



Appeal Decision

Site visit made on 27 July 2020

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 21 August 2020

Appeal Ref: APP/M4320/C/20/3250725

1 Orchard Dale, Crosby, Liverpool L23 2RJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Joseph Johnson against an enforcement notice issued by Sefton Metropolitan Borough Council.
 - The enforcement notice was issued on 12 March 2020.
 - The breach of planning control as alleged in the notice is the erection of a wall and gates to the front and side boundary of the property in excess of 1 metre in height.
 - The requirements of the notice are either 1. Remove the wall and gates from the boundary of the property (approximate location shown edged in blue on the attached plan entitled 'wall and gates plan'); or 2. Reduce the height of the wall and gates from the boundary of the boundary to no higher than 1 metre so that they comply with Permitted Development Rights (approximate location shown edged in blue on the attached plan entitled 'wall and gates plan').
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a wall and gates to the front and side boundary of the property in excess of 1 metre in height on land at 1 Orchard Dale, Crosby, Liverpool as referred to in the notice.

Reasons

2. The main issues in the ground (a) appeal are the effect of the wall and gates to the front and sides of the property on; first, the character of the street scene; and second, highway and pedestrian safety.

The first issue – character of the street scene

3. 1 Orchard Dale is a semi-detached dwelling. The pair of dwellings are at the junction of Orchard Dale and Moorside Road and face diagonally across the junction. There is a driveway access secured by sliding gates, and two side hung pedestrian gates, in the side boundary of the property. The brick wall is about one metre in height but brick pillars rise to a height of about 1.8 metres; the spaces between the pillars being infilled with timber panels. The gates match the timber panels in material and style.

4. Residential development in the area is predominantly semi-detached dwellings set close together. In this regard and in all views of the wall and gates they are seen against a backdrop of significantly higher development. Furthermore, there is a wide variety of types and styles of walls, fences and hedges to frontage boundaries along Orchard Dale and Moorside Road. In fact, no two are the same and there are examples in the vicinity of fences exceeding one metre in height. The wall and gates at the appeal property are distinctive and have been built with care and attention to detail, but they are not, given the variety of frontage development in the vicinity, dominant, incongruous and overbearing, as the Council suggests.

5. The wall and gates do not adversely affect the character of the street scene and are not thus in conflict with policies EQ2, EQ3 and HC4 of the Sefton Local Plan or with the Council's Supplementary Planning Document 'House Extensions'.

The second issue – highway and pedestrian safety

6. Visibility at the vehicle entrance gates in both directions is not materially different to visibility at any other property in Orchard Dale, and there will always have been a vehicular access at the property. The road is a cul-de-sac and vehicular and pedestrian activity is consequently minimal. The speed of vehicular movements at the entrance will be low. Taking these factors into account the wall and gates do not have any adverse consequences for highway and pedestrian safety. In this regard there is no conflict with Local Plan policy.

Conclusion

7. The wall and gates to the front and side boundary of the appeal property do not harm the character of the street scene or highway and pedestrian safety. The ground (a) appeal thus succeeds and planning permission has been granted for the erection of a wall and gates to the front and side boundary of the property in excess of 1 metre in height on land at 1 Orchard Dale, Crosby, Liverpool. The ground (f) and (g) appeals do not therefore need to be considered.

John Braithwaite

Inspector