

Appeal Decision

Site visit made on 26 April 2024

by S. Hartley BA (Hons) Dist.TP(Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/H4315/D/24/3337982

96 Ashton Avenue, Rainhill, St Helens L35 0QR

- 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 Elliot Jones against the decision of St Helens Borough Council.
 - The application ref P/2023/0618/HHFP, dated 19 October 2023, was refused by notice dated 22 December 2023.
 - The development proposed is described as the erection of timber fencing to the rear garden, safety railing to the southern side of the house, rendered masonry walls and pillars with infill railings and automatic gate to the front of the house.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Part of the appeal development has already commenced. The fencing to the rear has been erected and the frontage boundary treatment has partly been erected. I am therefore determining this appeal on a partly retrospective basis.

Main Issues

3. The main issues are the effect of the development upon (i) the character and appearance of the area, and (ii) highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal property is a detached dwelling located within an established housing estate. The brick built dwellings in Ashton Avenue are positioned in a linear form and are set back from the highway, and with intervening mature landscaping and either low hedges, dwarf walls or low fences. Accordingly, and while there is the odd exception, particularly within some corner plots, the vast majority of the dwellings in this street are experienced as being sited within spacious plots and where the frontages are generally open and devoid of any significant built form. This design consistency adds positively and distinctively to the character and appearance of the area.

5. I concur with the conclusion of the local planning authority (LPA) that the wooden fencing to the rear of the property is acceptable in terms of its effect upon the character and appearance of the area. Furthermore, I do not find that this development has caused harm to the living conditions of the occupiers of neighbouring properties, even though it is higher than the original boundary treatment.
6. Notwithstanding the above I find that, owing to the position, height, and use of render as a construction material (including infill metal railings), coupled with the automatic gate fronting Ashton Avenue, this part of the appeal development would appear as a prominent and incongruous addition in the street-scene, departing unacceptably from the spacious character and appearance of the dwelling frontages that prevail in the locality. Such an adverse, imposing and enclosing impact would be exacerbated owing to the proposed masonry wall with metal infill railings, and the most visible elements of the safety railing, which are shown to be positioned alongside the driveway of No.98 Ashton Avenue.
7. For the above reasons, I conclude that, when the proposal is considered as whole, it does not accord with the design, character, and appearance requirements of policy LPD04 of the adopted 2022 St Helens Borough Local Plan up to 2037 (LP) or chapter 12 of the National Planning Policy Framework 2023 (the Framework).

Highway and pedestrian safety

8. As part of my site visit, I was able to consider the boundary treatment to the front of the dwelling and its effect upon intervisibility between a pedestrian on the footway and a driver leaving the driveway at No. 98 Ashton Avenue.
9. Owing to the position and height of the aforementioned boundary treatment, I concur with the finding of the Highway Authority that there would be insufficient intervisibility. Therefore, this part of the appeal development is not acceptable as there is potential for an accident to occur. In this regard, I conclude that, when the development is considered as a whole, it would cause unacceptable harm to highway and pedestrian safety. It would therefore fail to accord with the highway safety requirement of policies LPD04 and LPA06 of the LP, and paragraph 115 of the Framework.

Other Matters

10. I concur with the views expressed by the LPA that the development does not/would not cause harm to the setting or significance of the nearby grade II listed Water Tower. However, such a finding is of neutral consequence in decision making terms.

Conclusion

11. For the above reasons, I conclude that when the development is considered as a whole, it would not accord with the development plan for the area, and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR