

Appeal Decision

Site Visit made on 5 January 2021

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2021

Appeal Ref: APP/M4320/W/20/3262057

Bootle Cricket Ground, Wadham Road, Bootle, L20 2DD

- 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 Bootle Cricket Club against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00636, dated 14 April 2020, was refused by notice dated 24 July 2020.
 - The development proposed is the erection of safety netting/fencing on road boundary of cricket ground.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of safety netting/fencing on the road boundary of cricket ground at Bootle Cricket Club, Wadham Road, Bootle, L20 2DD in accordance with the terms of the application, Ref DC/2020/00636, dated 14 April 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: 2010/442-02 Rev D and site location plan.
 - 3) The netting, posts and fencing hereby permitted shall be coloured dark green within 3 months of their installation or before they are first used for a match whichever is the sooner.
 - 4) Prior to the netting, posts and fencing being used for a match a management plan, which includes details on how the netting, posts and fencing will be maintained shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 170 to 212 (evens only) Wadham Road, with regards to outlook and the other considerations raised.

Reasons

3. The cricket club lies within an area largely characterised by residential dwellings. A two storey terraced row lines Wadham Road. A mixture of single storey and two storey residential properties line the site's eastern boundary. Ground levels gradually fall along Wadham Road from its junction with Hawthorne Road. A low wall and railings extend along the site's southern

boundary. Behind this, part way along the boundary, there are a row of posts that support protective netting. The netting was not in place at the time of my visit, but it is usually erected for the duration of the cricket season only.

4. Policy EQ2 of A Local Plan for Sefton (Local Plan) requires in relation to site design, layout and access: the arrangement of buildings, structures and spaces within the site, including density and layout, and the alignment and orientation of buildings, to relate positively to the character and form of the surroundings, and achieve a high quality of design. I agree with the main parties that no harm would be caused to the character and appearance of the area. However, the policy also seeks development to protect the amenity of those within and adjacent to the site.
5. The proposed netting, fencing and posts would be a permanent fixture along the Wadham Road boundary. Collectively, they would be considerably higher than the current boundary treatment despite the minor ground level differences between the pedestrian footway and the cricket club pitch. The paladin fence that would extend along the lower reaches of the boundary would differ to the design and appearance of the existing railings, but it would allow views through to the pitch and its design would protect the amenity of those adjacent to the site at a low-level from cricket balls.
6. However, the proposed posts and netting would harm the outlook of residents facing the Wadham Road boundary of the site. The new boundary treatment would rise well above the height of the terrace not to mention the ground and first floor windows that populate the front elevation. I recognise that the netting would allow views through into the cricket club, and the posts are relatively slim, but the permanency of the proposal across an elongated stretch of boundary would not protect the outlook of residents living opposite.
7. The cricket club is a not for profit organisation that has existed in the local community for many years and runs a series of teams. The appellant outlines that cricket balls tend to fly further than previously due to the evolution of players and technology. It is common ground that a range of different schemes have been tried along the Wadham Road boundary to protect residents and their property from cricket balls passing through or over the boundary. Despite these efforts, these have not proved successful and the club is now in a position whereby they are unable to secure insurance to cover for any damage caused by stray cricket balls. Added to this, there is the possible harm to the health and safety of residents, but also users of Wadham Road. The proposal aims to strike the balance of meeting the requirements of the cricket club and the amenity and safety of persons adjacent to it by providing a resolution for all concerned. The club has been granted funding subject to planning permission being granted for the proposed development.
8. The proposal would overcome the issues experienced by protecting the amenity of those next to the site as required by Local Plan Policy EQ2 which does not confine itself to the consideration of outlook. Local Plan Policy EQ4 is also supportive of the appeal scheme for the same reasons.
9. Balanced against this is the Council's suggestion that retractable posts and netting could be used instead of the permanent option proposed. The Council have not provided any substantive evidence of these products. On the other hand, the appeal scheme has been designed to address the needs of the club and protect resident's amenity from cricket balls. The club also explains that

there are issues with the stability of this type of product at the required height. This is a point which the Council does not dispute.

10. If I were to dismiss the appeal, the existing recycled lampposts and netting would continue to be used and repaired. However, they would still not be high enough to address the situation. The existing nets have been subject of vandalism and complaints from residents due to the fittings used. The club also explain that the netting can quickly become unsightly. Either way, there could be knock-on effects to a community-based club that provides opportunities for physical activity which is important for the health and well-being of communities. It is unclear whether the club would cease to exist, but the proposal would enable the club to modernise and stay at its existing home.
11. Residents were consulted as part of the planning application but also by the club beforehand. The former did not result in any representations being received. While this is not in its own right a reason to refuse or grant planning permission, it is of interest given the context to the case.
12. The proposal would harm the outlook of residents facing the site on Wadham Road. The colouration of the netting, posts and fencing in a single colour would ensure that the boundary would appear as a cohesive entity. However, there are also other factors such as health and safety that outweigh this harm which leads me to an overall conclusion that the proposed development would not harm the living conditions of the occupants of Nos 170 to 212. As such, the proposal would accord with part Local Plan Policies EQ2 and EQ4 which seek to protect the amenity of those adjacent to the site by minimising the risk of adverse impacts which includes damage to health and wellbeing and property.

Other matters

13. In this case, a planning judgement has been required throughout the process to weigh the competing aspects of the proposal against one another. As a result, it does not mean that Members of the Planning Committee cannot make their own mind up on the scheme. They are entitled to do so, and they are not obliged to follow local views either as their judgement should be planning based. In any event, I agreed with the Council about the scheme's effect on outlook, but other parts of my analysis lead me to a different conclusion.

Conditions

14. I have imposed a plans condition in the interests of certainty. Details of the materials to be used for the netting, posts and fencing are not necessary as they are evident from the scheme before me. However, I have imposed an amended version of this condition so that they are coloured in the manner suggested by the Council in the interests of residents living conditions and the character and appearance of the area. For the same reasons and given the background to this case and previous iterations of netting on the boundary, I have imposed a condition to secure a management plan setting out how the netting, posts and fencing will be maintained.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Mr Andrew McGlone

INSPECTOR