



Appeal Decision

Site visit made on 04 July 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH July 2024

Appeal Ref: APP/Z4310/D/24/3342714

39 Adlam Road, Liverpool L10 1LG

- 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 Bleri Suti against the decision of Liverpool City Council.
 - The application Ref is 23H/2461.
 - The development is the erection of boundary fencing
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On my site visit I observed that the proposed development had taken place and was complete. The development has been carried out in accordance with the plans before me and I have considered the appeal on this basis.
3. In the banner above I have removed wording from the description of the proposals which are not acts of development.

Main Issues

4. The main issues are the effect of the development on:
 - a) The character and appearance of the area;
 - b) Pedestrian safety; and,
 - c) The living conditions of the occupiers of No.47 Adlam Road (No.47) with particular regard to overshadowing

Reasons

Character and Appearance

5. No.39 Adlam Lane is a two-storey semi-detached dwelling which is located at the junction of Adlam Road and Wortley Road. The surrounding area is predominantly residential in character. Both streets are relatively straight in the context of the appeal site, with linear building lines that includes dwellings which are set back from the street behind gardens and/or driveways. Roadside boundaries along both Adlam Road and Wortley Road generally comprise low-level walls, railings or fences. The low-level boundaries to both streets allow for views over the front gardens and driveways and provides for a sense of openness to the streetscene.

6. Due to the linear nature of Adlam Road, the fencing is visible for some distance in both directions. The fencing is tall and protrudes significantly above the height of the neighbouring low-level front boundaries along both Adlam Road and Wortley Road. The height of the fence contrasts markedly with the prevailing boundaries in the area. The fence is solid in form and lacks any permeability. This solid form, along with its overall height, results in a prominent development which significantly diminishes views across the front garden of the appeal site and its neighbours. Therefore, the fence erodes the open character within the streetscene created by the low-level front boundaries. Furthermore, the fencing diminishes the general symmetry of boundaries with the dwelling on the opposite side of Wortley Road, resulting in a visually unbalanced junction.
7. I acknowledge that there are some examples of solid fencing in the area. However, I do not find these to be directly comparable as they either do not relate to such significant lengths; are of a lower height; or, relate to dwellings which are not positioned on a corner plot. As such, I do not find existing fencing in the area to be as prominent as the appeal proposals. In any event, I have considered the appeal on its individual merits.
8. For the above reasons, the development has a harmful effect on the character and appearance of the area and is therefore contrary to Policies H7 and UD1 of the Liverpool Local Plan 2022 (the LLP). Together, amongst other things, these seek to provide high-quality design which protects the character of the area.

Pedestrian Safety

9. A footpath is located to the front and side of the appeal site on both Adlam Road and Wortley Road. There is a break within the fence line from Wortley Road, which facilitates off-street parking to the front of the dwelling. The gap in the fence is located very close to the junction with Adlam Road. The position of the gap and depth of the frontage means that vehicles would generally park parallel to Adlam Road while exiting the site almost on the junction itself. I am unclear whether this is the original access and parking arrangement for the dwelling and whether it is lawful.
10. Nonetheless, in this position, vehicles exiting the site in a forward gear do not have adequate views to the west along Adlam Road, as this would be behind them. Furthermore, if reversing from the site this manoeuvre would be onto the junction with limited visibility of vehicles or pedestrians turning into Wortley Road from the west. The position of the fence is very close to the access and does not include any splays for visibility to provide greater views of the pavement. This position, along with the height means that the fence would be prominent in the drivers sight line when exiting the site. In addition, its solid form means that there is not visual permeability to allow for glimpsed views. Therefore, drivers could not clearly see users of the adjacent footpaths until beyond the fence line. This would be to the clear detriment of the safety of pedestrians, and particularly children. I note that the Highways Authority raised concern with regard to the proximity of the driveway to the junction and the lack of pedestrian visibility, and I would concur with these views.
11. For the above reasons, the development is harmful to pedestrian safety. Therefore the development is contrary to Policies TP6 and TP8 of the LLP which require that regard be had to road safety, and provide appropriate pedestrian

access. However, I do not find any particular conflict with Policies UD1 and H7 in regard to this main issue.

Living Conditions

12. Part of the fence is positioned along the shared boundary with No. 47, to the front, which is the semi-detached pairing with the appeal site. The front elevation of No.47 includes a ground floor window which is positioned very close to the fence. The height of the fence sits just below the lintel height of this window.
13. The proximity of the fence to the window is such that it is likely that it casts a shadow over the window. However, the orientation of the properties is such that any overshadowing is likely to be limited to the early parts of the day. The height of the fence sits below the upper level of the window meaning that the shadow cast would only affect part of the window, and for a limited period of the day. I find that the height of the fence is not so great that it results in a significant degree of overshadowing to result in an unacceptable loss to living conditions.
14. For the above reasons, the development does not have an adverse effect on the living conditions of the occupants of No.47 with particular regard to overshadowing. With regard to this main issue, the development therefore accords with Policy H7 of the LLP which seeks to protect the living conditions of existing residents.

Other Matters

15. I sympathise with the appellant's aspirations to provide a more secure property and to deter anti-social behaviour. Indeed, the development plan seeks to reduce opportunities for crime. Nevertheless, it is likely that these benefits to the appellant would be short term when compared to the permanent harm to the street scene and to pedestrian safety that has arisen. This is therefore not a significant factor in my overall assessment.

Conclusion

16. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR