The Planning Inspectorate

Appeal Decision

Site visit made on 18 October 2016

by Helen Hockenhull BA(Hons) B.Pl MRTPI

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

Decision date: 03 November 2016

Appeal Ref: APP/V4305/W/16/3156050
7 Portway, Halewood, Knowsley, Liverpool L25 0QT

- 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 Andrew Tower against the decision of Knowsley Metropolitan Borough Council.
- The application Ref 16/00126/FUL, dated 29 October 2015, was refused by notice dated 20 July 2016.
- The development proposed is described as 'erect timber fencing against current fencing separating adjacent pathway with property driveway. Erect gate to provide security. Gate will adjoin the existing fencing separating the pathway with the driveway, with fencing running along boundary to side of property'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The fencing the subject of this appeal has already been erected. The development is therefore retrospective and I have considered the appeal accordingly.

Main Issues

3. The main issues in this case are:

    - the effect of the development on natural surveillance and crime prevention;
    - the effect of the development on the character and appearance of the area.

Reasons

Crime Prevention

4. The appeal site forms a semi-detached residential property located in a recently constructed housing development. Running along the western boundary of the property is a public footpath which the appeal property overlooks. Existing 'Ano' fencing is erected along this boundary. This open mesh type fencing has been erected in order to provide natural surveillance to the path. Properties on the other side of the pathway are older and the boundary between them and the path consists of a 1.8 metre high panel fence.

5. The appeal development forms a solid timber fence located on the inside of the existing 'Ano' fencing. It forms a solid boundary and prevents any natural surveillance of the pathway from the front elevation of the residential property. In addition, as the boundary on the other side of the path also consists of a solid fence, a narrow enclosed corridor is created. Despite the path being lit, its enclosed nature can be intimidating to users, particularly in the evening.

6. I note the appellant's concern with regard to anti-social behaviour from youths on the path, litter being thrown into the garden and the security of his property. Whilst I sympathise with these concerns, the open nature of the existing fencing is designed to reduce such problems, though clearly it cannot prevent such issues occurring.

7. Accordingly I consider that the development prevents the natural surveillance of the pathway undermining the objective of reducing crime. It is contrary to Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016 and Policies H5 and QD2 of the Knowsley Replacement Unitary Development Plan (UDP) 2006. These policies amongst other things aim to promote good design, encourage safe and sustainable access and promote security in the built environment. They are generally consistent with the National Planning Policy Framework (the Framework) in particular paragraph 58 which seeks to ensure that development creates safe and accessible environments.

Character and appearance

8. The fencing erected matches that of the existing boundary fencing to the appeal property and to neighbouring properties. In terms of its materials and colour I consider it is acceptable complementing the character and appearance of the area.

9. However as discussed above, the fence forms a solid boundary and together with the similar boundary treatment on the other side of the footway, creates a feeling of enclosure and lack of openness. This has an adverse impact on the appearance of the pathway and the character of the area.

10. I therefore consider that the development conflicts with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016 and Policies H5 and QD2 of the Knowsley Replacement Unitary Development Plan (UDP) 2006. These policies, along with other objectives, aim to resist development that causes harm to visual amenity and does not enhance local character or promote quality of place.

Other Matters

11. I note the appellant's evidence that he was misinformed with regard the need for planning permission for the fencing by the original housing developer. He also states that no middle ground such as reducing the height of the fence panels or the provision of planting had been offered by the Council. This is not a matter for me to comment upon as part of this appeal decision.

Conclusion

12. In conclusion, I consider that the development causes harm to the natural surveillance and security of the pathway and the character and appearance of the area.

13. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR