



Appeal Decision

Site visit made on 25 October 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/H4315/D/22/3302917

1 Spinners Drive, St Helens WA9 3GF

- 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 Matthew Walkden against the decision of St Helens Council.
 - The application Ref: P/2022/0165/HHFP, dated 7 March 2022, was refused by notice dated 9 May 2022.
 - The development proposed is replace existing 1.82 brick post/timber fence with 1.82 m fence constructed using upvc posts and timber panels. Existing fence replaced due to materials previously used rotting after numerous replacements (post replacements) due to poor drainage outside of property. Alternative materials used from existing fence to mitigate risk of fence posts rotting and causing potential damage to people/property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was carried out prior to the application to the Council. The appellant has advised that the replacement fence continues at the rear of the property along the shared boundary with No.12 Prince Albert Court but that part of the fence constitutes permitted development and is not part of the appeal.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

4. No.1 Spinners Drive is a two-storey semi-detached house located at the junction of Spinners Drive and Prince Albert Court. The property is within a modern housing estate comprised of detached and semi-detached houses of similar form and character. The open plan design of this part of the estate, with lawned areas and shrub planting, provides an attractive environment and makes a positive contribution towards the character and appearance of the streetscene.
5. The appellant has advised that the original fencing was set around 0.6 metres from the back edge of the footway to Prince Albert Court, adjacent to the rear garden, with a strip of grass and some limited low-level shrubs. The grassed area alongside the side of the house was approximately 1.2 metres in depth.

6. The fencing which has been installed encloses a greater portion of land at the rear of the footway for Prince Albert Court and next to the side of the building, increasing its prominence when seen from Spinners Drive and Prince Albert Court, and eroding the open plan layout. The increased amount of fencing and additional enclosure of land is detrimental to the character and appearance of the area. This is because of the siting, height and increased length of the fencing, which creates an adverse visual impact in the street scene.
7. The proposal would therefore conflict with St Helens Local Plan Core Strategy policy CP1 which seeks to ensure that proposals will maintain or enhance the overall character and appearance of the local environment. It would fail to comply with policy GEN8 of the St Helens Unitary Development Plan which requires development to respect its local setting. It would also conflict with the objective in the National Planning Policy Framework of achieving well designed places.

Other Matters

8. The appellant refers to other examples of fencing along Spinners Drive, including a cluster at Nos.32, 34, 35, 39 and 53, which I viewed at my site visit. However these are not seen in direct conjunction with the appeal site and the enclosure of properties which has resulted contrasts sharply with the generally open character of the estate elsewhere. There is a short section of fencing at No.7 Spinners Drive, but that does not enclose land between the rear of the footway and the side of the building facing The Croft. Overall, these examples do not justify allowing harmful development at the appeal site. In terms of maintenance, I consider that it is neither necessary nor desirable to erect a fence to ensure that the area of land next to the side of the appeal building is maintained.

Conclusion

9. I have taken all other matters raised into account, including the letters of support for the fencing. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR