

Appeal Decision

Site visit made on 14 November 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 13th December 2016

Appeal Ref: APP/Z4310/D/16/3157890

The Rookings, Out Lane, Liverpool L25 5NN

- 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 Peter Taylor-Byrne against the decision of Liverpool City Council.
 - The application Ref 16H/0994, dated 11 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is retention of boundary fence on Out Lane boundary.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I noted on my site visit that the addition of a fence along the Out Lane boundary of this property has already taken place.

Main Issue

3. The main issue in this case is the effect of the fence on the character and appearance of this part of the Woolton Village Conservation Area.

Reasons

4. The appeal site is located on the edge of the urban village of Woolton, in the north eastern section of the Woolton Village Conservation Area. It is a substantial detached period property, the northern and eastern boundaries of which mark the boundary of the conservation area. The more recent residential development to the north and east of this site are not within the conservation area. To the south of the plot is a large supermarket development and associated car park, most of which is outside the conservation area.
 5. The village is characterised by period buildings dating from its expansion during the mid-nineteenth Century, and substantial sandstone boundary walls along many of its main frontages. Whilst these vary somewhat in age, colour, texture and size they are a unifying feature of the area. Additionally, the visible presence of mature vegetation in the garden areas behind these walls is an attractive feature, softening the street scene.
 6. I note that, in addition to the conservation area controls, an Article 4 Direction seeking to control the minor operations which cumulatively can have a
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detrimental impact on the character of the area, has been in place in this area since 1972.

7. This part of Out Lane has a relatively narrow carriageway and is bound by high sandstone walls on both sides, thereby creating a strong sense of the character of this area. The southern boundary of the appeal site is bound by a particularly long stretch of this wall, part of which is stepped to accommodate a gradual change in gradient. The new timber fence has been constructed to continue the vertical line of the sandstone wall when viewed from the street. The appellant states that it rises an additional 1.54m-1.90m above the sandstone wall. Whilst the mature trees and shrubs in the garden behind are visible above the timber fence, its extent and height currently presents a dominant and intrusive feature in the local street scene.
8. I noted on my site visit that in some places wooden fencing has been installed behind other sandstone walls, providing additional boundary height. My view is that where such fencing is of modest height and extent, and appears to be behind the wall which remains the dominant feature, and where this has been combined with higher level vegetation, this does not appear to be intrusive or to detract from the local townscape. Whilst the appellant present's evidence of less sympathetic fencing used elsewhere, I note that many of these examples lie outside the conservation area. Furthermore, in accordance with the supporting text to saved Policy HD10 of the Liverpool Unitary Development Plan 2002 (the UDP), the existence of previous unsympathetic alterations in the area will not justify alterations which are detrimental to the character of the area.
9. I have some sympathy with the appellants concerns regarding the effect of the supermarket development and associated lighting, and the location of licensed premises, recycling bins and a cash point close to his property. In these respects I note the appellant's view that such uses have intensified over recent times. The Rookings is sited on higher ground, so that these activities will be audible and visible from upper floors.
10. I accept that Out Lane itself is busy and that there may be incidences of anti-social behaviour and security concerns from which the appellant wishes to be screened. I also note that due to the height difference between the garden and street level below, there may be safety issues if children were to climb on this wall. However, whilst I accept that there may be a need for additional screening above the height of the existing wall, of concern in this case are the uncharacteristic qualities of the fencing which has been introduced, in terms of its position, height and extent, which together serve to detract from the appearance of the original wall.
11. I note the appellant's point that there may be evidence of pre-existing fence posts in the garden of this property. The reference to the *Secured by Design* recommendation that rear gardens should have walls or fencing with a minimum height of 1.8m is also noted. I also accept that the fence has been constructed from high quality timber, and there is limited outlook onto the fence from neighbouring properties. However, these points do not justify the provision of the current fence, the nature of which has been found to be unacceptable in such a public location within a designated heritage asset.
12. I have already noted that this property lies on the edge of the conservation area. I also accept that the main access to the property is located outside the

conservation area itself. However, this development has a visible impact on the part of Out Lane which marks an approach to the village and is clearly within the conservation area.

13. As I consider the harm caused in this respect to be less than substantial, in accordance with paragraph 134 of the National Planning Policy Framework I am required to weigh this harm against the public benefits of the proposal. Although I have accepted that the fence may offer the appellant improved safety, security and screening, there are other strategies to achieve these outcomes without introducing a fence of this nature. These benefits are therefore not sufficient to outweigh the harm caused.
14. For these reasons I conclude that the fence has a detrimental effect on the character and appearance of this part of the Woolton Village Conservation Area. It is therefore contrary to the requirements of saved Policy HD10 of the UDP which states that approval will not be granted for works which adversely affect the overall character and appearance of the conservation area.

Conclusion

15. For the reasons set out above I conclude that the appeal should fail.

AJ Mageean

INSPECTOR