



Appeal Decision

Site Visit made on 26 October 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/Z4310/D/20/3257845
12 Baldwin Avenue, Liverpool L16 3GD

- 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 Mrs Olga McMillin against the decision of Liverpool City Council.
 - The application Ref 20H/1226, dated 11 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is to relocate and extend existing side fence to Colby Close.
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Decision

1. The appeal is allowed and planning permission is granted to relocate and extend existing side fence to Colby Close, at 12 Baldwin Avenue, Liverpool L16 3GD in accordance with the terms of the application, Ref 20H/1226, dated 11 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: *12 Baldwin Avenue, L16 3GD - Elevational detail of proposed fence*; and, *12 Baldwin Avenue, L16 3GD - Site Plan Proposed*.
 - 3) The materials to be used for the development hereby permitted shall match those used in the existing side-boundary fence.

Main Issue

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

Reasons

3. The appeal concerns a detached, 2-storey dwelling at the junction of Baldwin Avenue and Colby Close, located on a residential estate. The estate contains garden-fronted dwellings of various designs and with different boundary treatments.
4. The appeal property has a short front driveway and a small front garden, which extends around the side of the dwelling along Colby Close. The front/side

garden is predominantly lawn, with some low-level shrubs at the front corner, but otherwise not formally demarcated from the adjacent footpath.

5. The rear garden contains a conservatory, the construction of which entailed the erection of a wall to the side of the dwelling, level with its rear elevation. A timber fence with concrete posts extends from this wall a short distance towards Colby Close. It then turns northwestwards, roughly parallel to the Colby Close pavement line and encloses the rear garden; between the fence and the pavement is a narrow area of scrub vegetation.
6. The proposed development would move the existing rear garden fence to a back-of-pavement position, with a 2.3m by 2.3m visibility splay next to 1 Colby Close. The fence would be extended along the side boundary of the property, stopping a short distance from the front elevation, where it would turn towards the dwelling, and enclose most of the side curtilage.
7. The scale and siting of the fence would mean a reduction in openness to the side/rear of the dwelling, which would be noticeable from the nearby streets. The visual prominence of the proposed fence would also be increased in views southeastwards along Colby Close due to the curved shape of the road. However, from much of the front and from the side, its impact would be reduced by being seen in the context of the blank gable elevation wall of the host dwelling.
8. Whilst I note the Council's comments about the original *open-plan* design of the estate and how the proposal would conflict with it, this is not currently an attractive feature on this part of Colby Close. Strips of vegetation are to be found on both sides of the road, between the footpaths and fences to the sides of Nos 10 and 12 Baldwin Avenue. The strip by the appeal property has an overgrown and untidy appearance and both are largely separated from their host properties by timber fencing. This creates a somewhat awkward public/private space that is not currently well-maintained.
9. Furthermore, there are a significant number of side/rear boundary fences, similar to that proposed, to be found elsewhere on the estate. Many of these are referenced by the appellant in their grounds for appeal statement. Whilst the Council has no records of planning permission for these fences, this would not necessarily make them unlawful and the Council does not indicate whether they are or not.
10. The proposed development would not affect the openness of the front garden of the property, which remains an attractive and generally characteristic feature of the estate. The entrance to Colby Close would also remain reasonably open, given the two footpaths on either side of the carriageway and the area of paving and scrub/shrub vegetation to the side of the boundary fence of 10 Baldwin Avenue.
11. The proposed fence would not be out of keeping with my observations of the mixed character and appearance of the estate. The proposal would provide a firm boundary between the side of the property and the footpath, and its scale, design, siting and materials would all have an acceptable visual impact within the streetscene.
12. For these reasons the proposed development would not detract from the character and appearance of the area. It would, therefore, accord with Policy HD18 (General Design Requirements) of the Unitary Development Plan 2002.

Conditions and Conclusion

13. In addition to the standard commencement condition, conditions specifying the approved drawings and requiring the materials to be used to match the existing fence, would be necessary for reasons of certainty and to protect the character and appearance of the area.
14. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is allowed.

Andrew Parkin

INSPECTOR