



Appeal Decision

Site visit made on 10 September 2025

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal Ref: APP/N4720/D/25/3369786

27 Wayland Approach, 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 25/03027/FU.
 - The development proposed is the erection of decking with fencing to rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of decking with fencing to rear at 27 Wayland Approach, Leeds, LS16 8JF in accordance with the terms of the application Ref 25/03027/FU, subject to the following condition:
 - 1) The development hereby permitted relates to the following approved plans: Site Location Plan dated 19 May 2025; Block/Layout Plan 003; and Proposed Elevations 005 A.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of nearby dwellings.

Reasons

3. The appeal property is a relatively modern two storey terraced dwelling, which is situated within a residential estate. The proposal, which has already been constructed, is for the erection of decking with associated fencing (1.1m high) at the rear of the property. The topography of the area means that the appeal property and its rear garden sit at higher level than neighbouring dwellings on its south-eastern side.
4. The proposal is effectively a resubmission of an earlier planning application that was refused by the Council (reference: 24/04399/FU) for the decking that would have been enclosed by 1.8m high fencing. A subsequent appeal (APP/N4720/D/24/3354845) was dismissed on 16 May 2025. The Inspector concluded the proposal to be harmful to the character and appearance of the area because of the height and solid massing of the fence. As such the proposal was in conflict with Policy P10 of the Council's Core Strategy and with paragraph 135 of the National Planning Policy Framework 2024, which (amongst other things) require development to be visually attractive and to respect local character.

5. The appeal proposal is different, insofar that the proposal reduces the height of the timber fencing from 1.8m to 1.1m. The Council's decision notice and the officer's report indicate that the decking and fencing is acceptable in terms of its visual impact, but that there are now concerns in relation to overlooking and loss of privacy to the occupants of neighbouring dwellings on the south eastern side of the site.
6. I note that objections to the appearance of the decking were submitted to the Council by third parties. However, in the light of the previous Inspector's comments relating to the principle of decking and the Council's current view on its visual impact, I am not persuaded that effect of the development on the character and appearance of the area is unacceptably harmful.
7. Policies GB5 and HDG2 of the Council's Unitary Development Plan (UDG) state that extensions should protect amenity and development that causes harm to neighbours through (amongst other things) overlooking will be strongly resisted.
8. At my site visit, I viewed the impact of the proposal from the appeal site on neighbouring properties at the lower level to the south east. Because of the angular relationship, intervening vegetation, and the separation distances, I was unable to obtain any clear views of the interior of properties or their private gardens. Consequently, I conclude that the proposal, as constructed, has not resulted in problems of overlooking or loss of privacy. Therefore, the proposal does not conflict with the provisions of the UDG, as referred to above.

Conditions

9. As the development has already taken place, there is no need for the standard condition relating to the time period for commencement. A condition listing the approved plans is necessary and is imposed.
10. The Council has suggested a condition that the fencing be erected and stained within 2 months of this decision. However, when I visited the site, the fencing had already been erected, apart from the posts being trimmed. Consequently, the condition is not required.

Conclusion

11. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR