



Appeal Decision

Site Visit made on 10 February 2021

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

an Inspector appointed by the Secretary of State

Decision date: 25th February 2021

Appeal Ref: APP/Z4310/D/20/3261459

The Lodge, Hillfoot Road, Liverpool L25 7UJ

- 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 Peter Quinlivan against the decision of Liverpool City Council.
 - The application Ref 19H/2769, dated 28 November 2019, was refused by notice dated 4 August 2020.
 - The development proposed is erection of a timber fence to the boundary of the site.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a timber fence to the boundary of the site. The appeal is allowed and planning permission is granted for the erection of a timber fence to the Hillfoot Road boundary of the site and the area used for vehicular parking at The Lodge, Hillfoot Road, Liverpool L25 7UJ in accordance with the terms of the application, Ref 19H/2769, dated 28 November 2019, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, subject to the following condition:
 - 1) The timber fences hereby permitted shall be painted or stained a chestnut brown colour within 6 months of the date of this decision and they shall be maintained in this colour thereafter.

Applications for costs

2. An application for costs was made by Mr Peter Quinlivan against Liverpool City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The fence erected on top of the existing sandstone wall to Hillfoot Road corresponds with the submitted details and the listed building consent granted by the Council. I agree with the Council that this aspect of the scheme is not harmful. As it is clearly severable, physically and functionally to the other fences, it would be appropriate for me to grant planning permission for this fence and issue a split decision.
4. The main parties agreed a variation to the description of development, but this contains phrases which are not acts of development and the fence erected between the dwelling and the site's eastern boundary is lower than that proposed, whilst the section of fence returning towards the footpath is generally higher than that proposed. Thus, I have considered these parts of the scheme as those proposed on the submitted plan. The remaining fences to the north and east boundaries have been erected in accordance with the submitted site plan. The same applies to the fence erected around the area used for vehicular parking to the south of the footpath. I have therefore considered the appeal based on the description of development stated on the planning

application form as this reflects the scheme that is before me, but in my formal decision I have included specific references for clarity.

Main Issues

5. The main issues are: (a) whether the proposal would preserve or enhance the setting of The Lodge, a grade II listed building, and the character or appearance of the Woolton Conservation Area (WCA); and (b) the effect of the proposal on the visual amenity value of the Green Space / Green Wedge.

Reasons

Heritage assets

6. The Lodge is one of several former gate houses to a former large mansion house: Camp Hill. The Lodge dates from 1868 and was associated with Woolton Hall. It is now a dwellinghouse within the park of Camphill and Woolton Woods. The site lies next to Hillfoot Road and a public footpath into the park. The Lodge has a L-shape that has remained despite a recent extension to its original single storey and attic composition. The Lodge displays a cantered bay to the right, with a hipped roof, shaped gable with mullioned windows. Its porch has rich Jacobean ornament. The Lodge was originally built next to farm buildings, known as Island Farm, but these buildings are no longer present.
7. The park comprises of wooded areas as well as formal and informal areas set on an undulating landscape that afford extensive views over the Mersey estuary and the hills of North Wales. Mature trees line the main footpaths from the road to the top of the hill, with individual specimen trees located within the parkland adding to the informal landscaping. The park is well-used by the public for sport and recreation. The site and the park form part of the leafy WCA which includes the core of Woolton to the north that is made up of buildings of varied age and style put to residential and commercial use.
8. The sandstone wall lining the Hillfoot Road boundary is typical of the wider WCA. The proportionate use of timber is also part of the fabric of the WCA and the setting of The Lodge. The relatively open parkland setting afforded to The Lodge by the park and vice versa strongly influences the significance of it and the character and appearance of the WCA due to their historic and architectural interest. I have a statutory duty to have special regard to desirability of preserving the setting that The Lodge possesses and the desirability of preserving or enhancing the character and appearance of the WCA.
9. It is unclear whether The Lodge historically benefitted from boundary treatment other than the wall to the road. There is no historic map before me. However, more recently a picket style timber fence and vegetation extended around at least some parts of the site. Both have now been removed.
10. A boundary therefore seems to have existed at some time or other, and it is logical that the dwellinghouse is separated from the public use of the park. I note the appellant's view on the Council's suggested alternative boundary treatment, but the height and style of fence erected and proposed on the site's northern, eastern and southern boundaries does and would create an uncomfortable relationship between The Lodge and the park. It has, and would introduce, a distinctly urban character typical of a modern residential development into the parkland setting of The Lodge and the WCA. Moreover, the sub-division of the plot with a fence to separate the side and rear gardens would add to the overtly domestic appearance when viewed from the footpath across The Lodge's frontage.

11. The proposal would not be universally visible from vantage points across the WCA or the park due to built form, topography and mature vegetation which covers a good-sized area. The impact will also vary during the year when vegetation is in leaf. However, the site is not completely obscured from elevated vantage points within the park, but the fences do and would mainly inhibit localised views of The Lodge from the park. The style of fence is very different to the previous picket style fence, and thus the effect is not the same. In the round, I do not agree that it would enhance the situation.
12. However, the fence around the car parking area is detached from The Lodge by the footpath, which along with its scale, leads me to conclude that it would have a neutral effect on The Lodge and the WCA.
13. The timber fencing at Woolton Manor is next to a narrow road through a woodland area. This means that it does not share the same open parkland character as the appeal site. The timber fence at the Old Coach House has a domestic appearance. While it bounds the park, it is next to a space enclosed by a high sandstone wall lining School Lane and formal planting. The setting of the WCA is very different here to the appeal site.
14. The circumstances that has led to timber fences next to other listed buildings in Liverpool and the Wirral are not clear, but in any event, none are directly comparable to the appeal scheme due to their height, style or extent. The settings in each of these examples are also very different to the appeal site.
15. I note residents support, but there are elements of the proposal that do and would cause less than substantial harm to The Lodge and the WCA in the context of paragraph 196 of the National Planning Policy Framework (the Framework). This is still a harmful impact which adversely affects their significance as heritage assets and requires clear and convincing justification. The restoration works to The Lodge have rejuvenated the building, aided the setting of the WCA, and stopped anti-social activity through increased natural surveillance and created a more attractive entrance to the park. However, these public benefits have already been realised.
16. The fencing does and would provide the occupants of The Lodge with greater security and privacy in their rear garden. This would help sustain its long-term occupation as a dwelling by distinguishing the site from the park. I recognise that any boundary treatment would need to be sufficiently robust, but there are other styles and heights that could, in conjunction with other steps, ensure the occupants security whilst preserving or enhancing The Lodge and the WCA. The added security to The Lodge would be a modest public benefit, but the harm to the heritage assets would, to which I attach considerable importance and great weight, clearly outweigh this.
17. While there are elements of the appeal scheme that would not result in harm to The Lodge or the WCA, there are other parts that do. This leads me to conclude that they would not preserve or enhance the setting of The Lodge, or the character and appearance of the WCA. Thus, conflict is and would be caused with saved Policies HD4, HD5 and HD11 of The City of Liverpool Unitary Development Plan (UDP). These policies jointly seek external alterations to be of a high standard of design in terms of form, scale and detailing so they do not adversely affect the architectural or historic character of a listed building and preserves its setting; and preserve or enhance the character and appearance of the conservation area. The proposal would also conflict with

Framework paragraph 196 as the public benefits do not outweigh the harm identified.

18. Conflict would arise with emerging Policy HD1 of the Liverpool Local Plan 2013 – 2033 Pre-submission draft, January 2018 (EP) for the same reasons, but I agree with the Council that this policy carries limited weight currently.

Green Space / Green Wedge

19. The appeal scheme does and would not affect the physical separation between existing built up areas. Given the previous boundary treatment, there would be no effect on the purposes of including land within the Green Wedge or its openness. The scheme has not and would not lead to the loss of Green Space and there is no suggestion that any former landscaping was particularly noteworthy. The scheme would not result in material harm having regard to criterion i, iii and iv of saved UDP Policy OE11.
20. The fences erected and proposed to the northern, eastern and southern boundaries of the site to the north of the footpath are not and would not be sympathetic to the character of the area due to their scale, type and quantum. These parts of the appeal scheme cause and would cause harm to the visual amenity of the Green Space and the character of the Green Wedge. The trees planted could over time enhance the area, but they are planted behind the fence, and therefore do not provide any mitigation for it.
21. As such, I conclude that these elements of the appeal scheme would and do have a harmful effect on the visual amenity value of the Green Space / Green Wedge. This conflicts with saved UDP Policies OE3 and OE11 which jointly seek developments to use materials and built forms sympathetic to the character of the area and to avoid material harm to the visual amenity of the Green Space, having regard to important views across the site and the character of the site within the surrounding area. Conflict is, and would also be caused with EP Policies GI 2 and GI 3 which broadly seek the same things, but I agree with the Council that these policies carry limited weight currently.
22. Although the fence to the car parking area is of a similar type, and thus not wholly sympathetic to the character of the area, its scale and position leads me, on balance, to consider that it does not harm the visual amenity of the Green Space and the character of the Green Wedge, subject to satisfactory treatment of this fence. This part of the proposal would consequentially accord with saved UDP Policies OE3 and OE11 as well as GI 2 and GI 3.

Condition and Conclusion

23. I have the power to issue a split decision. In this case, the fence to the road boundary and the fence around the car parking area are independent from the remaining aspects of the scheme. Given my findings on these, I conclude that the appeal should be allowed for these. I have imposed a planning condition so that the fences are painted or stained in the interests of preserving the significance of the heritage assets. This is consistent with the condition imposed by the Council on the listed building consent for the Hillfoot Road boundary. Treatment of the other fences would not overcome the harm that I have identified, and I therefore conclude that the appeal is dismissed insofar as the remaining timber fences.

Mr Andrew McGlone

INSPECTOR