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## Appeal Decision

Site visit made on 24 July 2017

**by Gwyn Clark BSc DipTP MRTPI**

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

**Decision date: 06 September 2017**

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**Appeal Ref: APP/Z4310/D/17/3174197**

**28 Leo Close, Liverpool L14 9LU**

- 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 Shibu Thomas against the decision of Liverpool City Council.
  - The application Ref 17H/0557, dated 27 January 2017, was refused by notice dated 5 April 2017.
  - The development proposed is a 1.8m fence to the side of the property.
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### Decision

1. The appeal is allowed and planning permission is granted for a 1.8m fence to the side of the property at 28 Leo Close, Liverpool L14 9LU in accordance with the terms of the application, Ref 17H/0557, dated 27 January 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with plan submitted with planning application reference number 17H/0557 entitled "proposed fencing layout, section and elevation for the plot 28 Leo Close, Liverpool L14 9LU, owned by Mr Shibu Thomas".

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Preliminary Matters

3. A low timber fence set on a stone plinth has been erected along the same line as the fence that is the subject of this appeal. I have no information as to the status of this fence and consider this appeal on its own merit.
4. I have used the description of development contained in the Council's decision rather than the planning application, as this more succinctly describes the appeal proposal.

### Reasons

5. No 28 Leo Close is a semi-detached house among similar houses on a modern open planned housing estate. The house sits with its side wall at a slight angle to the road. It has gardens to the front and rear and a small grassed area lies between its gable wall and the road. The 1.8m high close boarded timber fence

would enclose this grassed area leaving a narrow service strip to the road side. Leo Close is a relatively short road and is bollarded at its mid-way point to prevent through traffic to Gemini Drive.

6. In many parts of this estate the absence of enclosure to front gardens has retained a spacious character. However there are several examples in the roads leading to Leo Close and in the immediate vicinity where front gardens have been enclosed using a variety of boundary treatments, including walls, fences, railings and hedging.
7. Where houses on this estate were constructed on corners their side and rear gardens were enclosed using close boarded fencing. Two examples of this can be found in the same short cul-de-sac on the opposite side of the road. The enclosure of the grassed area to the side of No 28 using a 1.8m high close boarded timber fence would be consistent with this approach and hence would not create a precedent.
8. Policy H8 of the City of Liverpool Unitary Development Plan (2002) seeks new development that respects the character of the existing dwelling and adjacent properties, and preserves levels of privacy and amenity. I consider that the fence would prove in keeping with the character of the area. It would be similar to fences that enclose side and rear gardens of houses close by.
9. A section of the fence would stand alongside the driveway of the neighbouring property but I do not consider that this relationship would be harmful. It would have an enclosing effect and add to privacy without being dominant or oppressive. I have no evidence before me to find that the value of the neighbouring dwelling would be affected by the development proposed.
10. For the above reasons and taking all other matters into account I allow the appeal. I have attached the standard commencement condition and a plans compliance condition for clarity as to what has been approved.

*Gwyn Clark*

INSPECTOR