



Appeal Decision

Site visit made on 16 July 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/H4315/W/25/3362150

18 Ireland Road, Haydock WA11 0SH

- 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 R Lanchin against the decision of St Helens Council.
 - The application Ref is P/2024/0453/FUL.
 - The development proposed was originally described as “proposed construction of detached garage associated landscaping and new boundary wall.”
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Rhiannon Lanchin against St Helens Council. This is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Properties on Ireland Road tend to be set back from the road and have modest front gardens, including lawned areas. Most properties in the area either have low or no front boundary treatments. As such, there are views across most front gardens. These aspects combine to create a spacious and verdant character.
5. The appeal site is a piece of land that wraps around 18 Ireland Road (the appeal property). It is within a prominent location on a bend in the road. Upon review of an approved plan from the planning permission¹ for the wider site, the appeal site was meant to form a front garden area, then to the side of the property there was meant to be two parking spaces and a landscaped area. The appellant contends that part of the appeal site to the side of the property is unmaintained and was not laid out properly, the Council does not dispute this. Also, my observations corroborate this view. Accordingly, the site currently makes a poor contribution to the appearance of the area. Nonetheless, the appeal site maintains a visual gap between the footpath and the fence and contributes to the spacious character of the area.

¹ Planning permission Ref. P/2018/0806/S73

6. Although the proposed brick pier and timber panel fence would create a strong defensible boundary and would be the same height as the existing fence, it would be built up to the back of the footpath, rather than being set back. The construction of a tall boundary treatment would screen views across the site. Moreover, the construction of a garage within the existing gap between the footpath and fence would be harmful to the spacious character of the area. As such, the proposed development would appear incongruous within the street scene. The harm would be amplified due to the appeal site's prominent position within Ireland Road.
7. I acknowledge that the appellant has been the victim of crime and anti-social behaviour. Also, the existing development does not conform with some of the principles set out within the Design and Crime SPD². As such, improvements could be made to the existing development to discourage crime and anti-social behaviour. Notwithstanding this, it has not been demonstrated that the appeal proposal is the only solution and that a proposal which is not harmful to the character and appearance of the area could not be developed. Accordingly, this benefit is ascribed moderate weight and does not outweigh the identified harm.
8. The Council has not served a notice under Section 215 of the Town and Country Planning Act 1990, which would require the appellant to remedy the unmaintained land. However, a lack of maintenance or laying out of a site in accordance with approved plans, does not justify allowing a development which would be harmful to the character and appearance of the area in perpetuity.
9. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to policies LPD01 and LPD04 of the St Helens Borough Local Plan up to 2037, a balanced plan for a better future, July 2022. These policies indicate that all proposals will be expected to maintain the character and appearance of the local environment and proposals for the alterations of existing dwellings will be approved where they would respect the appearance and character of the dwelling and any other buildings within the surrounding area, amongst other matters. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework which indicates that planning decisions should ensure that developments are sympathetic to local character.

Other Matters

10. The appellant has sought to address whether the appeal site forms part of the curtilage of the appeal property. Curtilage is not a planning use. Rather the extent of a property's curtilage is a matter of judgement based upon several factors, including land ownership, planning use and physical layout.
11. The appellant owns the entire site, and the front garden and parking spaces are ancillary to the use of the house. However, there is an area of land which was intended to be landscaped but is currently unmaintained and is separated from the rear garden by a tall boundary fence. I note that this land was not transferred to the Highway Authority as part of the planning obligation associated with the planning permission for the wider site. Nonetheless, as this land is physically separated from the rear garden and is not currently used in conjunction with the appeal property, I conclude it does not form part of the appeal property's curtilage.

² Design and Crime, Supplementary Planning Document, October 2009

12. Regardless, my assessment is based upon the proposal's effect on the character and appearance of the area and is unaffected by whether the appeal site is entirely within the curtilage of the appeal property or not. Moreover, the appellant has not sought to argue that the proposed development would be allowed under householder permitted development rights. Therefore, even if I were to conclude that the entirety of the appeal site was within the curtilage, it would not alter my assessment on the acceptability of the proposal.
13. A lack of objection from the Environmental Health Officer and the Highway Authority is a neutral factor and neither weighs in favour nor against the proposal.

Conclusion

14. The proposal conflicts with the development plan, when considered as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR