



Appeal Decision

Site visit made on 29 April 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/N4720/D/24/3354845

27 Wayland Approach, Adel, Leeds, LS16 8JF

- 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 H Salem against the decision of Leeds City Council.
 - The application Ref is 24/04399/FU.
 - The development is erection of decking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the Council's decision notice also refers to the fencing around the decking, which is shown on the submitted drawings. The development has already taken place and as such planning permission is sought retrospectively. As the development on site does not reflect that shown on the drawings, I have determined the appeal based upon the submitted plans.
3. As the Council's reason for refusal related only to the effect of the development on the streetscene and established local character, it was not necessary to view the decking from above and the site visit was undertaken unaccompanied.

Main Issue

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

Reasons

5. The decking, and the fencing enclosing it, are located to the rear of a two-storey house within a residential housing estate. Properties within the estate are connected by a series of public footways, one of which runs immediately behind the appeal site. Due to the topography of the area, the terrace of houses that the appeal site forms part of, sit high above the footpath, and rear gardens slope down quite steeply. Although this affects the way in which the gardens can be used, the generally open plan and landscaped nature of these garden areas contributes positively to the character and appearance of the area.
6. The raised decking itself is set slightly in from the edge of the footpath and creates a more usable and accessible level garden area for the occupiers of the dwelling. Whilst the decking does result in some loss of the open green character alongside the footpath route, part of the grass bank is still visible adjacent to and beneath the steel frame of the decking. As such, the level of harm caused by the siting and

area covered by the decking is limited and could potentially be outweighed by the benefit of creating a more usable garden space.

7. The fencing that encloses the decking comprises wide, chunky, horizontal, decking boards, with no gaps between them, attached to vertical timber posts. The fencing is currently approximately 1 metre higher than the floor level of the decking, with much higher posts, and is proposed to be increased to 1.8 metres high, above the decking floor, which is already between 1.7 and 1.9 metres above ground level. This would result in a solid fence that is over 6 metres wide and almost 4 metres higher than the adjacent footway, interrupting an otherwise open green leafy space. I note that there are high brick retaining walls and high fences elsewhere within the estate. However, these are adjacent to roads and parking areas as opposed to being within planned green spaces. The neighbouring fence is set much further back from the footway, retaining more of the open grass banking. The combined width, height and solid massing of the fencing is excessive and incongruous, both at its existing and proposed heights, resulting in a significant adverse effect on the open and verdant character and appearance of the area.
8. Whilst I accept that the colour of the wood will soften over time, unless it is stained or painted to protect and maintain it, this is not sufficient to overcome my concern. I also note that it is proposed to plant a Laurel hedge between the decking and the footway. However, as the outer edge of the decking is already roughly in line with existing hedge planting to either side and is very close to the edge of the footpath, I am not satisfied that a fast-growing Laurel hedge could adequately screen the fencing without obstructing the footway and natural surveillance along it.
9. As the decking is already private due to its height above the footpath and planting to either side of it, it is unclear why such high fencing surrounding it is required. It faces no windows, overlooks no gardens, and no objections have been raised by nearby residents or the Council in relation to privacy. I have had regard to other similar developments within the estate but noted that these garden structures are set further back from footways and have different forms of enclosure, such as lower-level trellis panels or timber balustrades with openly spaced spindles. Planters on the decking inside such enclosures are visible through the open gaps and both soften their appearance and provide privacy for those using the decking.
10. I therefore conclude that the means of enclosure surrounding the decking is, as it currently exists, and would be even more so as proposed, harmful to the character and appearance of the local area, due to its form, height, width and solid massing. This harm could not be adequately screened by planting a hedge in the limited space available and would not be outweighed by the provision of a more usable and accessible outdoor space given that this could be achieved in a far more sympathetic manner.
11. Consequently, the development fails to accord with Policy P10 of the Core Strategy (as amended 2019) and paragraph 135 of the National Planning Policy Framework, which amongst other things require development to be visually attractive, of scale and design appropriate to its context and to respect the character and quality of surrounding streets and spaces that make up the public realm and the wider locality.
12. Saved Policy BD6 of the Leeds Unitary Development Plan (review 2006) relates only to alterations and extensions to existing buildings and Policy GP5 of the same

does not appear relevant to developments of the scale and type proposed. Policy HDG1 of the Householder Design Guide Supplementary Planning Document (2012), whilst referring to boundary treatments, provides no further guidance on this within the extract I have been provided with, focusing more on building alterations. Accordingly, I find no conflict with these policies.

Conclusion

13. Whilst in principle the decking could be acceptable, the existing and proposed means of enclosure surrounding it fail to respect the character and appearance of the area.
14. For the reasons given above, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR