

Regeneration and Economic Development Department

APPLICATION NO: 22/00414/FUL

APPLICANT: Mr Thompson

WARD AFFECTED: PRESCOT NORTH

DEVELOPMENT: RETROSPECTIVE APPLICATION – RETENTION OF FRONT BOUNDARY FENCING AND GATES

LOCATION OF SITE: 767 Knowsley Lane, Knowsley, L34 9EE

KNOWSLEY LOCAL PLAN ALLOCATION

Green Belt

RELEVANT POLICIES

Knowsley Local Plan Core Strategy (2016):

Policy CS2 - Development Principles

Policy CS5 – Green Belt

Policy CS19 - Design Quality and Accessibility in New Development.

Knowsley Replacement Unitary Development Plan (2006):

Policy H8 – Extensions and alterations to residential properties.

TECHNICAL CONSULTATIONS:

Highways Authority – Raises an objection to the development as it would obscure the visibility for, and of, vehicles egressing the site and the access serving neighbouring properties, onto Knowsley Lane to the detriment of highway safety.

NEIGHBOUR NOTIFICATION:

The application was publicised by letters sent to 7 neighbours and advertised by site notice. Three letters of objection have been received raising concerns on visual amenity and highway safety grounds. In summary, the submissions raise the following concerns:

- Impact on visual amenity restricting view and causing a serious hazard for cyclists, pedestrians and drivers.
- View to the road is very restricted and have almost crashed on two occasions. Do not feel safe when pulling out of the drive and impossible to see oncoming vehicles unless edging out on to the main road. Danger to pedestrians who cannot see my vehicle pulling out of the drive and on several occasions the objector notes they have had to slam on.
- Experienced several near misses coming out of the driveway due to the high fence obstructing view. The driveway leads to a sharp right turn. Previously before the high fence, you could see oncoming cyclists/ road users/pedestrians and they could see you. Now the turn is blind which is a direct danger to life.

ARTICLE 35

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 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.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

ISSUES AND ASSESSMENT:

PROPOSAL

The property previously benefited from a small brick wall and hedgerow to the front boundary. The hedgerow has been removed and replaced with the fencing forming a continued boundary fence along the principal boundary, adjoining to a new gate to the side forming an entrance to the property.

The existing brick wall is 0.48m – 0.56m in height. The fence panels measure a further 1.68m – 1.75m and have additional railings above, taking the total height to 1.9m. The panels fronting the road are 1.75m wide. The side panels span a depth of 5.5m and measure 1.75m in height. The 2 panels set back from the road are 1.75m high and span a width of 3.15m. The driveway continues over to a communal entrance for the neighbours located at the rear of the property.

RELEVANT PLANNING HISTORY

03/00509/FUL: Conversion of existing outbuildings to form a dwelling. Granted 10 September 2003.

74/13429/HIST: Proposed erection of 4 retirement flats and conversion and extension of outbuilding to form garages. Application refused 20 September 1991.

74/04735/HIST: DIY and garden supplies shop to be retained in existing dwelling. Allowed on appeal 23 February 1982.

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires development proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policies and guidance relevant to the development proposal consist of the following:

Knowsley Core Strategy (2016)

- Policy CS2 - Development Principles.
- Policy CS5 – Green Belt.
- Policy CS19 - Design Quality and Accessibility in New Development.

Knowsley Replacement Unitary Development Plan (2006):

Policy H8 – Extensions and alterations to residential properties.

Other material considerations:

- National Planning Policy Framework (the “Framework”) (2021); and
- Planning Practice Guidance (PPG).

Policy CS2 sets out local principles which underpin new development in Knowsley. Of particular importance relevant to the consideration of this planning application is Principle 3, which amongst other things seeks to encourage safe and sustainable access for all together with Principle 4, which seeks to ensure development understands and respects the character and distinctiveness of places and promoting good quality design, ensuring that development respects its setting taking into account relevant design requirements and best practice.

Policy CS5 relates to development in the Green Belt. It states that ‘inappropriate’ development will not be permitted except in very special circumstances in which it has been demonstrated that the harm to the Green Belt (including any harm to its openness, purposes or its visual and recreational amenities) would be clearly outweighed by other considerations.

Policy CS19 sets out a range of design principles. In particular, it seeks to enhance local distinctiveness, identify and accessibility of places and requires development to respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass,

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

form, layout, alignment and density whilst avoiding unacceptable impacts on existing residents and future occupiers.

Policy H8 requires development proposals to avoid ‘disproportionate’ additions to the original dwelling which would adversely affect the amenity or privacy of neighbouring occupiers of adjacent dwellings and that development does not create potential hazards to highway users by obstructing visibility for pedestrians or drivers of motor vehicles.

NEED FOR DEVELOPMENT

The applicant has provided a further submission to set the background to the planning application and reasons for the proposal. The applicant’s concern stemmed from the fact that there is a vulnerable adult living at the property who has Alzheimer’s disease and has started to go missing and wandering off and is at risk of crossing the road outside the house whilst unaware of the dangers of traffic, which may result in injury. The applicant states that the fence is required to protect her.

EFFECT ON GREEN BELT

The property at 767 Knowsley Lane is in the Green Belt. Paragraph 137 of the Framework states that the Government attaches great importance to Green Belts.

Paragraph 147 further states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that ‘substantial weight’ is given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason on inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The property is in the Green Belt and should, therefore, be considered as partial development of previously used land. Paragraph 149 of the Framework states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (amongst others) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (in this instance as a residential dwelling), which would not have a greater impact on the openness of the Green Belt than the existing development.

The PPG states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified several matters which may need to be considered in making this assessment. These include:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- The duration of the development, and its remediability – considering any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic generation.¹

The fence panels are an incongruous feature, the retention of which would adversely affect the visual amenity of the Green Belt. However, they would be viewed against a residential dwelling and established vegetation and on balance would not have a greater impact on openness than the existing development.

DESIGN

This semi-detached property is located on the outskirts of Knowsley Village. The property’s front boundary previously consisted of a small brick wall, measuring .56m in height and a hedgerow, similar to that currently present next door.

¹ PPG Reference ID: 64-001-20190722

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

The development is of a stepped design and consists of the retention of new boundary fencing consisting of 9 panels in total and an access gate. Five of the panels would be positioned at the property boundary fronting the road, with the remaining 4 panels and entrance gate located at the side of the boundary, with two panels set back from the road.

During the site visit, it was apparent that the boundary fencing is visible from some distance while driving along Knowsley Lane (B5202). It was noted that there is fencing of a similar height opposite to the property enclosing the rear garden of 802 – 804 Knowsley Lane. However, these panels do not front the principal elevation of these properties and are set back from the road, separated by the grass verge.

The road bends and narrows to a public footpath opposite the property, which is then replaced by a mixture of hedgerows and trees. Further along Knowsley Lane there are some brick walls, which are interspersed with open spaces between the buildings and hedgerows.

The applicant has highlighted similar fence heights at the entrance to Knowsley Village. Upon inspection, it was noted that one property occupying a corner plot between School Lane and Knowsley Lane comprises of brick wall, low lying fence panels and hedgerows. However, this boundary differs from the application site given that the height of the boundary wall does not front the principal elevation of the property and that the wall is set back from the main road due to the widening of the public footpath, which allows for increased visibility to road users.

The application property should be considered as an important entrance point into Knowsley Village and how the development proposal contributes to the surroundings. The Householder Development SPD is a material consideration for the purposes of this planning application. It states that the design and detailing of boundary fences, particularly on highway frontages, play an important role in defining the character of places. In more traditional areas, the character of the townscape, village and rural landscape is often determined by existing attractive hedging, sandstone/brick walls, where the existing character of the boundaries should be preserved. It further advises that when considering development proposals the following principles will apply:

- 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.
- Highway visibility should be preserved and solid walls or fences above .6m adjacent to vehicular access should be avoided.
- Means of enclosure on highway boundaries would normally be expected to be constructed from bricks or stonework in keeping with the host dwelling or area. Timber fencing should be avoided and should only be used to rear and on less sensitive or prominent boundaries.
- Where the curtilage of a house adjoins the highway, it should usually be expressed as 'semi-public space'. In other words, it is clearly separated from the public highway by a boundary feature or landscaping and readable as a private garden, but it should not be enclosed by high boundary features or screening that conceals the house from the street and vice versa.

The development would not be in accordance with the Householder Development SPD as it conflicts with the advice set out above. The development would appear to be an incongruous feature to the host dwelling and neighbouring properties as it is not constructed in a style, materials and mass that is in keeping with the host property and surrounding area. As such, the development would, therefore, be harmful to the character and appearance of the dwelling and its surroundings. Further, it would restrict highway visibility to the detriment of public safety, which is further discussed below.

Before this retrospective application was submitted the Local Planning Authority raised these concerns. Following receipt of the planning application, the Local Planning Authority advised the applicant to reduce the fence to 1m in height (inclusive of the brick wall height) from ground floor level and that the previously removed hedgerow was reinstated so that its appearance was akin to the features found at the adjoining property. This was considered on balance to provide a level of security for the vulnerable adult whilst the provision of hedgerow would assist in providing privacy. Instead, the applicant submitted further proposal incorporating a 1m close boarded fence with additional (0.8m tall) railings. The Local Planning Authority advised that they would be unable to support such a development as it

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

would continue to be incongruous with the wider character and amenity of the area and would cause a visual obstruction to road users and highways safety.

The Local Planning Authority was unable to come to an agreement on the revised proposal as the development would continue to result in adverse effects to the character and amenity of the area. There would be no objections to the erection of a boundary fence at 1m in height together with the planting of new hedgerow behind the boundary fence, but the applicant chose not to amend their proposal to reflect this.

Accordingly, it is considered that the development proposal as submitted, is not in keeping with the character and design of the host property and wider surroundings. The proposed works would have a dominating effect on the existing design and character of the property and wider street scene and would result in a disproportionate addition to the property in terms of design and siting.

As such, the proposal is not in accordance with Policies CS2 and CS19 of the Development Plan, which requires development to respond to and integrate positively with characteristics of immediate surroundings.

RESIDENTIAL AMENITY

767A Knowsley Lane

767A is located at the rear of 767 and requires access from a shared drive at the side of the host property to access the public highway. Given this property's rear location, the fence panels would not be visible. As such, it is not considered that residential amenity in relation to this property would be adversely affected by the proposed development.

765 Knowsley Lane

765 Knowsley Lane is the adjoining property. The property boundary between the properties is separated by tall fencing. The development would be largely obscured between the two properties only visible from the public highway. As such, it is not considered that it would adversely affect the residential amenity of this property.

HIGHWAYS

The property is located along Knowsley Lane/B5202. It is a short link road, which is accessed from the A580/East Lancashire Road and connects to a roundabout and provides the main vehicular route to Knowsley Village, beyond which it connects to the B5194, which provides access to Huyton and beyond. The speed limit starts at 50mph before reducing to 30mph along most of its length. The host property is located beyond a slight curve in the road and is within the 30mph speed limit.

The fence is in a prominent location, which fronts the road on a slight narrow curve. When approaching the property from either north or south, due to its location and its prominence the fence appears visually intrusive and its retention would cause a distraction to passing motorists to the detriment of highways safety.

Furthermore, the Highways Authority has objected to the proposed development as it would obscure the visibility for vehicles egressing the property and neighbouring properties on to Knowsley Lane to the detriment of highway safety. Therefore, it is considered that the proposal would be detrimental to highway safety.

The Highways Authority have stated that to remove their objection the fence would have to be moved such that no part of it above the height of the existing dwarf wall, was situated within the right-hand visibility splay of 2.4m x 43m.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

Notwithstanding the above, even if the visibility splay could be achieved by relocating the boundary fence it would still constitute poor design and result in an irregular and unsatisfactory form for the reasons outlined earlier in this report.

OTHER ISSUES

The applicant has put forward their reasons for the development as set out above. It is accepted that the development would provide a social benefit by providing safe enclosure and privacy to a disabled adult. However, this benefit would be solely in relation to the occupiers of the property and the development would have a wider negative public impact due to its poor design and siting, which is out of keeping with the local vernacular; as well as the significant impact on highway safety due to the fencing's proximity and visibility from afar. There would be no economic or environmental benefits associated with the development.

Whilst the Local Planning Authority appreciate the sensitive nature of the living conditions of the occupiers of the property, these reasons have not persuaded the Local Planning Authority that the significant harm associated with the proposal - due to the impacts on the character and appearance of the area, highway safety and design - outweigh the benefits of development.

CONCLUSION

The fencing is a dominant and disproportionate addition to the property and results in unacceptable impacts to design and character of the local area together with an unacceptable impact to public highway users. As such, the application is contrary to Core Strategy Policies CS2, CS7 and CS19 and saved Policy H8 of the Knowsley Unitary Development Plan and is recommended for refusal.

RECOMMENDATION:

That planning permission is refused for the following reasons:

- 1) The fence by virtue of its height, siting, design and long-range visibility forms an incongruous feature within the street scene, adjacent to a principal route into Knowsley Village. The development would constitute poor design and result in an irregular and unsatisfactory form of development, which would appear out of keeping and incongruous within the street scene and, therefore, results in demonstrable harm to the character of the host property and wider area.

As such, the proposal would be contrary to the National Planning Policy Framework, Policies SD1, CS2 and CS19 of the adopted Knowsley Local Plan Core Strategy (adopted 2016) and Saved Policy H8 of the Knowsley Replacement Unitary Development Plan (adopted June 2006) and the Householder Developments SPD.

- 2) The fence by virtue of its height, siting, design, external appearance and long range of visibility, forms an incongruous feature within the street scene, adjacent to a principal route into the Borough and would be unduly detrimental to highway safety.

As such, the proposal would be contrary to Government advice set out in the National Planning Policy Framework, and Policy CS7 of the Knowsley Local Plan Core Strategy (adopted 2016).

John Fleming
30.09.2022

Mark Cawood
04.10.2022

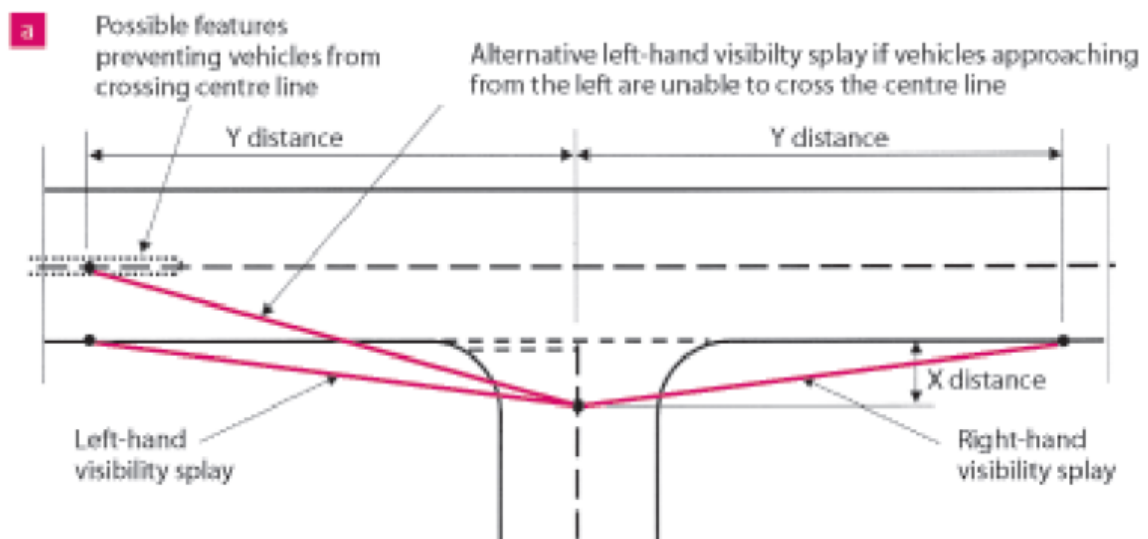
Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

Date:	25 th August 2022
To:	Planning Services
Planning App. No:	22/00414/FUL
Proposal:	RETENTION OF FRONT BOUNDARY FENCING AND GATES
Location:	767 Knowsley Lane, Knowsley, L34 9EE,

☒ Highway Objection

The fencing/gates in question obscure the visibility for, and of, vehicles egressing the site address and the access serving neighbouring properties, onto Knowsley Lane to the detriment of highway safety.

To remove the objection, the fence would have to be moved such that no part of it, above the height of the existing dwarf wall, was situated within the right-hand visibility splay of 2.4m (X distance) x 43m (Y distance). For the avoidance of doubt, the measurement of visibility splays is carried out, as shown in the diagram below and the X distance should be taken at the mid-point of the access into 767 Knowsley Lane, and measured back from the edge of the carriageway.



Document Reference PS/DC/OP04/05	Document Issue Number 003	Document Issue Date 23/9/02
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