



Appeal Decision

Site visit made on 1 April 2025 by Kim Vo MPLAN

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Appeal Ref: APP/W4325/D/25/3360667

3 Cunningham Drive, Bromborough, Wirral CH63 0JU

- 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. David Pomphrey against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APPH/24/00687.
 - The development proposed is for the erection of a perimeter fence 1800mm high and a block paved driveway.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a perimeter fence 1800mm high and a block paved driveway at 3 Cunningham Drive, Bromborough, Wirral CH63 0JU in accordance with the terms of the application, Ref APPH/24/00687, subject to the following conditions:
 - 1) The development hereby permitted relates to the following approved plans, drawing references: 001-Proposed Plan, Elevations and Images – Revision A and 002-Proposed Elevations.
 - 2) Notwithstanding the plans hereby approved, and within three months of the date of this decision, details of the colour of the finish of the fence hereby permitted shall be submitted to and approved in writing by the local planning authority. Within the same time period, the approved colour shall be applied to the fence in its entirety and retained as such thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. Prior to the consideration of this appeal, the Council adopted the Wirral Local Plan 2022–2040 (WLP). The main parties were aware of what the emerging policies were at the time of the Council's decision, and they have not materially changed to the adopted versions. I have had regard to the most up to date development plan.
4. Drawing no. 001-Proposed Plan, Elevations and Images – Revision A was the plan that (in part) the Council based their decision on, I have considered the same. In addition, the description of development does not refer to the retrospective nature of the proposal, but it is clear from the parties' cases and my site visit that this is so.

I also observed that the fence was stained in light grey. This differs to the finish shown on the plans. I have addressed this in more detail below.

5. The Council raised no concern regarding the block paved driveway. I find no reason to disagree with their conclusion. My recommendation therefore focusses on the fencing. The main issue in regard to which is its effect on the character and appearance of the area.

Reasons for the Recommendation

6. The surrounding area is residential and predominantly characterised by dwarf walls and planting along front boundaries. This contributes to the open and spacious feel of the locality. However, this is less pronounced at the corner plots. These are typically defined by taller timber fence panels and hedgerows, creating an enclosed frontage. These can be viewed along the same street scene as the appeal site at Number 5 Cunningham Drive and Number 16 Marfords Avenue.
7. The fence has resulted in an enclosure of the appeal site, and this is clearly visible from public vantage points. However, it integrates well with the local landscape, complementing the nearby corner plots that feature similar boundary treatments in terms of height, positioning and materials. This is particularly evident along the street scene of Cunningham Drive, where tall boundary treatments are visible at the above plots. The extent of the fence is also limited to the perimeter of the side garden only, where the frontage of the appeal site remains open due to the existing dwarf wall.
8. At the time of the Council's decision, the fence had a light brown finish which appeared discordant within the street scene. However, a condition requiring details of a suitable stain colour to be submitted can be attached. Such a condition has also been suggested by both the Council and the appellant. Moreover, I observed at my site visit that the fence is now stained in light grey and is more muted.
9. For these reasons, the fencing does not cause harm to the character and appearance of the area. Accordingly, it does not conflict with Policies WD 1 and WS 7 of the WLP and the National Planning Policy Framework. Together, and amongst other things, these policies seek to ensure developments are of high-quality design and successfully integrate with the landscape character and local distinctiveness of the area. Developments should also ensure that design, height, scale, massing and siting is appropriate in context.

Other Matters

10. Concerns around public consultation as the scheme was originally submitted should be directed to the Council in the first instance. They are not for me to resolve here. Any covenants are separate to any permission sought or granted and future proposals for similar works will be considered on their own merits, having regard to the specifics of their context. A permission granted here does not automatically mean the same would be forthcoming elsewhere.

Conditions

11. To provide certainty and for enforcement purposes, it is necessary to impose a condition to specify the approved plans. This has been worded for compliance purposes rather than to require development in accordance with given the scheme is retrospective. A condition is also necessary for details to be submitted for a

suitable colour stain, for the reasons I have set out above. I have amended wording from that proposed by the Council for clarity and enforceability and set out three months in the interests of reasonableness.

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be allowed given it would comply with the development plan and there is nothing compelling to suggest a decision other than in accordance therewith.

Kim Vo

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

John Morrison

INSPECTOR