



Appeal Decision

Site visit made on 1 November 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/M4320/W/23/3320676

29 Haigh Crescent, Lydiate, Liverpool L31 2LG

- 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 Miss Emily Hyde against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/01960, dated 5 October 2022, was refused by notice dated 29 November 2022.
 - The development proposed is described as: *"I have purchased the grass verge to adjacent to 29 Haigh Crescent and wish to apply for change of use to residential garden use only"*.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to residential garden at 29 Haigh Crescent, Liverpool L31 2LG in accordance with the terms of the application, Ref DC/2022/01960, dated 5 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 - 2) The development shall be carried out in accordance with the following approved plans and documents:
 - Location Plan
 - Site Plan (Hedgerow- 29 Haigh Crescent)
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification), no outbuildings, structures, fences, gates or walls shall be erected.

Preliminary Matter

2. I have referred to the description of development used on the planning application form in my decision above, but only insofar as this relates to the development proposed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located on a corner plot at the junction of Haigh Crescent and Coppull Road. This housing estate has a distinct planned form. At its centre is a large, tree lined open space which runs throughout Haigh Crescent. This is the main focus of open space in the immediate vicinity. To the side of the appeal site, and other properties found adjacent to Coppull Road, are wide grass verges. As noted by the Council, a previous appeal decision at the appeal site noted that the grass verge aside No 29 and subject to the proposed development contributes to the spacious feel to the area.
5. However, circumstances have changed since that decision insofar as the verge aside 36 Haigh Crescent has been enclosed by fences and hedging and incorporated into the residential grounds of that property. No 36 is on the opposite side of Haigh Crescent and therefore has a corresponding role within the street scene. I find that the enclosure of the green verge and change of use into the garden of No 36 has compromised the sense of spaciousness and the open character this part of along Coppull Road. This is a significant consideration in this appeal.
6. Unlike at No 36, this proposal seeks only to enclose the site with hedges, the new planting of which I also observed elsewhere in the area, and likely harsher, fencing which could be avoided through conditions. For these reasons, the change of use and enclosure of the site with a soft boundary hedge would not compromise the existing level of spaciousness along Coppull Road.
7. Consequently, I conclude that the proposal would have an acceptable effect on the character and appearance of the area. As such, I find that the proposal would accord with Policies EQ2 and HC4 of the Sefton Local Plan 2017 and Policy LNP DEV1 of the Lydiate Neighbourhood Development Plan 2017. These policies seek proposals to respond positively to the character, local distinctiveness and form of its surroundings, integrate into the existing street pattern and be of a high quality of design that matches the surrounding area.

Other Matters

8. The Council has referenced previous planning decisions at the appeal site, stating that previous proposals have been determined as uncharacteristic and unsympathetic towards the area and its general layout. These proposals include extensions and the erection of a dwelling in the rear garden, and therefore their impacts are not directly similar. The Council has also referenced a previous refusal of permission at 36 Oakhill Drive. This site is not immediately visible in the context of this appeal site. More decisively, this appeal does not seek to include a fence or structure, unlike at 36 Oakhill Drive.
9. Comments have been raised by an interested party about the absence of any consultation undertaken by the Council in the sale of the land. This is not a matter of consideration in this appeal. I am also mindful of the Parish Council's concerns about the possibility of this decision acting as a precedent. However, each case must be assessed on its own merits, and it is the corresponding role of 29 and 36 Haigh Crescent in the street scene that has been decisive in this case.

Conditions

10. In addition to the statutory time condition [1], I have applied a plans condition [2] for the interest of certainty. I have also applied a condition which removes the Permitted Development Rights of the appeal site to erect an outbuilding, structure, fence, gate or wall [3]. This is considered as necessary to maintain the character and appearance of the area.
11. The Council did request that a condition be applied for the restriction of the height of the hedgerow to not exceed 1.0m. Given that I have found no harm relating to the inclusion of a hedge in character and appearance terms, I do not consider that such a condition is necessary in those respects. Moreover, given that this is a suburban area with speeds likely to be low, and given the visibility afforded by the fairly deep pavement aside the appeal site, I see no clear reason why the hedge height needs to be restricted in the interest of highway safety.
12. Also in the interest of highway safety, the Council requested a condition which requires a detailed scheme of the relocation of a street sign and a lamp stand. However, as these works will be undertaken in the public highway beyond the appeal site, it would not be reasonable or necessary to request these details. These matters also appear to be controlled under separate legislation in any event.

Conclusion

13. For the reasons given above, and having regard to all other matters, I conclude that the appeal is allowed.

J Smith

INSPECTOR