
Appeal Decision

Site visit made on 27 March 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/W4325/W/16/3161283

84A Seabank Road, Egremont, Wirral CH45 7PG

- 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 Liam Gryba against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/15/01347, dated 5 October 2015, was refused by notice dated 28 July 2016.
 - The development proposed is 'erection of a fence facing Hertford Drive and adjoining a public alleyway'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a fence facing Hertford Drive and adjoining a public alleyway at 84A Seabank Road, Egremont, Wirral CH45 7PG in accordance with the terms of the application, Ref APP/15/01347, dated 5 October 2015, and the plans submitted with it.

Procedural Matter

2. The description of development provided by the application form has been updated by subsequent documents. The fence has been constructed. However, 'retention' as referred to in the decision notice does not constitute an act of development and the existing section of fence adjoining the public alleyway as indicated on the submitted plans was not referred to. I have, therefore, amended the respective descriptions of development provided by the appeal form and decision notice accordingly in the interest of certainty regarding the appeal proposal before me. Given that the application was submitted in retrospect and the amended description accurately describes what is being applied for, I do not consider that any parties will be prejudiced.

Main Issue

3. The main issue of this appeal is the effect on the character and appearance of the site and the surrounding area.

Reasons

4. The appeal site consists of a semi-detached property at the corner of Seabank Road and Hertford Drive within a residential area. The property has been converted into four flats and has a shallow rear yard and garden areas that wraparound at the front and side. The immediate surroundings of the site along the eastern side of Seabank Road consist of predominantly two storey semi-detached properties of similar design, building lines, scale and materials,
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which contrast with the differing scale, materials, proportions and slab levels of detached properties on the opposite side of the road. The mixed character of Seabank Road extends to the boundary treatments that front the road, which include brick walls of varying styles, heights and colours, together with examples of timber fencing and supplementary trees and hedging.

5. The front boundary of the appeal property facing Seabank Road consists of a low brick wall with brick gate posts and supplementary hedging up to a height of approximately 2m. This boundary treatment continues around the corner and along Hertford Drive where land levels slope downwards to the east, until it reaches a gated pathway that leads to an elevated entrance to the property. The appeal proposal lies beyond this pathway and consists of a boundary fence with an upper trellis section. The fence is of a slightly lower height than the hedging along the Hertford Drive frontage of the property and it wraps around the rear where it adjoins an alleyway and meets brick walls of similar height.
6. Hertford Drive has a broad consistency of semi-detached properties to either side of the road of similar design, building lines and scale, but with different building heights due to the downward sloping land levels to the east toward Wallasey Promenade. There is evidence that low brick walls with gateposts were a predominant boundary treatment along property frontages within the street scene. However, the introduction of some open driveways, presence of intermittent supplementary hedging and timber fencing, together with replacement walls of different styles and materials, has interrupted the rhythm and uniformity of front boundaries along Hertford Drive.
7. The timber fencing subject to this appeal assists the transition between the different building heights and boundary hedging of the appeal property relative to those of the neighbouring 4 Hertford Drive. The presence of hedging and walls of similar and additional height in close proximity ensures that the fencing does not appear unduly prominent in the Hertford Drive street scene. This visual effect is assisted by the fencing panels and trellis having been painted green to blend with surrounding hedging, with posts painted red to assimilate with brickwork. The trellis also offers opportunity for supplementary vegetation which further softens its appearance when viewed alongside the nearby hedging. Furthermore, the difference in land levels along the frontage of Hertford Drive relative to the elevated ground floor entrance to the appeal property ensures that the fence is not viewed as a dominant feature. Consequently, I am satisfied that the timber fencing assimilates with, and does not detract from, the character and appearance of the site and the surrounding area.
8. I have taken into account that examples of timber fencing along Hertford Drive are generally positioned behind low front boundary walls, along side boundaries between properties or set back to align with building lines, including to the property directly opposite. However, in the particular circumstances of the site and its surroundings including the varied character of other boundary treatments, the height, location and materials of the fencing would not appear out of place or harmful to the Hertford Drive or Seabank Road street scenes.
9. In reaching the above findings, I also observed that in the wider setting along Seabank Road it is a common feature that corner properties have taller side boundary treatments than neighbouring properties to achieve privacy for garden areas, including examples of timber fencing. In that respect and given

the close proximity of the site to a bus stop and footpath, the boundary screening offered by the fencing is an appropriate manner to achieve private amenity space to serve 84A Seabank Road.

10. I conclude that the development does not harm the character and appearance of the site or the surrounding area. The development does not conflict with Policy HS11 of the Unitary Development Plan for Wirral, adopted February 2000, or the associated guidance in the Wirral Supplementary Planning Guidance - House Extensions, July 2004. The policy relates specifically to house extensions rather than means of enclosure, and therefore, the listed criteria, other than the requirements for an appropriate scale, design and matching or complementary materials, are of limited relevance to the proposal before me and this main issue. There is no conflict with the approach of the National Planning Policy Framework relating to matters of design.

Other Matters

11. The Council have offered no concerns relating to highway and pedestrian safety and have identified no harm with respect to the living conditions of surrounding properties. Based on the evidence before me and my observations of the site I have no reason to take a different view on those matters. The fencing does not obstruct the existing footpath, alleyway or visibility from the vehicular access of 4 Hertford Drive and its height and scale would not have an overbearing effect on the outlook from neighbouring properties.

Conditions

12. The Council have recommended that time limit and plans compliance conditions should be imposed if the appeal were to be allowed. However, as the development has already been carried out and I have identified no harm arising from it, I do not consider that the recommended conditions are necessary.

Conclusion

13. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed and planning permission granted.

Gareth Wildgoose

INSPECTOR