



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 1st December 2016

Subject: 16/05985/FU - Retention of boundary wall and fence at Hill Foot, Wetherby Road, Bardsey, Leeds. LS17 9BB

APPLICANT

Mr Aitsham Rashid

DATE VALID

4th October 2016

TARGET DATE

29th November 2016

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission
2. Development carried out in accordance with approved plans
3. Temporary 12 month permission after which the timber fencing shall be removed

1.0 INTRODUCTION

- 1.1 The applicant initially erected a wall and fence that was over one meter tall and adjacent to the highway. This was brought to the attention of the Planning Enforcement Team in April 2015 whilst the fence was still under construction.
- 1.2 The applicant was advised that the fence did not constitute permitted development and required planning permission. The owner was advised that works to erect the fence should cease.
- 1.3 Against advice the applicant erected the fence.
- 1.4 The applicant submitted an application for retrospective permission to retain the fence, but this was invalid.

- 1.5 An Enforcement Notice was served on 20th July 2015. The Local Planning Authority considered that the boundary fence and posts by reason of their design, materials and scale constituted an incongruous form of development which failed to relate sensitively to the character and appearance of the street scene to the detriment of visual amenity. This unauthorised development had been carried out within the last four years.
- 1.6 The applicant appealed the notice. The appeal was dismissed on 18th April 2016.
- 1.7 This application is for a fence that sits atop of a wall. The proposal is that the fence is reduced in height, with planting behind, and retained for 12 months to allow the planting to grow. The fence will then be removed in its entirety but the wall will remain.
- 1.8 The application is brought to Panel at the request of Councillor Rachel Procter who has expressed concern in respect of the impact of the fence on the character and nature of the area

2.0 SITE AND SURROUNDINGS

- 2.1 The proposal relates to a two storey, rendered, gable roofed, detached residential dwelling of modest size and scale and simple form and style located on a prominent corner plot and set well back from the highway by a stone wall and timber screen. The application property is characterised by the cat slide roof feature, indicative of the arts and crafts design style.
- 2.2 Neighbouring properties are of similar size and scale and mixed styles, predominantly detached with good gaps between properties and well set back from the highway by mature hedging or a fence with mature hedge. Mature trees and hedging in the wider street scene gives the area a verdant, open and spacious spatial character.
- 2.3 The property is located within the Green Belt.

3.0 PROPOSAL

- 3.1 The applicant seeks permission to retain a stone wall with timber fence atop which will run around the boundary of the application property in Keswick View and Wetherby Road. On the Wetherby Road frontage the wall is shown on the submitted plan to be 1m high with a fence of 0.685m sitting on top. Along the Keswick View frontage the wall is again shown to be 1m high but the height of the fence increases to 0.915m. There are also tall timber gates to the Keswick Road frontage.
- 3.2 The fence and wall combination will be retained for a period of 12 months. After that the fence will be removed. The wall will be retained as it constitutes permitted development (an enclosure of up to 1m high can be erected on a boundary fronting a highway without needing to obtain planning permission from a local planning authority). A hedge has been planted behind the wall and it is anticipated that this will have matured to form a reasonable screen by the time the fence is removed.

4.0 RELEVANT PLANNING HISTORY

31/190/05/FU. Conservatory to the rear.

Approved 19th May 2005.

15/04421/CLP. Certificate of proposed lawful development for single storey extensions to side/rear; dormer windows to side/rear and outbuilding to rear. Approved 30th September 2015.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Pre-application discussions have taken place between the applicant and Planning Officers.
- 5.2 Following these discussions the owner submitted a planning application which retains the fence (in a reduced form) for a temporary period of 12 months to allow the hedge that has been planted behind to mature. The fence will then be removed after that period. Although the quality and design of the original wall/fence is not in question. It is considered that within the context of the location the overall extent and location of the fencing does not sit well with its verdant rural surroundings. The property is situated on a prominent corner and the frontage boundaries are extensive in length. The fencing at the junction with Keswick View and Wetherby Road forms a harsh entrance to the cul-de-sac on steeply inclined land where dwellings at the top of the cul-de-sac have open plan frontages and the opposing corner has established hedging.
- 5.3 The applicant has set out that they have suffered racist attacks whilst living at the property and also has young children. The applicant sought to protect his family from these attacks and keep his children from getting onto the very busy Wetherby Road and thus erected the fence. Following the planning Inspectors dismissal of the applicant's appeal against the Enforcement Notice the Local Planning authority has worked with the applicant to resolve some of the issues that could be addressed through planning. Whilst the Local Planning Authority could not support the retention of the fence over the long term, it is considered that to allow it to remain for a sufficiently long enough period of time for hedge planting (now in place behind the hedge) to establish itself would be acceptable.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The initial application was advertised by neighbour notification letters sent on 5th October 2016
- 6.2 The publicity period for the application expired on the 30th October 2016. To date five comments supporting the application have been received including Bardsey Parish Council.

7.0 CONSULTATIONS RESPONSES

- 7.1 Highways raise no objections to the application.

8.0 PLANNING POLICIES

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies of the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), as well as relevant SPGs and SPDs.

Local Planning Policy

8.2 Relevant saved UDP policies include:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6: Seeks to ensure extensions respect the scale and form of the existing dwelling.

N33: Seeks to restrict inappropriate development in the Green Belt.

Local Development Framework - Core Strategy

8.3 Policy P10 requires a high standard of design.

Supplementary Planning Guidance/Documents

8.4 Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight.

HDG1 All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments
- v) Materials.

HDG2 All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance or overlooking will be strongly resisted.

HDG3 All extensions, additions and alterations within the Green Belt should represent limited development and should not harm the character, appearance and openness of the Green Belt. In order to be considered as limited development all existing and proposed extensions should not exceed a thirty percent increase over and above the original house volume. Development proposals which exceed thirty percent or which harm the character, appearance or openness of the Green Belt are considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and will be resisted unless very special circumstances are demonstrated.

National Planning Policy

8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF requires places an importance on achieving good design.

9.0 MAIN ISSUES

- 1) Green Belt
- 2) Design and Character
- 3) Neighbour Amenity

4) Highway Safety

10.0 APPRAISAL

Green Belt

- 10.1 The property is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are their openness and their permanence. Fences are not in the list of exceptions contained within paragraphs 89 and 90 of the National Planning Policy Framework and paragraph 87 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.2 Regard should be had to the visual impact of the boundary enclosure and its impact on the openness of the green belt. It is noted that previously a dense hawthorn hedge existed on the boundary of the application property and in terms of impact on the green belt the proposed is not significantly more intrusive than that. Moreover, the LPA have worked with the applicant to reduce the visual intrusion of a taller fence that had previously been erected. It is considered that the current fence as it stands is acceptable only in the short term until soft landscaping, in the form of hedging, has acquired some level of growth.

Design and Character

- 10.3 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity”. These policies are elucidated and expanded within the Householder Design Guide.
- 10.4 The design and character is best summed up with reference to the Planning Inspector’s comments given in the appeal dismissal notice dated 18th June 2016 (APPN/4720/C/15/3133028 refers):
- “Hill Foot is a detached dwelling, which is located close to the edge of the small settlement of Bardsey, near to where it meets the countryside. Although not in the Bardsey Conservation Area here, that rural settlement context influences my consideration of the fencing since its appearance on Wetherby Road is in sharp contrast to the verdant appearance of the opposite side of the Keswick View junction, and farmland opposite. Furthermore, the majority of properties in Bardsey village core have low walls with planting or planting entirely to frontages.
- 10.5 The quality of the workmanship and the materials used in the fencing is high, having been designed as a bespoke feature. The contemporary design composition of the wall and fencing is not displeasing in itself, and the presence of gaps between the slits softens its appearance a little. However, the overall extent and location of the fencing as originally erected does not sit well with its verdant rural surroundings. The property is situated on a prominent corner and its frontage boundaries are extensive in length. Furthermore, the fencing in Keswick View forms a harsh entrance to the cul-de-sac on steeply inclined land where dwellings at the top of the cul-de-sac have open plan frontages and the opposing corner has established hedging.

- 10.6 It is understood that the applicant and family have been the subjected to racial abuse at the application property and that young children reside at the property which stands next to the busy A58. It is for this reason that the applicant wanted a high boundary enclosure. However, the location is set within the context of a semi-rural aspect overlooking open fields and where boundary treatments are predominantly mature hedges. Against this backdrop the fence reads as an incongruous feature which does not sit well in and would harm the character and nature of the wider landscape and as such is inappropriate. Mindful of this it was considered that a fence of reduced height and for a temporary period could be acceptable until such time as soft landscaping, in the form of hedging, has acquired some level of growth.
- 10.7 Conditions are suggested that in effect grant temporary permission for the fence for twelve months. A wall of 1m high fronting a highway constitutes permitted development and therefore can be retained.

Neighbour Amenity

- 10.8 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking will be strongly resisted”. The fence is set so far away from neighbours that it will not impact on their amenity.

Highway Safety

- 10.9 Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including highway safety”. In order to be considered acceptable in respect of highway safety development proposals must not prevent two cars parking within the curtilage of a dwelling.
- 10.10 The fencing does not interfere with existing levels of visibility at the junction of Wetherby Road and Keswick View, therefore a highway objection to this proposal would be difficult to justify.

11.0 CONCLUSION

- 11.1 The application is, on balance, considered to be acceptable. The proposal will cause some harm to visual amenity, however this is only for a temporary period whilst the soft landscaping matures. The proposal seems a reasonable compromise between balancing the needs of the applicant against the wider public interest. As such, it is considered that the application is compliant with the relevant local policies and guidance when considered as a whole.

Background Papers:

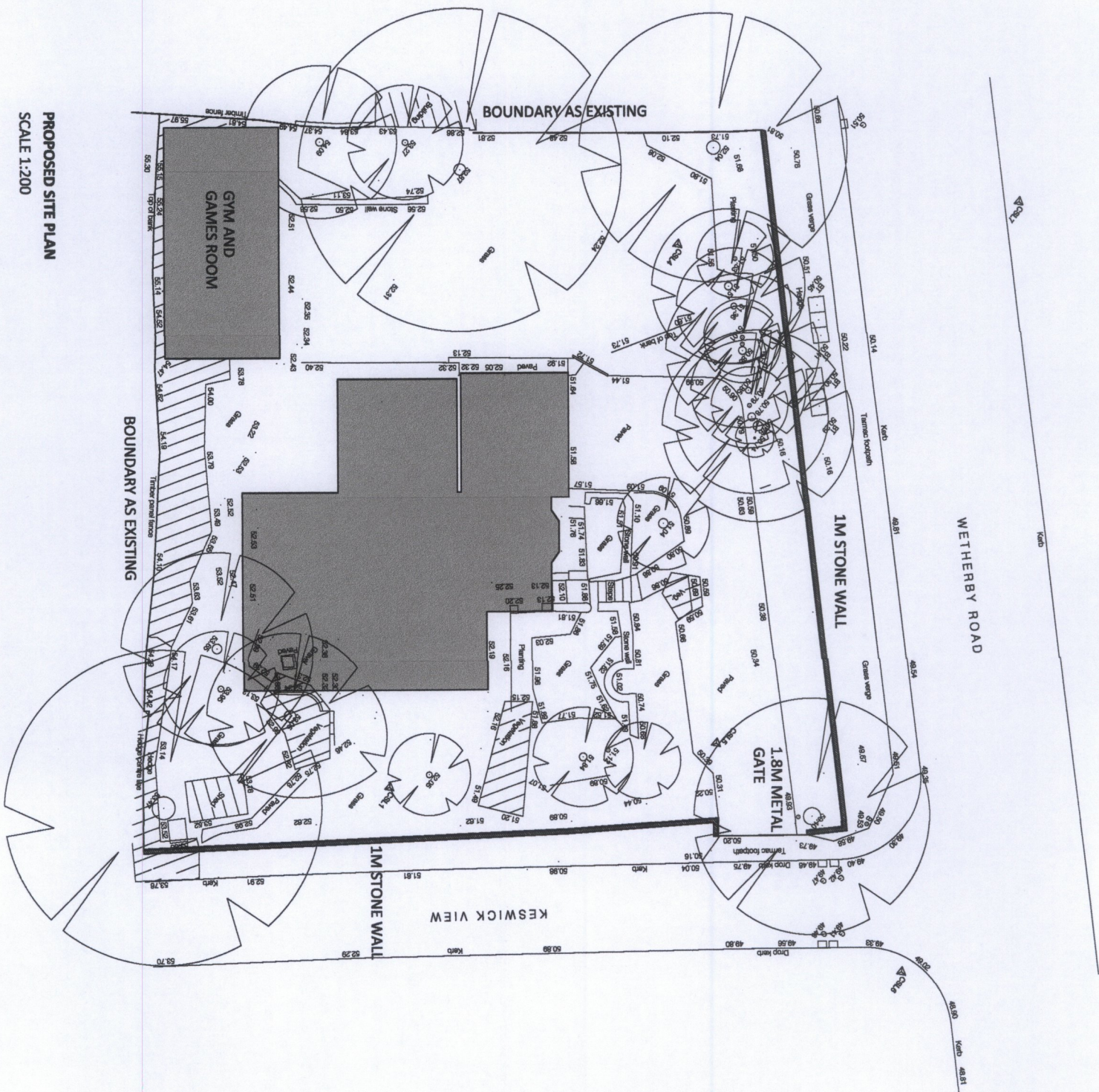
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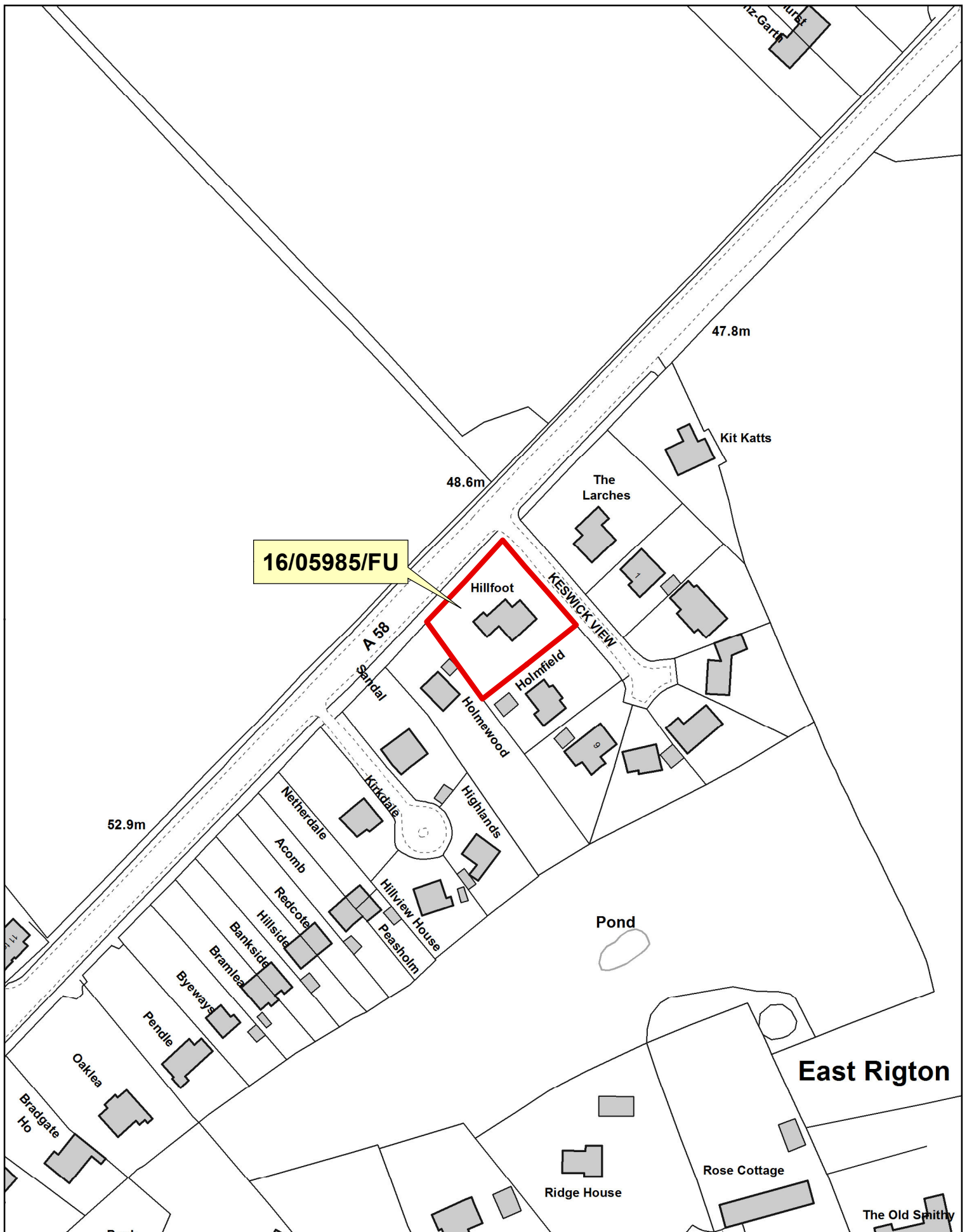
Certificate of ownership: Signed by applicant.

16 / 05985 No

Hillfoot, Keswick View
Bardsley, Leeds
LS17 9AZ

PROPOSED SITE PLAN
SCALE 1:200





NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

