

<u>APPLICATION NO:</u>	23/01373/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Halewood South	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	9 Higher Road, Halewood, Knowsley		
<u>PROPOSAL:</u>	APPLICATION FOR THE RETENTION OF EXISTING MESH BOUNDARY FENCING		

Site Description

The application site is located at 9 Higher Road, Halewood and is located in an area that is allocated as Primarily Residential Area in the Development Plan. The application property is a detached dwellinghouse and is predominately rendered facing. It also features white UPVC openings and flat, interlocking roof tiles.

The application site is encircled by residential dwellings, with a railway to the North of the site. There is a line of dwellings on Macket's Lane whose rear gardens back onto the rear garden of the application site.

The rear private garden amenity consists of existing mesh boundary fencing at various heights ranging from 2.4m – 2.95m. The existing fencing begins at end of the driveway and is erected on all the boundaries of the rear garden, this includes both side boundaries and the rear boundary.

There are a diverse range of trees, shrubbery, and vegetation on site. Particularly on the North-West boundary, the shrubbery and vegetation cover the majority of the boundary treatment.

Proposal

This is a retrospective application for the permission for the retention of the existing boundary fencing on site.

The majority of the proposed fencing would be at a height of 2m, with the exception of the boundary treatment situated on the West party curtilage of the boundary of the application site, shared with no.5 Higher Road and the properties along Macket's lane, as this would be set at a height of 2.4m. This is because it would contain a timber trellised top at a height of 0.4m to soften and screen the 0.4m of the mesh boundary fencing that would be in excess of 2m in height.

The proposal has seen amendments which concern the height and has been reduced to ensure the proposal was acceptable. Previous heights for the existing fencing on site currently and the proposed submitted plans went up to 2.95 at the tallest. This was reduced as the original submission would not have been acceptable on residential amenity grounds.

An agreement with the agent was reached that the approved plans in Schedule 1 would be implemented and completed within 4 months with the date of the Decision Notice being issued as the start of the agreed timeframe.

Consultations

Halewood Town Council - No Comments Received.

Representations

This application has been publicised by letters sent to 9 neighbours. No representations have been received.

Planning History

APP. NO: 21/00010/UNAUTH
PROPOSAL: Enforcement Enquiry
DECISION: NOTICE
DECISION DATE: N/A

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.

The site is identified as a site allocated for housing development in the adopted Unitary Development Plan. As such, proposed boundary treatment at the existing residential property is considered acceptable in principle, subject to compliance with local planning policy and guidance.

Regarding the adopted Development Plan policies, the proposed application has regard to policies CS2 and CS19 of the adopted Local Plan Core Strategy (2016) and saved policies H5 and H8 of the Unitary Development Plan (2006), together with the Householder Development SPD (2016).

These policies and guidance require that new development demonstrates a high standard of design, which does not adversely affect the character of the property or street scene; maintains a good standard of amenity for all existing and future occupants; avoiding overlooking and overshadowing, as well as an unacceptable

overbearing impact; and that adequate parking and garden space would remain for use by residents of the extended property.

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Saved Policy H8 in the Replacement Unitary Development Plan states that proposals for extensions to dwellings will be permitted provided that:

- a) The proposals would not (due to their scale and massing) result in a disproportionate addition to the original dwelling
- b) The design and materials used would reflect those used on the original dwelling
- c) The proposal would not adversely affect the amenity or privacy of occupiers of adjacent dwellings
- d) The proposal would not create potential hazards for highway users by obstructing visibility for pedestrians or drivers of motor vehicles; and
- e) Adequate parking and garden space would remain in use by the residents of the extended property

Core Strategy Policy CS19 states that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

NPPF paragraph 130 states that Planning policies and decisions should ensure that developments:
create places with a high standard of amenity for existing and future users.

The Householder Development SPD states that 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 more appropriate, the dwelling itself.

Design

The boundary treatment is a green, metallic, mesh fencing. It does appear incongruous with the style of garden boundary treatments that serve nearby plot boundaries, and would not be considered to match, in terms of style and materials. However, the height of the fencing as existing on site and the originally submitted plans at certain parts highlighted prominently the more unattractive design feature as it was not sympathetic to other boundary treatments adjacent, due to this height.

The dwellings on Macket's Lane, whose rear curtilages are the side boundary of the application site, were the most exposed and readily visible areas, with little planting to screen or soften the height of the fence. At heights of around 2.9m, this was considered to be excessive and unduly dominant, as well as appearing unsympathetic to the area. Therefore, the proposal was required to be amended and an agreement that the height of the boundary treatment would be reduced to a more typical height of 2m that was appropriate for the area. Anything higher than 2m would be achieved through the timber trellis detailing. This would not be considered to appear significantly harmful to the character of the area and would display a design considered more appropriate and fitting to the area in contrast to the existing boundary treatment on site. This would be considered to more in accord with the Householder Development SPD, especially when contrasted with the existing boundary fencing.

It is considered in regard to materials, that the proposal would not cause significant harm to the area, and would not be as readily visible, following changes to the height, this softens any visually incongruous aspect of the design. In addition, and as included as part of the submission, there is an abundance of vegetation that softens the majority of the fencing on site. Given that the site visit was completed in the winter season of early December, it is considered that any shrubbery cover and softening would be enhanced in the rest of the year, and as seen on site, this would be the most harmful and prominent that the fencing would appear.

Overall, the proposed development would not significantly contravene the Householder Development SPD, accord with CS19 and would have an acceptable design.

Residential Amenity

5 Higher Road

No.5 is the adjacent bungalow located to the West of the application site.

The boundary treatment on the party boundary shared with no.5 would be at a height of 2.4m. The top 0.4m of the boundary treatment would be accomplished by timber trellis detailing that would soften the appearance of the mesh fencing.

This was an arrangement reached by the occupants of no.5 and the applicant that the trellis detailing would appease any concerns over the design, height and materials of the fencing.

Overall, the proposed development would not significantly contravene the Householder Development SPD to an unacceptable level, would accord with CS19 and would not be considered to cause any unacceptable harm to the amenities and privacy of the occupants of no.5.

11 Higher Road

No.11 is the adjacent dwelling situated to the East of the application site.

The existing boundary treatment here is entirely covered by vegetation that screens and softens the fencing and subsequently any visual impacts are negligible and markedly reduced.

It is considered that the proposal does not cause any unacceptable harm on the amenities, as the shrub cover mitigates any harmful impacts from the fencing.

Overall, the proposed development would not significantly contravene the Householder Development SPD, accord with CS19 and would not be considered to cause any unacceptable harm to the amenities and privacy of the occupants of no.11.

2, 2a, 4, 4a

These are detached dwellings situated on Macket's line. The rear curtilage of these boundaries form the side boundary of the application site.

In the current form, the fencing ranges from 2.4-2.95m. These parapet over the adjacent boundary treatments and given the open view, the proposal in its original form would've been harmful to residential amenities. As stated, this has been agreed to be reduced to be reduced to 2m with the mesh boundary fencing and any additional 0.4m elevation would be achieved by timber trellis detailing. The 2m mesh boundary height would be in line with what Permitted Development Rights allow for boundary treatment, the additional 0.40m would be considered to be provide improved residential amenity views than what is currently on site. This would ensure that any unacceptable and harmful impacts on residential amenity are reduced significantly.

On the basis of the amended plans, it is considered that the proposed development would not significantly contravene the Householder Development SPD, accord with CS19 and would not be considered to cause any unacceptable harm to the amenities and privacy of the occupants of the properties on Macke's Lane.

Conclusion

The proposal would be acceptable in terms of design and residential amenity. The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That Planning Permission be granted subject to the following condition(s):-

- 1) The development must be completed in accordance with the approved plans and documents listed in Schedule 1 no later than the expiration of four months beginning with the date of this permission.

Reason: For the avoidance of doubt.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
20/12/2023	9HR-002	REV B	PROPOSED SITE PLAN

Signed Case Officer¹:

Reece Black

**Signed Authorising
Officer²:**

K Foster

Date:

9 January 2024

Informatives

Not applicable.

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