
Appeal Decision

Site visit made on 29 January 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.02.2024

Appeal Ref: APP/Z4310/D/23/3333927

10 Ashwater Road, Liverpool L12 0RL

- 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 Terry Nye against the decision of Liverpool City Council.
 - The application Ref 23H/0893, dated 30 March 2023, was refused by notice dated 1 November 2023.
 - The development proposed is to remove the existing boundary wall and fence to the side elevation and replace with new closer to the foot path.
-

Decision

1. The appeal is allowed and planning permission is granted to remove the existing boundary wall and fence to the side elevation and replace with new closer to the foot path in accordance with the terms of the application Ref 23H/0893, dated 30 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location/Title Plan MS366171, 1751/01, 1751/02C, 1751/03, 1751/04C and 1751/05B.
 - 3) The materials to be used in the construction of the wall and fence hereby permitted shall match those used in the existing wall and fence to be removed.

Preliminary matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, during consideration of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main issue

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

Reasons

4. 10 Ashwater Road is a detached house on a corner plot within a modern residential estate, facing Ashwater Road and side on to Stowford Close. The back garden is enclosed by a combination wall and fence (dwarf brick wall and brick piers with fence panels inset) set back from the footway of Stowford Close behind a narrow grass strip. The proposal is to take down that wall/fence and replace it with a similar wall/fence at the back of the footway, enclosing the grass strip within the garden of No 10. The new enclosure would start from about halfway along the side wall of the house, leaving most of an existing hedge intact, and would be angled at the back to avoid interference with the visibility of drivers using the drive of the next house on Stowford Close. I understand that The height of the proposal has been lowered to about 1.8m following the Council's refusal of a previous proposal for a taller wall/fence.
5. The estate is characterised by open frontages and in some cases there are also open grass strips to the side of corner houses, with garden walls or fences set back as at No 10. In the great majority of cases, however, these corner properties have head height side walls or fences up to the edge of the footway, much as is proposed in this appeal. These enclosures are part of the established character of the area, which nevertheless remains reasonably spacious and open.
6. The existing grass strip is not public space, provides little visual value and is not otherwise of any particular importance. The proposed wall/fence would partially obscure views of the properties in Stowford Close, but not so as to cause significant visual harm in this context. The proposed design and siting would reflect the general character of the area.
7. I conclude that the proposal would not harm the character or the appearance of the local area. It accords with policies H8, UD1 and UD7 of the Liverpool Local Plan 2013-2033, which aim to ensure that domestic alterations like this are of a high quality of design that matches or complements the style of the dwelling and the surrounding area.
8. I impose a condition specifying the relevant plans to provide certainty and another requiring the use of matching materials to protect local character and appearance. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR