
Appeal Decision

Site visit made on 11 October 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2022

Appeal Ref: APP/H4315/D/22/3303298

1 Oak Tree Road, Eccleston, St Helens WA10 5LJ

- 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 Jessica McCarthy Scarsbrook against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2022/0287/HHFP, dated 13 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is a shiplap fence above an existing low level wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The fence has already been erected to the front and side of the appeal property. I am therefore considering the appeal on the basis of a retrospective proposal.
3. The St Helens Local Plan up to 2037 (LP) was adopted in July 2022 and this post-dates the Council's refusal notice. The LP states that the policies of the LP replace all the policies in the St Helens Local Plan Core Strategy 2012 and the previously saved policies of the St Helens Unitary Development Plan (UDP) 1998. The Council state that Policy LPD04 (Householder Developments) of the LP is relevant in respect of the consideration of the main issue below. Reference in the Council's refusal notice to policy GEN 8 of the UDP is no longer relevant to the determination of this appeal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. As part of my site visit, I was able to appreciate the appeal site in its wider context. It is a prominent corner plot at the junction of Oak Tree Road with Houghtons Lane. Overall, the area is appreciated as one where most of the properties can be seen from main roads and with an emphasis on either open or landscaped spaces to most of the main road frontage areas. Where boundary treatment does exist to the front of properties, this mainly includes very low walls and/or soft landscaping. These attributes add positively and distinctively to the character and appearance of the area.

6. Owing to the position, height and length of the fence, coupled with its solid wooden appearance, I find that it represents a stark, dominant and out of keeping form of development when seen within Oak Tree Road and from parts of Houghtons Lane. The development has in effect narrowed what was previously a pleasing sense of spaciousness when turning into Oak Tree Road from Houghtons Lane. It unacceptably departs from the previous consistency to the corner plots on Oak Tree Road which were softened by corner landscaping and where there was a notable absence of built form close to the highway edge on this main road.
7. The appellant has referred me to a concrete side boundary wall and part wooden fence on Houghtons Lane which belongs to the bungalow opposite the appeal site. I do not know the exact circumstances which led to this boundary treatment being erected. I do not find that the existence of this development, nor the identified boundary treatments further down Houghtons Lane, has changed the prevailing character of the immediate area when appreciated by passers-by which is one of low boundary walls and predominantly more green and open amenity spaces fronting main roads.
8. For the above reasons, and notwithstanding the reduction in the height of the fence, I conclude that as a whole it has caused significant harm to the character and appearance of the area. It is seen as an incongruous and out of place addition in its immediate setting and does not therefore accord with the design, character and appearance requirements of policy LPD04 of the LP or chapter 12 of the National Planning Policy Framework (the Framework).
9. The appellant contends that policy LPD04 of the LP is not relevant as it relates to *'the alteration and / or extension of an existing dwelling'*. In my judgment, the policy is relevant to the determination of this appeal in so far that the appeal development relates to an alteration to land which is part and parcel of the existing dwelling. Even if one were to disagree with this finding, the development would nonetheless fail to accord with chapter 12 of the Framework, which is a material planning consideration of significant weight, in so far that it fails to have acceptable regard to the context of the area and has not created a high quality, beautiful or sustainable place. In other words, the appeal development does not constitute good design.

Other Matters

10. I acknowledge the reasons why the appellant has erected the fence and, in particular, the desire to improve the security and safety of her children. However, there may be other less harmful options available to the appellant to achieve improved security and safety requirements such as the use of planting and/or CCTV. In any event, the harm caused to the character and appearance of the area is significant and this outweighs the appellant's reasons for erecting the fence.
11. The appellant states that the fence has replaced landscaping and asserts that the development has therefore had very little effect on the openness of the area. However, the submitted Google Earth imagery shows that the appeal property previously had a much softer boundary treatment. Furthermore, and even accounting for the landscaping, there was a greater sense of spaciousness around the appeal property with views of the dwelling filtered through the landscaping. The appeal fence and former landscaping cannot therefore be reasonably compared. In any event, low boundary walls and landscaping are

distinctive and positive characteristics in the immediate locality and the appeal development does not reflect this.

12. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR