



Appeal Decision

Site visit made on 1 July 2025 by Sara Manson DipTP

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/M0655/D/25/3365132

14 Greymist Avenue, Woolston, Warrington, Cheshire WA1 4AR

- 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 Henry James O'Hagan against the decision of Warrington Borough Council.
 - The application Ref is 2024/01534/FULH.
 - The development proposed is described as a retrospective fencing installation.
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Decision

1. The appeal is dismissed.

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 Matter and Main Issue

3. The Council does not appear to object to the appearance of the fencing, and I have no reason to disagree. The crux of the matter, from their objections, appears to relate to the sections of fence as they occur closest to the gates (at the vehicular access point) and how they impede visibility for exiting vehicles. This, in the interests of the safe use of the highway, forms the main issue of the appeal.

Reasons for the Recommendation

4. The appeal property is a corner plot at the junction of Cotterill Drive with Greymist Avenue. The immediate area is residential and comprises similar dwellings set back from the highway with small front gardens, and predominantly low brick boundary walls with most properties, including other corner plot dwellings, having off-road parking located to the side. Parking has been created within the front garden. The area has been laid to stone chippings and is enclosed by solid wooden fencing. Access off the highway is via an opening close to the aforementioned junction. No drop kerb has been installed however, and due to wear and tear, the kerbs along this section of the road appear lower in parts.
5. It is unclear as to whether a vehicle parking on the plot frontage would be able turn within it to ensure it could always exit forwards. If it could, it seems sufficiently clear that a driver's visibility would be unacceptably impeded by the height, position and permeable nature of the arch topped fence panels. Particularly to the left and notwithstanding what went before. In the absence of being able to see sufficiently, there is a greater likelihood of the driver of an exiting vehicle coming into conflict

with pedestrians, cyclists or other vehicles. Having to reverse in to achieve this situation would bring with it an added impedance to the free flow of traffic when a vehicle would have to stop in the carriageway to commence the manoeuvre.

6. Should a vehicle have to reverse out of the access, there is potential for the same effect for the same reasons, with the added problem of more of the exiting vehicle occupying the public highway before the driver would be able to see sufficiently well into the carriageway. The close proximity of the entrance to the appeal site to the junction between two roads has the potential to exacerbate these situations since vehicles could be passing in multiple directions whilst these manoeuvres could be taking place.
7. Consequently, there would be harm to highway safety contrary to Policy ENV8 of the Warrington Local Plan 2021/22 – 2038/39 (2023), and guidance contained in the House Extensions Supplementary Planning Document (2021). These require, amongst other things, new development to have regard for highway safety. The National Planning Policy Framework states planning permission should be refused if there is an unacceptable impact on highway safety.

Other Matters

8. Whilst I could see at my site visit that the loose material covering the parking area has migrated onto the public highway, the development concerns the erection of a fence. As far as I can see therefore, the covering does not form part of the scheme before me. I have not considered it further. Whilst the Council's highway advice has a preference for the gates to be set further into the site, by virtue of them opening inwards they would not block the public highway when in operation and as such I do not see an issue with their current position, in isolation, in those terms.
9. Given the residential nature of the estate, other parking solutions and road conditions, I agree that traversing vehicles would be doing so at relatively low speeds. There is also some crash map data to suggest that have been no personal injury collisions at or near the appeal site for some 24 years. Whilst vehicular speeds might reduce the severity of any potential conflict and perhaps allow a greater reaction time, this would not acceptably substitute for the elimination of the hazard in the first instance. In addition, crash map data, in the absence of anything confirming to the contrary, was collated without the existing arrangement in place. In the event it was not, this merely confirms that nothing has happened to this point and does not guarantee it never would. For these and the above reasons, my findings on the main issue do not change.

Conclusion and Recommendation

10. The appeal proposals would conflict with the development plan and there are no sufficiently weighty material considerations to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed

Sara Manson

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR