



Appeal Decision

Site visit made on 8 March 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2022

Appeal Ref: APP/M4320/D/21/3284835

77 Cherry Road, Ainsdale, Southport PR8 3SF

- 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 Chantelle Power against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2021/01572 dated 15/06/2021, was refused by notice dated 10/09/2021.
 - The development proposed is erection of 1660mm high boundary timber fencing, pillars and gates to the front and side boundaries of the dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development for the proposed development, contained within the application form, I have reworded the description to clearly and concisely describe the proposal.
3. The application made clear that the scheme had been submitted retrospectively however, at the time of my site visit, the proposed development was not in place.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and Appearance

5. The development comprises a timber fence with gates enclosing the front amenity space of the appeal site. The rear garden is screened from view by a substantial boundary wall and side gate. The proposed fence would be located behind the existing low wall and include wide gates allowing vehicular access.
6. The appeal site is located on the corner of Cherry Road and Woodvale Road. Whilst I observed other high boundary enclosures to the front of properties within the immediate area, none were comparable to this prominent corner plot. The overall height and extent of the boundary enclosure would be a dominant and incongruous addition to the streetscene.

7. The appellant has confirmed that the appearance of the boundary enclosure could be enhanced, for instance with staining, this would not outweigh the harm I have identified.
8. I conclude that the proposed development would harm the character and appearance of the area. There is conflict with A Local Plan for Sefton (2017) (the Local Plan), Policy EQ2 which seeks amongst other things to ensure development responds positively to the character and form of an area.
9. There is also conflict with the National Planning Policy Framework (2021) (the Framework) which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Highway Safety

10. The Council confirm in the Officer Report that whilst the proposed development does not include a visibility splay for the vehicular access, this could be overcome through the imposition of conditions. I note that the Highways Development Design Team does object to the scheme.
11. Representation was received from a third party highlighting that the gates opened out into the footpath, this would cause an obstruction however the opening of gates could be controlled by the imposition of a planning condition.
12. I find that the proposed development subject to conditions would not harm highway safety. There is no conflict with Policy EQ2 of the Local Plan which seeks amongst other things to ensure developments have safe and easy access.
13. The proposed development would not be contrary to the Framework which seeks to protect highway safety.

Other Matters

14. The appellant has highlighted that the proposed development is required due to personal circumstances. I have had regard to the comments raised in the grounds of appeal and application in relation to safety and welfare issues along with the letters of support provided by Occupational Therapy and a teacher at the occupants SEN school. However, limited information has been provided to confirm that need for the development and that the existing rear garden which appears to be secured by a high boundary enclosure is not suitable or that an alternative development could not be provided to meet the needs of the occupants.
15. My attention has been drawn by the appellant to a number of boundary enclosures within the borough. Substantive details have not been provided other than photographs. Whilst the enclosure examples are adjacent to a highway and appear to be at a height above 1metre I cannot accurately assess these against the proposal before me. In any event each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

Conclusion

16. Whilst I have concluded that the proposed development would not harm highway safety, this does not outweigh the harm I have identified in terms of the character and appearance of the area.

17. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR