

<u>APPLICATION NO:</u>	26/00135/FUL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Knowsley Parish Council
<u>LOCATION:</u>	1 Ross Close, Knowsley, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF 1.9 M HIGH CONCRETE POST / BASE BOARD AND TIMBER PANEL FENCE AND ACCESS GATE TO SIDE BOUNDARY		

Site Description

The application relates to an extended end terraced property located on the eastern side of Ross Close at its junction with Sugar Lane, Knowsley Village. The site is located within a Primarily Residential Area as allocated on the Local Plan Policies Map.

Immediately to the northside of the dwelling there is open grassed land owned by the applicant and beyond the grassed area lies a pedestrian footpath and a wide highway verge. Further to the north of the application site beyond Sugar Lane lies a wooded area, Syders Grove. Behind the application site to the east, lie properties facing Sugar Lane. The application site shares a boundary with 102 Sugar Lane.

Other residential dwellings are located on the opposite side of Ross Close to the west. At the end of Ross Close to the south there is a strip of amenity greenspace (Ross Close & Home Farm Road) which is allocated as urban greenspace and part of safeguarded land on the Local Plan Policies Map. To the southwest lies land at Knowsley Estate off Home Farm Road which is subject to a pending outline planning application for the erection of up to 700 dwellings and open space with associated works (access off Knowsley Lane (25/00486/OUT)).

Proposal

The application proposes the erection of 1.9 m high concrete post and timber fencing surrounding an open grassed area located between the host dwelling and Sugar Lane. The grassed area is in the applicant's ownership, it is understood to have been purchased circa 40 years ago and the Council's records indicate that the land was sold pre 2010.

Consultations

Knowsley Parish Council - No Comments Received

Highways - Raise objection in relation to detrimental impact on highway safety and pedestrian intervisibility.

Representations

This application has been publicised by letters sent to 4 neighbours. It has also been advertised by site notice.

There has been one letter of objection. The representation is summarised as follows:-

Loss of light

- Reduction in amount of natural light to habitable rooms and outdoor areas.
- Fence approximately 2m high only 2.7 metres from window.
- Combination of height and proximity to window could materially affect the daylight currently enjoyed within property.
- Height and close proximity would create physical obstruction directly outside habitable room.
- Affected window serves principal living space a primary source of natural daylight.

Overshadowing

- Height and position of fence would create a physical barrier resulting in overshadowing.

Loss of Outlook & Overbearing Impact

- Height and distance from window would result in sense of enclosure.
- Appreciate that there is no absolute legal right to a private view but planning policy and appeal decisions recognise developments can be unacceptable where they create an overbearing impact, seriously diminish outlook, or adversely affect the residential amenity of neighbouring occupiers.

Loss of Open Aspect

- Visual amenity encompasses more than aesthetics; it includes the sense of openness, space and outlook enjoyed by residents. Proposed fence would cause significant harm to these aspects of amenity.

Residential Amenity

- Unacceptable adverse effect on amenity.
- Would fail to maintain an appropriate balance between security, privacy and reasonable enjoyment of neighbouring properties.

Visual Amenity

- Oppressive Visual Impact - which would significantly diminish the quality of living environment.

Other Matters

- Devaluation of property.
- Alternative Options - Request alternative options be explored, reducing height of fence; more open or permeable design to allow light to pass through; repositioning fence to minimise impact; incorporating landscaping to achieve the desired objective without causing a significant loss of light.
- Right to Light - Interference with right to light is an actionable nuisance where the reduction is sufficient to affect the ordinary use and enjoyment of the property. Reserve right to seek independent professional advice regarding the extent of any

interference with established rights to light and the impact on my property's amenity.

Planning History

APP. NO:	00/00418/FUL
PROPOSAL:	ERECTION OF FIRST FLOOR EXTENSION ABOVE EXISTING GARAGE TO FORM BEDROOM
DECISION:	Granted
DECISION DATE:	1 September 2000
APP. NO:	K/APP/9546 (Alt Ref:74/09623/HIST)
PROPOSAL:	ERECTION OF ATTACHED GARAGE AND DINING ROOM EXTENSIONCONDITIONS
DECISION:	Granted
DECISION DATE:	17 July 1986
APP. NO:	K/APP/14062 (Alt. Ref: 74/14053/HIST)
PROPOSAL:	ERECTION OF KITCHEN EXTENSION TO REAR OF DWELLING
DECISION:	Granted
DECISION DATE:	5 June 1992
APP. NO:	99/00041/APP
PROPOSAL:	ERECTION OF SINGLE STOREY EXTENSION TO REAR OF EXISTING GARAGE/
DECISION:	Granted
DECISION DATE:	15 March 1999

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this

application.

NATIONAL PLANNING POLICY FRAMEWORK 2024

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 – Transport Networks

CS19 - Design Quality and Accessibility in New Development

CS21 - Greenspaces and Trees

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas

SUPPLEMENTARY PLANNING DOCUMENTS

Householder Development SPD (2016)

Design Quality in New Development SPD (2016)

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

ASSESSMENT

Principle of Development

The application site is located within an area identified a Primarily Residential in the Local Plan Policies Map.

Replacement UDP Saved Policy H5 (Development within Primarily Residential Areas) states that *'new development within the Primarily Residential Areas (or proposals for the change of use or redevelopment of existing buildings) which is for uses appropriate to a residential area will be permitted provided that the development would not:*

- a) *Have an unacceptable impact on the amenity of neighbouring occupiers by reason of noise, disturbance, overlooking, visual intrusion, smells, fumes, on-street parking or other causes; or*
- b) *Adversely affect the character or street scene of the area.'*

Open Space

Policy CS21 (2) in the Core Strategy states that new development which would result in the loss of urban greenspace will not be permitted unless it meets relevant criteria.

The application site is not identified in the Council's 2012 Open Space Audit as amenity greenspace, nor is it allocated as urban greenspace in the Local Plan – for the purposes of the Local Plan this means that Policy CS21 is not engaged.

The principle of the erection of fencing would therefore in itself be acceptable in principle subject to compliance with relevant planning policies and guidance.

Layout and Design

Layout

The application site comprises an end terrace property on Ross Close at the junction with Sugar Lane. The application site is set behind deep grassed highway verges both on Ross Close and Sugar Lane. The application proposes to erect 1.9m fencing to enclose a grassed area immediately to the north side of the host dwelling.

The fencing would be set approx. 760mm from the gable of the dwelling, extending for 4.4m before 'dog-legging' around the existing parking area towards the front boundary. The fencing would then continue along the front boundary for approx. 5.4m; continuing along the back of the pavement on Sugar Lane for 26.5m and then returning along the common boundary with No. 102 Sugar Lane for approx. 7.0m.

Design

The proposed fencing would comprise of concrete base panels and posts with light brown timber panels attaining a maximum height of 1.9 m with a timber gate to the side of the dwelling.

The Council's Household Developments SPD states at para. 7.11 that *'the design and detailing of boundary gates, walls and fences, particularly on highway frontages, plays an important role in defining the character of places...The style and materials of all gates, walls and fences should match or be in harmony with the existing style of the boundary treatment in the surrounding area or, when this more appropriate the dwelling itself.'*

The SPD is clear that means of enclosure on highway boundaries would normally be expected to be constructed from brick or stonework in keeping with the host dwelling or area. It emphasises that timber fencing should be avoided and should only be used to the rear and on less sensitive or prominent boundaries.

The application site is located on an established housing estate with the immediate and surrounding area characterised by wide highway verges with street trees along Sugar Lane. There are pockets of verdant amenity spaces traversed by pedestrian footpaths dotted around the estate. Close by these are located on the opposite side of Ross Close; and identified amenity greenspace at the end of Longborough Road / Berryhill Ave; Fountain Road / Berryhill Ave. and; at the junction of Sugar Lane and Parklands further to the east of the site. It is acknowledged that the land has been in private ownership for a number of years however, it is not considered that this affects the land's function as providing a contribution to the visual amenity of the street and the character of the surrounding area. It is considered that this area of greenspace and the other areas across the estate, particularly at the road junctions with Sugar Lane, make an important contribution to the visual amenity of the area.

An objector has commented that the proposal would have a detrimental impact on their amenity due to the loss of the open aspect. Whilst the land is within the ownership of the applicant and is not identified as amenity greenspace, it has clearly

been incidental amenity space designed as part of the original estate layout. The land makes a positive contribution to the open and verdant character of the immediate area and the wider housing estate.

It is considered that the combination of the siting and style of fencing would result in a sense of enclosure which would remove the sense of openness which would have a detrimental impact on the character of the area. This would be particularly apparent at the entrance to Ross Close as it would create an un-balanced visual impact. Furthermore, due to the height and the proposed materials, it is considered that the development would result in an incongruous and dominant feature within the street scene.

It is noted that there are other examples of timber fencing adjacent to the highway further along Sugar Lane to the north, that fencing serves rear gardens of properties on Parklands and has been in-situ for many years. In officer's view this does not influence the immediate surroundings of the application site.

The erection of fencing would result in an unacceptable form of development that would harm the visual amenity and character and appearance of the area. The proposed development therefore conflicts with the NPPF, Saved Policy H5 of the UDP, Policies CS2 and CS19 of the Local Plan and the Householder Development SPD.

Residential Amenity

A local resident has raised several concerns regarding the siting of the proposed fence and its potential impact on residential amenity. In particular, concerns have been expressed that the development would result in a loss of light and outlook; lead overshadowing; and create an overbearing sense of enclosure, all of which, they consider, would have a detrimental effect on amenity and enjoyment of their property.

102 Sugar Lane

The proposed fencing would be located along the common boundary with neighbouring property, 102 Sugar Lane. That property has been extended to the side with a two-storey extension incorporating a ground floor window within the front elevation which serves what is believed to be a playroom / lounge. The 1.9m high fencing would extend forward of the ground floor window by approx. 7m in length.

Due to its height and positing, the proposed fencing would be clearly visible from the nearest ground floor habitable room window of the adjacent property and at the height proposed this would unacceptably diminish the outlook from the neighbour's window.

The proposed fence would be sited approximately 1.2m from the edge of the neighbour's window and the top of that window would sit approximately 400mm above the proposed fence. The proposed fence would be located to the west of this window and given its proximity to the neighbour's nearest window and position relative to the sun path, the proposed fence would have an unacceptable and detrimental impact on the occupiers of the neighbouring property through the loss of light to a habitable room, particularly in the afternoon and evening.

Other residential properties

Whilst overall the proposal would have a harmful effect on the visual appearance of the street scene and the character of the area, no further unacceptable impacts on

the amenity of other surrounding occupiers have been identified.

The proposed development would have an unacceptable impact on the outlook of the nearest neighbouring property and result in unacceptable loss of light and as such would conflict with the NPPF, saved Policy H5 of the UDP, Policy CS19 of the Local Plan and the Householder Development SPD.

Highway Considerations

Policies CS2 and CS7 in the Local Plan Core Strategy combine to require new developments to be located and designed to prioritise accessibility and sustainable modes of travel whilst ensuring new vehicular accesses are not detrimental to highway safety.

Paragraph 115 b) of the NPPF requires new developments provide safe and suitable access to site is achieved and Paragraph 116 states that development shall only be refused on highway grounds where an unacceptable impact on highway safety would be severe.

The Council's Householder SPD at para. 7.12 states that highway visibility should be preserved and solid walls or fences above 0.6m adjacent to vehicular access should be avoided.

The proposed 1.9m high solid fence would be positioned immediately adjacent to the vehicular accesses serving both the application property and No. 102 Sugar Lane. Due to its height and solid form, the fence would obstruct pedestrian intervisibility between drivers emerging from the driveways and pedestrians using the adjacent footways. The required visibility splays cannot be achieved with the fence in the proposed position and as such, the development would introduce an unacceptable hazard for pedestrians.

Furthermore, Sugar Lane serves Knowsley Village Primary School and experiences significant pedestrian activity associated with school journeys, particularly during peak drop-off and pick-up periods. The loss of pedestrian intervisibility resulting from the proposed fence would increase the potential for conflict between vehicles emerging from the driveways and pedestrians using the adjoining footways.

In addition, it is observed that Ross Close forms a pedestrian link via Ross Close amenity greenspace from the surrounding housing estate and beyond towards the shopping facilities on Sugar Lane and Syders Grove woodland, which is a widely used. There is currently a clear pedestrian link which actively supports pedestrian movement in the vicinity of the application site from the surrounding housing estate

Furthermore, there is a pending outline planning application for up to 700 dwellings on land at Knowsley Estate, Home Farm Road to the southeast of the application site (Ref:25/00486/OUT). It is acknowledged that this proposal is in outline form and is pending a decision, however, it is noted that the submitted plans indicate open routes and Active Travel access points from the development, including through Ross Close amenity greenspace. This could potentially encourage future residents and visitors to use the existing and enhanced route and, if approved, would increase pedestrian activity on Ross Close and the surrounding network of pavements.

Due to the positioning, height and solid structure of the proposed fence, the Local Highway Authority considers that the proposed development would result in

unacceptable impacts on pedestrian and highway safety. The development is therefore contrary to Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy, the Householder Development SPD and the highway safety objectives of the National Planning Policy Framework.

Other Matters

In regard to the neighbour objection relating to the issue of devaluation of property, this is not a material planning consideration in the consideration of the planning application.

In terms of points raised in relation to alternative options, the local planning authority is required to assess the specific proposal put forward in the planning application against the local development plan.

In regard to comments made relating to 'right to light', that is a private property right which falls under separate legislation and not planning law. This matter falls outside the scope of the planning application and is also not a material planning consideration.

Conclusion

Taking the above into consideration, it is considered that the proposed development would result in an unacceptable and incongruous form of development with a detrimental impact on the character and appearance of the area which would be at odds with the open character of the site and the surrounding area. It would result in detrimental impacts on the outlook of the adjacent residential property; and furthermore, adequate intervisibility at the vehicular access points associated with the host dwelling and the neighbouring property would not be met.

In the planning balance, the benefits that can be attributed to the proposal would only benefit the occupiers of the host dwelling in providing an enclosed and enhanced area of garden for their private use, which are significantly outweighed by the clear and identified harm to the visual amenity and character of the area, residential amenity and pedestrian safety caused by the development.

As such, it is considered that the development would conflict with the NPPF and local plan policies together with the Householder Development SPD. It is therefore recommended that planning permission be refused.

Recommendation

That planning permission be refused for the following reasons:

1. The proposed development, by reason of its siting, form and enclosure of an area that contributes to the open character of the site and surrounding area, would result in an unacceptable and incongruous form of development that would have a harmful effect on the character and appearance of the street scene and the surrounding area. As such the proposed development fails to comply with the National Planning Policy Framework (2024), Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policies CS2 and

CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and the Householder Development SPD (2016).

2. The proposed development, by reason of its siting, scale and proximity to the nearest window serving a habitable room at the adjoining residential property, would result in an unacceptable and overbearing impact on the occupiers of that property, causing a significant loss of outlook and an increased sense of enclosure and loss of light detrimental to residential amenity. As such the proposed development fails to comply with the National Planning Policy Framework (2024), Saved Policy H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policy CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and the Householder Development SPD (2016).
3. The proposed development fails to incorporate adequate pedestrian intervisibility for vehicles exiting driveways associated with the host dwelling and the neighbouring property No. 102 Sugar Lane which would cause unacceptable hazard for pedestrians. As such, the proposal is contrary to the National Planning Policy Framework (2024), Policies CS2 and CS7 of the Knowsley Local Plan: Core Strategy, adopted January 2026 and the Householder Development SPD (2016).

<u>Signed Case Officer¹:</u>	<u>M Wishart</u> _____
<u>Signed Authorising Officer²:</u>	<u>Jo Sheridan</u> _____
<u>Date:</u>	<u>06/08/2026</u> _____

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed