



Appeal Decision

Site visit made on 1 June 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/M4320/D/24/3340729

191 Moorhey Road, Sefton, Maghull, Liverpool, L31 5LG

- 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 Thomas Armstrong against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2023/01855.
 - The proposed development is erection of a new fence from a height of 1270mm to 1740 mm along the side and the front of the dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. At the site visit I noted that the appeal proposal had already been erected. The description given on the application form includes the word 'Retrospective' but as this is not a description of development, I have omitted it.

Main Issue

3. The effect of the proposal on the character and appearance of the building and the surrounding area.

Reasons

4. The appeal site is located on a bend along Moorhey Road. The dwelling is set back from the road with gardens to the front and side. The fence is in a particularly prominent position near to Moorhey Road and a footpath cutting across an area of open space and providing access to several properties. The surrounding development is a mixture of residential dwellings and retail units with parking. Low boundary walls and hedging predominate, together with large open grassed areas within the Moorhey Road street-scene.
5. Although my attention has been drawn to examples of other fences in the nearby area, their context differs from that of the appeal property. The appeal property is situated at a prominent corner, adjacent to a large expanse of public grassed area and in full view from the parade of shops and the car parking area opposite. In its position the fence is highly visible and due to its varying height and poor design in this context, it appears incongruous within the character of the area described above and adversely impacts on the character of the building by diminishing the sense of spaciousness around it.

6. Consequently, I find that the proposal conflicts with Policies HC4 and EQ2 of the Sefton Local Plan (2017) and Policy MAG4 of the Maghull Neighbourhood Plan (2019) in that it fails to respond positively to the characteristics of the area identified above.
7. National Planning Policy Framework paragraph 139 is also engaged which states that development that is not well designed, particularly where it fails to reflect local design guides, should be refused.

Other Matters

8. The Appellant states they are willing to work with the Council to find a solution and to change the design and colour of the fence. Although a condition could be imposed to change the colour and design of the fence, this would not overcome the identified harm caused by its height.
9. The Appellant requires the height of the fence marked A-B on the submitted plan to be 1740mm to prevent passers-by looking into their living room window and headlights shining into the living room at night from the car parking area opposite. However, I find that these purported benefits to living conditions do not outweigh the harm identified above.
10. The Appellant also states they are willing to reduce the height of that part of the fencing marked B-C. This amended proposal is not before me. However, even if it were, reducing the height of only part of the fencing would not overcome the fundamental harm caused by the height of that part of the fence marked A-B on the submitted plan, and would exacerbate the difference in height between the two areas of fencing, which would not be in keeping with the character of the area.
11. I have had regard to the third party representation in support of the proposal, however, this does not outweigh the harm caused by the proposal identified above.

Conclusion

12. Having taken into account all representations made, for the reasons given above, I conclude that the appeal should be dismissed.

A Hartley

INSPECTOR