

## Appeal Decision

Site visit made on 13 September 2016

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 September 2016**

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**Appeal Ref: APP/H4315/W/16/3152455**

**The Function Room, 2B North Road, St Helens, Merseyside WA10 2TL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Martin Allen against the decision of St. Helens Metropolitan Borough Council.
  - The application Ref P/2015/0764/FUL, dated 21 May 2015, was refused by notice dated 1 December 2015.
  - The development proposed is the retention of telegraph poles to create a boundary for a courtyard. Change from builders' yard in association with the Function Room.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. As the development the subject of this appeal has already commenced, the proposal is therefore retrospective. I have considered the appeal on that basis.

### Main Issues

3. The main issues raised in this case are :
  - the effect of the development on the character and appearance of the area;
  - the effect of the development on the living conditions of the occupants of neighbouring dwellings in particular with regard to outlook.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a former builders' yard accessed from the alleyway to the rear of residential properties on Ward Street. It is bounded by a 2 metre high blockwork wall. The site is located within St Helens Town Centre in a mixed use area of residential, commercial and leisure uses.
  5. The change of use of the former builders' yard to an outdoor seating/smoking area associated with the Function Room is considered to be acceptable by the Council, complying with the relevant policies of the St Helens Core Strategy 2012. I have no reason to disagree.
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6. The courtyard has been enclosed on two sides by telegraph poles in excess of 6 metres in height positioned inside the existing boundary wall. I am advised in the Council's evidence of the intention to create a living wall, covering the poles with plants or possibly a synthetic living wall effect product. No reference or further details of this are provided by the appellant.
7. I observed on my site visit that the telegraph poles are particularly visible from Ward Street, looking along the alley that runs from the side of No. 33 and to the rear of the commercial units on North Road. The wall is also visible from the alley to the rear of 13-33 Ward Street and from the western side of the car park on College Street. Having regard to the significant height of the pole wall, the structure appears incongruous and visually dominating in the street scene. Boundary treatments in the locality are generally traditional brick or blockwork. The use of timber telegraph poles introduces a material at odds with those currently found in the surrounding area so that the wall appears out of keeping with the character and appearance of the surrounding locality. In the absence of evidence with regard the proposed planting and intention to create a living wall which would screen and soften the structure, I am unable to have regard to this in my decision.
8. I therefore consider that the telegraph pole boundary wall causes harm to the character and appearance of the area and is contrary to Policy CP1 of the St Helens Core Strategy 2012 which amongst other objectives aims to ensure that new development maintains or enhances the character of the local area.

*Living conditions*

9. There appears to be a disagreement between the parties of the distance between the boundary wall and the habitable room windows of neighbouring residential properties. The Council estimates that the pole wall is sited between 9-10 metres away from rear first floor windows of properties facing North Road, while the appellant suggests it just over 16 metres. I am not clear exactly where the appellant's measurement has been taken. It would appear to me, following my site visit and assessment of the plans that the Council's figure is more accurate.
10. The properties on North Road form commercial and retail units with residential uses located on the upper floors. The Council's Supplementary Planning Guidance for Householder Development and New Residential Development suggest a separation distance of 12.5 metres between habitable room windows and blank elevations. I consider that whilst in this case the development is a boundary wall and not a building, these documents are material considerations.
11. The separation distance between the pole wall and the rear windows of first floor residential uses in the neighbouring properties on North Road would be less than that advised in this guidance. I consider that this results in a poor outlook from these properties causing harm to the living conditions of the occupants.
12. The appellant has commented on the Council's suggestion to reduce the height of the wall to 4.5 metres. He makes reference to the Council's inability to refer to guidance specifically stating a suitable height having regard to the separation distances involved. However, as the appeal scheme before me is

for a wall of around 6 metres in height, this matter is not one on which I am required to comment.

13. I conclude that the boundary wall would cause harm to the living conditions of the neighbouring residential properties. It would be contrary to Policy CP1 of the St Helens Core Strategy 2012 which aims amongst other things to ensure that the development would be sympathetic to surrounding land uses and occupiers avoiding detrimental impact to residential amenity.

#### **Other matters**

14. The appellant has referred to the need for regeneration and investment in St Helens Town Centre. Whilst the intention to expand the business and improve facilities particularly for weddings adds support to the proposal, it does not outweigh the harm I have identified to the character and appearance of the area and the living conditions of the occupants of neighbouring dwellings.

#### **Conclusion**

15. For the reasons given above and having regard to all other matters raised, including the lack of objection from neighbouring residents, I dismiss this appeal.

*Helen Hockenhull*

INSPECTOR