physical activity. Furthermore, local residents have access to a large area of quality parkland within walking distance of the appeal site.
12. I do not therefore, consider that the proposal would lead to a harmful impact to local residents with particular regard to a reduction of access to recreational open space. In this respect, I find no conflict with paragraph 103 of the National Planning Policy Framework. However, this finding does not outweigh the harm I

have found in respect of the effect of the development on the character and appearance of the area.

Other Matters

13. The appellant contends that the land has no declared ownership. This is a neutral factor that weighs neither for, nor against the appeal proposal.

Conclusion

14. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above the appeal should be dismissed.

E Heron

INSPECTOR