



Appeal Decision

Site visit made on 23 May 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2019

Appeal Ref: APP/Z4310/W/19/3224223

24-31 Stowe Close, Liverpool L25 7YE

- 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 J Akram against the decision of Liverpool City Council.
 - The application Ref 18F/1586, dated 5 June 2018, was refused by notice dated 11 September 2018.
 - The development proposed is the erection of black, automated metal gates providing highway and pedestrian access to existing residential Nos. 24 -31 Stowe Close.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, social interaction, community safety, crime and the fear of crime.

Reasons

3. The appeal site is part of a cul-de-sac serving 24 to 31 Stowe Close. These eight properties are detached two storey houses which form part of a larger housing estate comprising of around 104 no. properties on Stowe Close, Oundle Place, Farthing Close and Winchester Close. Boundary treatments in the area include brick walls, railings, gates and fences. A number of properties have high railings and gates in front of the dwelling. The highway is truncated by bollards at the point where Stowe Close and Winchester Close meet.
4. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions. Although the Council did not in refusing planning permission refer to any development plan policies, Framework paragraphs 91 and 127 have been cited.
5. The proposal creates tension between the various aspects of Framework paragraphs 91 and 127. On one hand, the evidence around criminal activity, the fear of crime and resident's health and well-being is compelling, especially given the increasing trend of offences. The proposed gates would help address all these matters and no doubt improve the quality of life for the occupants of Nos 24 to 31 who are all supportive of the scheme. Even so, they would be unlikely to prevent every possible means of entry to Nos 24 to 31 given the

woodland to the rear and the height/design of the gates.

6. Balanced against this is the introduction of a physical barrier across the entrance to the cul-de-sac. Even though the design of the gates would respond to the local area and allow views in and out of the cul-de-sac, good design goes beyond aesthetics. Gated entrances are common place in the area, but there are no examples of any across whole cul-de-sacs. Thus, the estate is an attractive, inclusive and welcoming place to live and visit. Whilst the proposal would improve the security of occupants in Nos 24 to 31, the gates, in the proposed location, would undermine the overall cohesiveness of the community and social interaction by segregating the eight properties from the rest of the community. This may in turn increase the risk or fear of crime for neighbours not within the gated cul-de-sac, and thus their quality of life.
7. Despite the proposal's benefits insofar as crime, the fear of crime, and well-being, I conclude that the proposed development would, overall, have a detrimental effect on the character and appearance of the area, social interaction, community safety, crime and the fear of crime. Consequently, I conclude that the proposal would not accord with Framework paragraphs 91 and 127; which seek high quality development that: functions well and maintains a strong sense of place; is visually attractive; creates places that are safe, inclusive and accessible; and which promotes health and well-being.
8. The Council cited Policy UD1 of the emerging Liverpool Local Plan 2013-2033 Pre-submission draft, January 2018 (emerging plan) in the reason for refusing planning permission. This policy does not form part of the development plan, and the emerging plan has yet to be examined in public despite its submission. I note that there are no objections to the policy. Given this, and as it seeks developments to respond to local character and distinctiveness, the policy carries limited weight. Nonetheless, I conclude that the proposal would conflict with this policy in terms of the proposed means and pattern of enclosure.
9. Having regard to the evidence before me, I agree with the appellant that the appeal scheme would accord with criteria 2 and 13 of saved Policy HD18 of The City of Liverpool Unitary Development Plan. I also agree with the appellant's assessment about the proposal's effect on trees, biodiversity, heritage assets and drainage and flood risk. However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its own planning merits. There is also no substantive evidence either way about the proposal's effect on residents living conditions.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR