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# Appeal Decision

Site visit made on 16 April 2024

**by G Bayliss BA (Hons) MA MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 April 2024**

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**Appeal Ref: APP/P2365/D/23/3331321**

**32 Skelmersdale Road, Skelmersdale WN8 8BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Steven Barrett against the decision of West Lancashire Borough Council.
  - The application Ref is 2023/0461/FUL.
  - The development is erection of a boundary wall to the front of the property.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The development has already been implemented. I have determined the appeal on this basis and with regard to the plans before me. Having visited the site, I am satisfied that the plans submitted with the planning application appear to accord with what is on the ground.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decision. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal.
4. A revised plan Ref.HP-BR-01 was submitted with the appeal documentation. This drawing shows the individual pillars reduced to the height of the main wall, with only the pillar capping remaining slightly higher. It is not clear from the information before me whether this drawing supersedes the original drawing submitted with the appeal or whether it is an alternative. Although the Council and other parties have not had the opportunity to comment on this revision, the revised drawing shows only a minimal change to the overall height of the wall and it does not fundamentally change the nature of the development. I am content that no parties would be unfairly disadvantaged by my acceptance of this drawing and no injustice would occur. Therefore, for the avoidance of doubt and for the sake of completeness, in making my decision, I have considered both the original drawing submitted with the planning application and the revised drawing submitted with the appeal.

## Main Issue

5. The main issue is the effect of the development on highway safety with particular regard to vehicular access for the occupiers of Nos. 28 and 30 Skelmersdale Road.

## Reasons

6. The appeal site is located at the eastern end of a short, parallel row of houses which face Skelmersdale Road, which are largely surrounded by open fields. Outside these properties are pavements and double yellow lines on both sides of the road as well as streetlights, and the road is subject to a 40mph speed limit. In the vicinity of the appeal site the road is relatively straight, although towards the east the road gradually bends to the right. Most of these properties are set back from the road with a range of boundary walls and hedges and several properties have driveways and off-road parking areas. It was apparent that many of these properties have visibility splays extending across their neighbours' land and most boundaries appeared to be relatively low.
7. Both parties' comment that previously there was no front boundary wall or fence in this position at the appeal property. The concern is focussed on the eastern visibility splays of the road access at Nos. 28 and 30 Skelmersdale Road (No.28 and No.30). In this respect, the Council suggests that the visibility splays of these properties have been adversely affected by the development.
8. I observed the traffic movements along Skelmersdale Road outside the affected properties during my visit and noted a steady flow of vehicles with some appearing to travel relatively fast. Whilst this instance represents only a "snapshot" in time, there is nothing to suggest that this situation is not typical. Indeed, the appellant's appeal statement suggests that the road is prone to speeding cars. In addition to standing in the driveway entrances of Nos. 28 and 30 and observing the visibility along the road and the characteristics of vehicle movement, I also reversed my car into the vehicular entrance of No.30, closest to the appeal site. Here, I was able to assess the effect of the new wall on the visibility of a car driver using this drive.
9. I saw that the roadside boundary of No.30 was a relatively low hedge, but it was very apparent to me, from my position in the driveway entrance, that the new boundary wall of No.32 was noticeably higher. As I prepared to exit the driveway of No.30 in my car, I could see practically the whole length of the new wall, and this was almost completely masking the view of most cars approaching from the east; the subtle bend in the road also restricting visibility of more distant vehicles. So much so that as I approached the edge of the road to gain a clearer view to the east, the front of my car was well forward on the pavement. I was not able to see an approaching car until it was quite close, and, on this occasion, the driver slowed down to let me join the road. The eastern visibility at this access point was extremely constrained, and the visibility appeared to have been made considerably worse by the position, height, and length of the recently erected boundary wall. Even if the pillars were reduced in height, as indicated in the appellant's alternative scheme, the reduced overall height of the wall would still severely restrict visibility to the east at this access point, such that it would present a risk to highway safety, especially if vehicles on the road were approaching at speed.
10. Because of my findings in relation to the driveway of No.30 it was not necessary to repeat the exercise in the driveway of No.28. However, by standing in this driveway I could see that the eastern visibility was also constrained by the height and position of the new wall, although the effect was slightly diminished by the increased distance from it.

11. Whilst the parking of a vehicle in front of No.32 would to some extent restrict visibility when exiting the adjoining driveways, it is the height and length of the new boundary wall, closest to the road, which would cause the greatest obstruction in seeing approaching vehicles. Although the height of the boundary hedge at No.30 could grow much higher, it would not be in the owner's interests to allow this to happen.
12. I recognise the need to provide a secure boundary to protect family members and pets from the hazards of speeding vehicles on a 40mph road with no traffic calming measures, and for improved security. However, this cannot be achieved at the expense of the safety of other road users. The wall may also prevent a road accident by retaining family activities within the garden. However, it has not been demonstrated to me that the erected wall is the only means of achieving these aims. In this regard, the highway authority has suggested the erection of a lower height wall, which would still be an improvement on the situation that previously existed, or a higher wall set back further from the highway.
13. Thus, the development has an unacceptable effect on highway safety with particular regard to vehicular access for the occupiers of Nos 28 and 30 Skelmersdale Road. It conflicts with Policy IF2 of the West Lancashire Local Plan (2013) which seeks to improve road safety for all road users. Although not listed in the Council's decision notice, I add Policy GN3, mentioned in the officer report, which seeks to secure suitable and safe access. It also conflicts with Section 9 of the Framework which seeks to create places that are safe and accessible.

### **Other Matters**

14. The Council has concluded that the proposal would not be inappropriate development in the Green Belt and in this regard complies with its development plan policies. I have no reason to disagree with this assessment and have therefore not pursued this matter any further.

### **Conclusion**

15. For the reasons outlined above, having considered all relevant material considerations, I conclude that the appeal should be dismissed.

*G Bayliss*

INSPECTOR