



Appeal Decision

Site visit made on 7 May 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/N4720/C/24/3347800

67 Milan Road, Leeds LS8 5JR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Shameen Dad against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 6 June 2024.
 - The breach of planning control as alleged in the notice is without planning permission the erection of wooden fencing exceeding one metre in height adjacent to the highway used by vehicular traffic.
 - The requirements of the notice are to either: dismantle and remove the unauthorised fence; or reduce the unauthorised fence fronting the vehicular highway of Milan Road to no higher than one metre above ground level.
 - The period for compliance with the requirements is: 2 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a)

2. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the breach of planning control stated in the notice. Where an appeal on ground (a) is duly made, an application for planning permission is deemed to have been made.

Main Issue

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

Reasons

4. The appeal site is a mid-terrace dwelling on Milan Road, a residential street with properties set back from the highway behind modest front yards. These yards are predominantly enclosed by low walls or fences, allowing views of the dwellings from the street, which creates a sense of openness and legibility to Milan Road.
5. The development is a wooden front boundary fence of a greater height than most of the other front boundary treatments on Milan Road. With limited gaps between panels, it reads as a solid feature that masks much of the ground floor façade of the dwelling at No. 67. As such, it appears as a dominant addition to Milan Road that,

in the context of the largely low-level surrounding walls and fences, dilutes the overall consistency of the streetscene and fails to respect its overarching character.

6. While taller fencing is present to the rear of the properties, it remains that is not a common or defining front feature. Where taller front boundary treatments are present, I observed that due to their overall height or somewhat open nature these largely allow the ground floor of the associated dwellings to remain visible. This retains the overall legibility and openness of Milan Road despite the additional height, in a manner that the development before me does not. Within this context, the development appears visually jarring and out of place.
7. For the reasons given, the development has a significant adverse effect on the character and appearance of the area. As such, it fails to comply with Policy P10 of the Leeds City Council Core Strategy 2012, Policies GP5 and N25 of the Leeds Unitary Development Plan 2006, the Leeds City Council Householder Design Guide Supplementary Planning Document 2012, and the provisions of the National Planning Policy Framework insofar as they seek to ensure high quality design that is appropriate to its location and respects and enhances the character and appearance of the locality, including through appropriate boundaries.

Other Matters

8. The appellant was unaware of the need for planning permission, has cited personal circumstances, and asserts that objections were not made by occupiers of dwellings on Milan Road. Nevertheless, it remains that on the information before me the structure comprises development for which planning permission is required and I must make my assessment on this basis.
9. The main parties agree the development does not have an adverse impact on the living conditions of neighbouring occupiers. Based on my observations I have no reason to disagree. This is a lack of harm that is neutral in the planning balance.
10. The appellant states that the development serves to deter antisocial behaviour, vandalism, and crime, and outlines a fear of such issues occurring should the enforcement notice be upheld. I note the appellant's comments in this regard, and the Council's acknowledgement that such incidents have arisen at the appeal property. Nevertheless, I have little substantive detail before me on these incidents or to persuade me that the development represents the only means of deterring such issues. As such, I can only afford this matter moderate weight, which would not outweigh the harm I have identified above.
11. I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination and to advance equality of opportunity. As the development serves a purpose for a resident of the appeal property with additional needs, providing safety and privacy, it would relate to persons who share a relevant protected characteristic. It does not follow from the PSED that the appeal should succeed. However, I am required to have due regard to the duty.
12. I do not doubt that the development has benefits for the day to day living of the resident of the appeal property, and note the letter of support provided by a social worker in this regard. However, on the evidence submitted I am not persuaded that there are no possible alternatives to the development that could deliver a similar benefit without policy conflict. Therefore, while I acknowledge the needs of the

resident and the role the development plays in meeting these, this would not outweigh the harm caused in respect of the main issue, either alone or in combination with the other matters outlined above. Following careful consideration I am satisfied that the impact of dismissing this appeal is proportionate and justified.

Conclusion

13. For the reasons given above, I conclude that the appeal on ground (a) should not succeed, and I shall refuse the deemed application for planning permission.

Overall conclusion

14. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

C Rafferty

INSPECTOR