



Appeal Decision

Site visit made on 11 February 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/M4320/D/24/3355678

45 Warrenhouse Road, Brighton-le-Sands, Sefton, L22 6QW

- 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 Mrs Leanne Wright against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2024/01630, was refused by notice dated 30 October 2024.
 - The development is described as 'Retrospective erection of fence alongside the boundary wall on the westward side of the property (adjacent to highway). Works have already been mostly completed to the following measurements. Fence height: 176cm. Brick pillar height: 200cm. Gate height: 200cm'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to "retrospective" in the description of the application is not a form of development. However, the application form confirms that the development has commenced, and I was able to see during my site visit that the works applied for are substantially complete. I have determined the appeal on that basis.
3. The Council adopted the Boundary Treatment Supplementary Planning Document (BTSPD) in December 2024 following submission of the appeal. This has been circulated to all parties for comment and regard has been had to this document in the determination of the appeal.

Main Issues

4. The main issues are the effect of the development on (a) the character and appearance of the area; and (b) highway safety.

Reasons

Character & Appearance

5. The appeal site is an end of terrace two-storey dwelling located on a corner plot addressing both Warrenhouse Road and Eastbourne Road. It lies in an established residential area in which the general pattern of development comprises intersecting residential streets, with conformity in the established building line, particularly at street junctions. This adds to an impression of regular and strong built form.
6. Dwellings are generally two storeys in height and are mostly terraced, incorporating small front private garden areas enclosed by low boundaries

resulting in an open aspect. Whilst there is some variation in style and materials, there is nevertheless, discernible consistency, in the restrained height of prominent boundary treatments. These are an important and obvious component of the compact space between terraces of dwellings, reinforcing both the underlying ordered layout and the open aspect of the wider street.

7. The introduction of slat fencing to the front and side of the dwellinghouse and addition of a new timber gate and brick pillars at the front to a height significantly above that of boundaries elsewhere on the street has a detrimental impact on the character and appearance of the street scene. Owing to the discrepancy in height, the development is an incongruous feature which detracts from the former symmetry and openness at this street junction. This is particularly harmful because it encroaches into the limited space between the terraces.
8. In addition, the development results in the partial screening of the ground floor of the appeal property when viewed from the street. The contemporary wooden slatted fence design gives a horizontal emphasis somewhat at odds with the traditional boundary treatments in the immediate area. This disrupts its otherwise open aspect and undermines the prominent 'sentry' role the dwelling has at the entrance to Eastbourne Road.
9. In combination, these factors cause significant harm to the character and appearance of the area. As such, the development conflicts with the BTSPD and the House Extensions Supplementary Planning Document, May 2023 which advise that development should adhere to the principle that the height, design and materials used should relate to the character of the local area. Furthermore, I find the development conflicts with the National Planning Policy Framework, which requires proposals to be sympathetic to local character.
10. Examples of other boundary treatments in the area have been brought to my attention, which I was able to observe on site. Nevertheless, I am not persuaded that any of the examples cited by the appellant, owing to their respective differences, are directly comparable to the appeal scheme. Several of the examples provided do not relate to corner plots between two main intersecting streets. The Brighton Vale example is significantly different due to the positioning of the dwelling on the plot and the relative position of the highways. The example at the intersection of Hastings Road and Warrenhouse Road is the most comparable. However, the increase in height of the boundary is due to vegetation (a hedgerow) rather than built form.
11. In any event, planning decisions are made on their respective merits as assessed against policies in the development plan rather than following a system of precedent. Hence, whilst these examples attract limited favourable weight, they do not, either individually or cumulatively, lead me to a different view on this main issue.
12. I find that the development conflicts with Policy HC4 of the Local Plan for Sefton 2017 (the LP) which states that, amongst other things, alterations to dwelling houses will be approved where they are of a high-quality design that matches or complements the style of the surrounding area. It further requires the size, scale and materials of the development to be in keeping with the surrounding area. The development is also contrary to LP Policy EQ2 in that the development does not

respond positively to the character, local distinctiveness and form of its surroundings.

Highway Safety

13. Amongst other things, policy EQ3 of the LP stipulates that new development should ensure that the safety of pedestrians, cyclists and all road users is not adversely affected. Likewise, the BTSPD states that a boundary which hinders vision onto a highway is unacceptable.
14. Given that the appeal site is at the corner of a junction and taking into account the speed limit, the Highway Authority (HA) advise that visibility splays of 2.4m x 25m are required to allow motorists to safely emerge from Eastbourne Road onto Warrenhouse Road. I have attributed this considerable weight in my determination in light of the expertise and local knowledge of the HA.
15. In the absence of evidence to show to the contrary, the proposal incorporates features above 1m in height which would be likely to interfere with visibility. Even taking account of the slatted nature of the fencing, its presence could significantly obscure the view of drivers, and their sightlines close to the junction. Although the appellant points to various configurations at corner junctions, this falls short of demonstrating that the necessary visibility splay is achieved.
16. Consequently, I find the development unacceptably compromises highway safety contrary to policy EQ2 of the LP.

Other Matters

17. The development results in some benefits, including improving the degree of privacy and overall quality of life enjoyed by residents of the appeal site. The development may also act to reduce crime, fear of crime and anti-social behaviour. These matters carry limited positive weight but ultimately do not outweigh my concerns about the scheme's harm to the character and appearance of the area and highway safety. The absence of objections from surrounding occupiers and local support is also highlighted but this is not a tangible benefit that weighs in favour of the scheme.
18. The appellant raises concerns regarding the conduct of the Council in their determination of the planning application and discharge of their statutory duties. However, consideration of this matter does not form part of the determination of this appeal which has been assessed against the development plan and other material considerations as required by legislation.

Conclusion

19. I conclude that the development conflicts with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

F P Tinsley
INSPECTOR