

Appeal Decision

Site visit made on 4 July 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2023

Appeal Ref: APP/H4315/D/23/3318628

39 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 Derek Fairhurst against the decision of St Helens Council.
 - The application Ref P/2022/0757/HHFP, dated 1 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is erection of boundary fence around rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for erection of boundary fence around rear garden at 39 Spinners Drive, St Helens, WA9 3GF in accordance with the terms of the application, Ref P/2022/0757/HHFP, dated 1 October 2022, and the plans submitted with it.

Main Issue

2. There is one main issue which is the effect of the proposed boundary treatment on the character and appearance of Spinners Drive.

Reasons

3. Spinners Drive is a residential street on a modern housing estate which comprises, in the vicinity of the appeal dwelling, mainly two storey detached dwellings of similar form and character facing the street. Frontages are mostly open, providing an attractive, landscaped environment.
 4. However, this character differs markedly around the junction opposite No 39. Here three dwellings, including the appeal dwelling, have side elevations which face the street. All three have high side boundary fences which sit at the back edge of the footway. The side elevations, limited space and fencing gives a sense of enclosure to the street. To the south and west of the junction, other dwellings with side elevations facing the street also have fences to the back edge of the footway. These can be seen in conjunction with the appeal dwelling.
 5. At the appeal dwelling, the fence-line has been relocated from a previous position which had a small set back from the footway, allowing a green edge. The appellant seeks to retain the new position.
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6. In view of the similar boundary treatment of both the other dwellings surrounding the junction and the similar boundary treatment of other nearby dwellings with side elevations facing the street I consider that this more enclosed layout is characteristic of this part of Spinners Drive and that if the fence at the appeal dwelling was retained as built it would not appear out of place or incongruous in the street scene.
7. The Council draws my attention to an appeal decision (APP/H4315/D/22/3302917) for a similar side boundary fence at 1 Spinners Drive which was dismissed. I viewed No1 at my site visit. However, this is some distance from the appeal site and the character of the street scene in the vicinity of No1 is noticeably more open, contrasting sharply with the more enclosed character in the vicinity of the appeal site. This example is not therefore readily comparable with the current appeal. Moreover, I note that the Council's landscape officer raised no objection to the fence as built at No 39.
8. It is concluded on the main issue that the proposed boundary treatment would have no materially detrimental effect on the character or appearance of the street scene of Spinners Drive. In consequence, it would comply with Policies LPD01, LPA02 and LPD04 of the St Helens Borough Local Plan up to 2037, adopted July 2022, or the Council's Supplementary Planning Document "New Residential Development". Taken together these expect new development to complement or enhance local distinctiveness, maintain or enhance the character and appearance of the local environment and respect and/or enhance the appearance and character of the existing dwelling through good design.
9. The Council's highway advisor suggested that a 1.5m pedestrian visibility splay should be provided to the south of the fence. However, a gap of about 1m has been left between the fence and the edge of the driveway to the rear, allowing some pedestrian visibility, and as the rear fence is understood to be permitted development, lowering the fence panel facing the highway would not improve visibility for emerging vehicles. I note that the Council did not raise a highway objection to the proposed development and neither did they suggest that the highway advisor's proposed condition was necessary. I agree with this view.
10. Turning to conditions, since the development has been carried out, I agree with the Council that a commencement condition is not appropriate. Moreover, a condition requiring the development to be carried out in accordance with the approved plans is not necessary.
11. For the reasons set out above and having regard to all other matters raised, including the representations of a third party, I conclude that the appeal should be allowed.

KE Down
INSPECTOR