



Appeal Decisions

Site visit made on 5 December 2017

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 22 December 2017

Appeal A - Ref: APP/V4305/W/17/3177867

Land at Rosebank Road, Huyton, Merseyside L36 5XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an approval.
 - The appeal is made by Gleeson Homes and Regeneration against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 12/00620/DISCON, dated 11 December 2015, sought approval of details pursuant to condition No 17 of a reserved matters approval Ref 12/00620/REM, granted on 8 October 2015.
 - The application was refused by e-mail dated 14 December 2016.
 - The development proposed is reserved matters application (Phase 2c) for the erection of 179 no. dwellings with associated garages/car parking, road layout and ancillary works including embankment to park boundary.
 - The details for which approval is sought are walls and fences/railings.
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Appeal B - Ref: APP/V4305/W/17/3179511

Land at Rosebank Road, Huyton, Merseyside L36 5XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an approval.
 - The appeal is made by Gleeson Homes and Regeneration against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 12/00620/DISCON, dated 20 January 2017, sought approval of details pursuant to condition No 8 of a reserved matters approval Ref 12/00620/REM, granted on 8 October 2015.
 - The application was refused by letter dated 24 March 2017.
 - The development proposed is reserved matters application (Phase 2c) for the erection of 179 no. dwellings with associated garages/car parking, road layout and ancillary works including embankment to park boundary.
 - The details for which approval is sought are hard surfacing of driveways/car parking spaces, pedestrian paths around dwellings and hardstandings for bin storage.
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Decisions

Appeal A

1. The appeal is allowed. The details of walls and fences/railings submitted pursuant to condition No 17 attached to reserved matters approval Ref 12/00620/REM granted on 8 October 2015 in accordance with the application Ref 12/00630/DISCON dated 11 December 2015 are approved. The approval relates to the following plans: Planning Layout 349/2R, Site Plan SP/001 (in respect of 3m high close boarded fence to rear of Willowbank Close/Glencroft

Close only) and the Fencing/Wall Details SD-100 Rev D, SD-105 Rev B, SD-110 Rev B, SD-111 Rev B, SD-119 Rev A and SD-120.

Appeal B

2. The appeal is dismissed insofar as it relates to the details of surfacing of driveways/car parking spaces.
3. The appeal is allowed insofar as it relates to the hard surfacing of pedestrian paths around dwellings and hardstandings for bin storage. The details of hard surfacing of pedestrian paths around dwellings and hardstandings for bin storage submitted pursuant to condition No 8 of a reserved matters approval Ref 12/00620/REM, granted on 8 October 2015 in accordance with the application dated Ref 12/00630/DISCON, dated 20 January 2017 and the plan submitted with it, namely the Site Plan showing External Finishes EFL/001, are approved.

Background and Procedural Matters

4. Both appeals relate to a scheme to build houses for sale on parcels of land within a large housing estate. The reserved matters approval for the erection of the dwellings and associated works was given in October 2015 subject to 26 conditions. Condition No 17 required that details of walls and fences/railings were submitted for approval. Condition No 8 required that a scheme for surfacing and drainage of car parking spaces, pedestrian paths and hardstandings for bin storage shown on the approved layout plan was submitted for approval.
5. I have taken the details of the applications seeking approval of the conditions from the forms dated 11 December 2015 and 20 January 2017. The details submitted for the means of enclosure (condition No 17) were effectively rejected by the Council by e-mail dated 14 December 2016 which stated that 'we are unable to discharge this planning condition based on the details submitted to date'. I have taken this document as constituting the refusal of the details submitted to discharge the condition.
6. However, subsequent to the above rejection the appellant has submitted a further application to discharge condition No 17, incorporating screen walls to certain corner plots in response to discussions with the Council. My consideration of the plan and other details accompanying this revised submission (Planning Layout 349/2R) as part of this appeal would not prejudice the Council.
7. The details submitted for hard surfacing (condition No 8) were rejected by letter dated 24 March 2017.
8. I have dealt with both appeals in this one document to avoid duplication. I have referred to the different cases as Appeals A and B as set out in the headers. When I visited the site some phases of the development were completed or under-construction. I saw examples of the means of enclosure and hard surfacing sought by the appellant.

Main Issues

9. The main issues for Appeal A are whether the details of walls and fences/railings would be acceptable in relation to (1) the living conditions of

residents with particular reference to privacy, (2) the appearance of the development and (3) security.

10. The main issues for Appeal B are whether the crushed stone driveways/parking areas would be acceptable in relation to (1) the appearance of the development and (2) highway safety.

Reasons

Appeal A

11. The appellant proposes a 3m high fence to the boundary of the part of the site which backs onto existing bungalows in Willowbank Close and Glencroft Close. The fence would run alongside an existing 3m high wall with railings. The Council has agreed that this boundary treatment would be acceptable. Similarly the 1.2m fencing dividing rear gardens is also found to be acceptable by the Council. I see no reason to disagree in respect of both these details.
12. The 1.8m timber fencing which would enclose groups of some 5 to 6 rear gardens and delineate rear boundaries would incorporate small 22mm gaps between the vertical timber slats. I do not share the Council's concern about privacy as the gaps between the slats are too small to allow activity in adjacent gardens to be readily observed from neighbouring plots.
13. On most corner plots where screening to side gardens would be clearly visible from the public realm, a length of 1.8m close boarded fence is shown between sections of boundary walls either side. However, the latest proposals (paragraph 6 refers) show screen walls to some side gardens on corner plots including those which face onto the main arterial route of Woolfall Heath Avenue. These revisions would ensure that robust boundary treatments are used at key prominent locations. Elsewhere the appearance of the combined wall and fence would be satisfactory against a backdrop of brick-built housing and sections of timber fencing. Some owners may decide to paint or stain the fence sections different colours but some individuality would introduce variation into the street scene over time.
14. The forms of enclosure would ensure that natural surveillance between gardens would be possible whilst closing off escape routes for thieves. The combination of walls and fencing on corner plots would give the opportunity for occupiers to provide access for the discrete storage of the likes of a caravan or boat without significantly compromising security.
15. For the above reasons the details of walls and fences/railings would be acceptable in relation to the living conditions of residents with particular reference to privacy, the appearance of the development and security. There would be compliance with Policy CS19 of the Knowsley Local Plan Core Strategy (CS) and Policies H5 and DQ2 of the Knowsley Replacement Unitary Development Plan (UDP) as the development would respond to the immediate surroundings in terms of materials and layout, not adversely affect the street scene and achieve a good standard of amenity, natural surveillance and security.
16. The Council's New Residential Development Supplementary Planning Document (SPD) includes an expectation that walls will be provided adjoining public spaces, giving the examples of footpaths, cycle-ways and open space but not

referring to roads. In any event most sections of enclosure adjacent to the highways on the estate would be robust and durable brick walls.

Appeal B

17. The Council has accepted that, if the paving slabs to front gardens are continuous, there is no objection to this part of the hard surfacing scheme. The appellant has confirmed that this is the case. From what I saw on site the paving up to the front doors and around the dwellings was continuous and satisfactory. In relation to bin storage a widened area of paving slabs to the rear of the dwelling is utilised. No concerns have been raised about this element of the scheme.
18. The remaining area of dispute relates to the proposals to provide a crushed stone driveway/parking area behind the tarmac pavement crossover and 1.5m deep apron for each dwelling. The Council's concerns are twofold – the impacts on the appearance of the development and highway safety.
19. The aggregate drives within the appeal site that I saw had recently been laid. Even though in relatively good condition, there was still some dislodging of stones onto the adjacent apron and footway. I also visited earlier phases of the Revive area nearby where aggregate had been used. For example in Highfield Road I saw driveways where weed growth, the wearing of wheel-tracks on the gravel and the transfer of chippings onto the paths, tarmac aprons and pavements created the impression of a development, in respect of the dwelling frontages, which appears unfinished and uncared for. Whilst the aggregate provides some contrast in texture and colour this does not outweigh the harmful elements that I have identified.
20. The combination of the spread of loose chippings and the wear and tear and weed growth on driveways would significantly detract from the appearance of the development. Although some householders would be assiduous and follow the Home Owners' Manual in sweeping up loose chippings and weeding their driveways, from what I saw keeping on top of maintenance is not always achieved. I would expect the enforcement of covenants for maintenance of driveways to be a last resort and not something that would be used to deal with day-to-day upkeep.
21. In terms of the implications for the safety of highway users, the Council point to the possibility of loose material flying into the air with the potential for injury to passers-by, chippings causing motorcyclists and cyclists to skid and pedestrians to slip, and for those who are less mobile or using wheelchairs or pushing prams finding it harder to make their way along the footways. However, vehicle speeds on the estate roads are not likely to be significant. The amount of loose material dragged onto the roads or pavements is unlikely to be of a scale which would cause hazards or mobility issues. Moreover, the Council has not provided any accident data or other evidence of safety or mobility issues arising where gravel has been used.
22. I conclude that the crushed stone driveways/parking areas would be unacceptable in relation to the appearance of the development but satisfactory in respect of highway safety. In relation to appearance there would be conflict with Policy CS19 of the CS and Policy H5 of the UDP as a good standard of amenity would not be maintained and the street scene would be adversely affected. With regard to highway matters a safe and convenient route for

movement would be provided in accord with criterion 1) e) of Policy CS19 and key expectation B4 b) of the SPD.

23. In arriving at my conclusions I have taken into account that aggregate is more permeable than tarmac and therefore provides a more sustainable means of drainage. Such a drainage solution has national and local policy support. I also note that the use of tarmac would add to the construction costs which would have implications for the affordability of homes targeted at those wanting to get onto the housing ladder in an area of deprivation. However, tarmac would have longer-term benefits for occupiers in terms of the ease and cost of maintenance and therefore I give this consideration limited weight. The drainage and affordability benefits do not outweigh the visual harm that I have identified.
24. I have had regard to the previous appeal decisions referred to by the parties where gravel driveways were proposed. The various Inspectors came to different conclusions on the issues of highway safety and appearance based on the particular circumstances of the case. Likewise I have made my own findings on the basis of what I have read and seen.

Conclusions

25. For the above reasons Appeal A should be allowed and Appeal B should be allowed in part and dismissed in part as set out in the formal decision.

Mark Dakeyne

INSPECTOR