
Appeal Decision

Site visit made on 6 October 2025 by S Manson DipTP

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/N4720/D/25/3372325

119 Rookwood Road, Leeds LS9 0LX

- 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 Adam Berriman against the decision of Leeds City Council.
 - The application Ref is 25/03659/FU.
 - The development proposed is described as 'erection of new boundary fence with timber posts to front and both sides; new double gate to front'.
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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.

Main Issues

3. The main issues are the effects of the proposed development on a) the character and appearance of the area; and b) highway safety.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a two-storey semi-detached dwelling situated in a verdant residential area, characterised by a strong sense of openness and greenery. The prevailing boundary treatment along the street consists of low, well-maintained hedgerows that enclose modest front gardens, typically laid to lawn with driveways. This consistent approach lends a cohesiveness to the street which contributes positively to the character and appearance of the surrounding area.
5. Due to its excessive height, stark design, and solid, impermeable form, the proposal would introduce a dominant and visually intrusive feature that would be uncharacteristic and incongruous within the street scene. The proposal would appear alien and unwelcoming, eroding the sense of openness and visual continuity currently provided. The harm would be exacerbated by the use of a dark material palette, which would contrast sharply with the softer, green boundaries that currently prevail.
6. As a consequence, the proposals would cause harm to the character and appearance of the area and thus be contrary to Policy P10 of the Core Strategy

Selective Review Leeds Local Plan (2019) (CS), Policies GP5 and N25 of Leeds Unitary Development Plan (Review) (2006) (UDP) and the National Planning Policy Framework (Framework) which, amongst other things, seek to ensure that development is designed in a positive manner appropriate to its context.

Highway Safety

7. It is unclear as to whether a vehicle parking on the plot frontage would be able to turn within it to ensure it could always exit forwards. Even if such a manoeuvre were feasible, the driver's visibility would be significantly compromised by the height, position and solid nature of the fence panels and gate pillars. In the absence of being able to see sufficiently, there is a greater likelihood of the exiting vehicle coming into conflict with pedestrians, cyclists or other vehicles. Having to reverse in to achieve this situation would bring with it an added impedance to the free flow of traffic when a vehicle would stop in the carriageway to commence the manoeuvre.
8. Conversely, should a vehicle have to reverse out of the access, there is potential for the same effect for the same reasons, with the added problem of more of the exiting vehicle occupying the public highway as an obstacle therein before the driver would be able to see sufficiently well into the carriageway.
9. Consequently, there would be harm to highway safety contrary to Policy GP5 of the UDP and paragraph 116 of the Framework which sets out that development should be refused on highway grounds if there would be an unacceptable impact on highway safety. I have not referred to Policy T2 of the CS, as it is strategic in nature and less applicable to site-specific safety assessments. Details of the Leeds Transport Supplementary Planning Document have not been provided.

Other Matter

10. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who don't. Disability is a relevant protected characteristic to which the PSED applies. A member of the household has a disability and additional needs. Enclosing the front garden would enhance security in a way that directly addresses those needs. As such, this individual benefits from protected characteristics under the Equality Act.
11. I have also considered rights under Article 3 of the United Nations Convention on the Rights of the Child and Article 8 of the Human Rights Act 1998. Article 3 provides that in all actions concerning children, the best interests of the child shall be a primary consideration. Article 8 affords the right to respect for private and family life. Dismissal of the appeal would interfere with the appellant's rights under both Articles. However, these are qualified rights, and any interference must be lawful, necessary, and proportionate in pursuit of a legitimate aim.
12. While I have given significant weight to the appellant's personal circumstances, it has not been sufficiently demonstrated that the proposal is the only viable means of addressing those circumstances within the context of the site or otherwise. As such, the potential benefits of the proposal do not outweigh the harm identified above which would extend to matters of, in the case of the second main issue, the

safety of the public as a whole. It would thus be worthy of the greater weight in this circumstance. In this case therefore, the interference with the duty under the relevant Act is proportionate, and the upholding of the refusal of planning permission would therefore be justified.

Conclusion and Recommendation

13. For the reasons given above, the appeal proposals would conflict with the development plan and there are no sufficiently weighty material considerations to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

S Manson

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR