



Appeal Decision

Site visit made on 14 October 2025

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/M4320/D/25/3369445

9 Poplar Avenue, Crosby, Liverpool, L23 2ST

- 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 Callum Smith against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2025/00763.
 - The development is Retrospective approval for front boundary fence and electric sliding gates.
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Decision

1. The appeal is allowed and planning permission is granted for front boundary fence and electric sliding gates at 9 Poplar Avenue, Crosby, Liverpool L23 2ST in accordance with the terms of the application, Ref DC/2025/00763, subject to the following condition:
 - 1) The development hereby approved shall be retained in accordance with the following plans: 00 – Location Plan; 01 – Existing / Proposed Site Plan; and 02 – Existing / Proposed Elevations.

Preliminary Matters

2. The development was initially described in the terms set out in the banner heading above. I have however adopted a slightly revised wording in the interests of accuracy and the removal of superfluous descriptive elements that are not acts of development. I am satisfied that in so doing neither party would be disadvantaged.

Main Issue

3. The main issue is whether or not the proposed front boundary fence and electric sliding gate would preserve or enhance the character or appearance of the Moor Park Conservation Area.

Reasons

4. The appeal site lies within the Moor Park Conservation Area (the CA) which is described in the Conservation Area Character Appraisal¹ (CACA) in very general terms as having a 'strong Arts and Crafts influence, being a 'leafy suburb' and with 'strongly defined and enclosed house plots'. The CACA goes on to describe typical elements of an 'Arts and Crafts' influence which can be seen in the winding nature and layout of Poplar Avenue and other streets, much use of trees and shrubs, open streets and verges and extensive private gardens.
5. The CACA also describes the layout and character of the CA as providing linear views up and down the streets, with 'generally rather limited' views onto adjacent properties arising from heavily tree-lined streets and extensive tree, hedge and shrub planting in front gardens and around boundaries. The 'impression given is

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that there is much of value and interest which is hidden from public gaze' and, as a consequence, the estate and CA have a 'rather exclusive and private character'.

6. The front boundary fence has not been constructed of traditional materials, rather its composite vertical slats perhaps lacking the tactile appearance of timber slats. However, the dark coloured slats and posts present a muted understorey below the dense hedge that runs across the appeal plot's entire street frontage and it is the latter that is the dominant visual feature across the front of the appeal plot. Whether or not the fence itself is higher than its predecessor is a point of dispute between the main parties but which is not, in relation to the fence at least, critical to the overall scheme and this element would not cause harm to the character or appearance of the appeal property or the surrounding area. It would, therefore, in the parlance of the statutory test set out by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) preserve the character or appearance of the CA.
7. The sliding gate has been constructed of a similar composite material as the fence panels. It is of a greater height than the fence however and also higher than the previous gates across the driveway access. As it is set back from the fence line its greater height is mitigated to a degree in visual terms and whilst the gate itself is a solid and partial visual barrier to views through the front of the site towards the house, the property's roofscape is still visible. In this respect, the site's contribution to the character of the Moor Park estate and CA would essentially be unchanged, even if some elements of the boundary treatment have changed as a consequence of the appeal scheme. The greatest barrier to the visibility of the plot's interior however, remains the existing hedge and given the limited width of the driveway opening and the set-back position of the gate, the additional height and solid bulk of the gate would not so greatly or harmfully obscure views into the site as to cause harm to the character or appearance of the appeal site of the CA.
8. For the reasons set out therefore, the replacement fence's height would remain a secondary and recessive feature as an understorey to the dense and tall hedge that extends across the site's frontage. As such, the hedge remains the focal point of the site's frontage, consistent with the prevailing character of the CA. Nor would the fence compromise visual permeability through the site. Whilst the proposal would introduce modern materials, I am not persuaded that it would cause harm to the prevailing and distinctive characteristics of the Moor Park estate or the CA.
9. Sefton Local Plan² (SLP) Policy NH9 sets out the Council's approach to heritage assets whilst SLP Policy NH12 does likewise with specific regard to conservation areas. Thus, Policy NH9 identifies the spacious and planned character of, amongst other Victorian and Edwardian suburban conservation areas, Moor Park as a strategic priority for safeguarding and enhancing. SLP Policy NH12 seeks to secure high quality design and which preserves or enhances the character or appearance of the conservation area or its setting. In this respect, it is consistent with the statutory duty established by section 72(1) of the Act.
10. Whilst the fence incorporates modern materials, its form, appearance and height would all be such that it would not cause harm to the character or appearance of the appeal site or the CA. The dark and recessive colouring of the fence means that the fence forms an understated under-storey to the hedging across the front of

² Adopted April 2017

the site, and the hedge remains the dominant frontage feature. Nor does the fence compromise the visual permeability through the site given the height and density of the hedge, and the green and verdant character of the plot and surrounding area would be retained.

11. With regard to the gate, the additional height is offset by the degree to which the gate is set back from the carriageway edge. By virtue of the setback, the gate is not a prominent visual feature within the gently curving Poplar Avenue streetscene and, whilst there is disagreement as to whether or not the gate piers have been repositioned, there is no dispute that gate piers were previously present at the entrance to the appeal property. They are not, however, a focal point within the streetscene with the verdant surroundings remaining the key defining feature to the immediate area. A degree of visual permeability would be retained through the driveway opening above the gate, consistent with the CACA's characterisation of the estate's layout as hinting at what is partially hidden from public gaze.
12. Thus, despite the use of modern materials which represents a technical breach of certain aspects of SLP Policies NH9, NH12 and the guidance set out within the SPD the specific circumstances set out above are such that the scheme still complies with the overall design aims of SLP Policy NH9 and NH12, as guided by the advice set out in the SPD. In so doing, I am satisfied that the appeal scheme has a neutral effect on the character or appearance of the CA and thus preserves the character or appearance thereof.

Conditions

13. No conditions have been proposed by the Council. However, as the development has already taken place, the 'standard' conditions regarding commencement, materials and a plans condition are not applicable. I have therefore imposed a variation on the plans condition to ensure that the development is retained in accordance with the submitted and approved plans. No other conditions have been suggested by either party and I have no reason for imposing any further conditions.

Conclusion

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should succeed.

G Robbie

INSPECTOR