



Appeal Decision

Site visit made on 21 July 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/Z4310/D/20/3248017

7 Blackwood Avenue, Liverpool, L25 4RN

- 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 Knowles against the decision of Liverpool City Council.
 - The application Ref 19H/2343, dated 19 August 2019, was refused by notice dated 5 February 2020.
 - The development proposed is described as "*retrospective application in relation to enforcement notice C/19/0353 seeking approval to erect boundary wall to front to a maximum height of 2.15m due to varying ground levels*".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised plan was submitted with the appeal (Ref A101 Rev A) that shows a lower front boundary wall than exists at present. However, this plan is not referred to in the appellant's written submissions, and it is unclear whether I am being asked to consider it as part of this appeal. In any case, the Council and interested parties have not had the opportunity to comment on it, and I note that an objection was received at application stage from a local resident. In this context, I consider that accepting the revised plan would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Moreover, the 'Procedural Guide – Planning Appeals – England' (2020) advises that: "*If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application*" (Annexe M.1.1). Accordingly, I have determined the appeal based on the drawings that were before the Council when it made its decision.

Main Issue

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

Reasons

4. The appeal relates to an existing front boundary wall to No 7 Blackwood Avenue that is mostly constructed in brick. It is built on sloping ground and rises in height towards the boundary with No 9.

5. The boundary treatments along this side of Blackwood Avenue are relatively consistent in character and comprise low brick walls topped with mature planting and/or low timber fencing. In contrast, the development has introduced a high brick wall across the frontage that is over 2 metres tall at its highest point. This is a visually imposing feature that contrasts sharply with the existing boundary treatments along this side of the street. The transition to the lower boundary wall fronting No 9 is particularly stark in this regard. In my view, the wall is an excessively tall and incongruous feature that draws the eye. Whilst there are some examples of taller front boundary treatments on the opposite side of the road, these have a limited visual connection with the appeal property given the road width and the central planted area.
6. My attention has been drawn to a number of other boundary walls in the surrounding area. However, those examples are located some distance away and do not have a close visual relationship with the appeal property. Moreover, the highlighted examples along Blackwood Avenue are on the opposite side of the road and relate to corner properties, or properties next to a corner property, which is not the case here.
7. It is asserted that the Council has recently approved a number of boundary treatments of a similar height and scale elsewhere in the City. However, the full details of those cases are not before me, and I am therefore unable to assess any direct comparability to the current appeal proposal. In any case, I have come to my own view on this matter rather than relying on the approach the Council may have taken elsewhere.
8. For the above reasons, I conclude that the development significantly harms the character and appearance of the area. It is therefore contrary to saved Policies H4 and HD18 of the Liverpool Unitary Development Plan (2002). These policies seek to ensure, amongst other things, that new development does not have a detrimental effect on the character of the area, and that its scale and massing relate well to the locality.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR