

Appeal Decision

Site visit made on 12 December 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Appeal Ref: APP/Z4310/D/23/3330732

Cedar House, Fulwood Park, Liverpool L17 5AG

- 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 Steven Johnson against the decision of Liverpool City Council.
 - The application Ref 23H/1158, dated 3 May 2023, was refused by notice dated 17 July 2023.
 - The development proposed is a 1.2 metres high fence on perimeter wall which replaced existing 6ft high damaged timber fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of properties on Amphill Road with regard to outlook.

Reasons

3. A recent appeal (APP/Z4310/D/23/3322273) was dismissed on 28 September 2023. It related to this fence although at that time it had artificial foliage attached. The foliage has now been removed and it is clear from the photographs submitted that this has changed the development significantly. It is evident that the foliage resulted in the fence having a more solid appearance. The fence now has only green wire mesh between the supports. The wires are widely spaced allowing views through the fence.
 4. The proposal is an improvement compared to the fence considered by the previous inspector. The impact of that fence was considered with regard to the Fulwood Park Conservation Area and was found to have a neutral impact. The findings of the previous inspector remain relevant and therefore the only issue for this appeal relates to the differing impact on the neighbouring residents.
 5. The existing high wall is a dominant feature experienced by the residents of the neighbouring houses in Amphill Road. Although set beyond the rear passageway, it has an impact on their outlook when in their small rear gardens and their rear facing rooms. Despite the history relating to this property and the neighbouring house, The Orchid, the addition of this fence, on top of this high wall, represents an overbearing feature that results in harm to their
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outlook. It does not result in the loss of light that resulted from the addition of the artificial foliage but it remains, nevertheless, unacceptably harmful to the living conditions of the neighbouring residents due to its overbearing height. Policy H7(d) of the Liverpool Local Plan 2013- 2033 (2022) only supports development in residential areas that would not have an adverse impact on residential amenity and policy H8(c)(ii) seeks to resist alterations to dwelling houses that would be overbearing and would harm the amenities of neighbouring residents. The fence is at odds with the objectives of these policies. I also find conflict with the National Planning Policy Framework 2023 which seeks a high standard of amenity for existing and future users.

6. Given the proximity of the neighbouring properties and the differing land levels, parts of the amenity areas of Cedar House and the rear facing windows are overlooked. There is also intervisibility from this property back to the first floor windows of the Amphthill Road houses. This is an issue that was clearly a consideration with regard to the permission granted for a fence above the wall in relation to The Orchid. The appellant advises that the previous timber fence was also a consideration when alterations to the appeal property were accepted. These matters offer support for enhancing privacy. However, this proposal would not assist significantly in this regard.
7. The works do offer improvements with regard to security which provides weight in favour of the fence. I have also had full regard to the events that have led to this proposal and the planning history referred to for both this property and its neighbour. However, I am not satisfied that there are any matters that are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR