

<u>APPLICATION NO:</u>	25/00221/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Stockbridge	<u>PARISH:</u>	Knowsley Parish Council
<u>LOCATION:</u>	222 Knowsley Lane, Huyton, Knowsley		
<u>PROPOSAL:</u>	ALTERATIONS TO FRONT BOUNDARY TREATMENTS COMPRISING OF INSTALLATION OF METAL GATES AND RAILINGS		

Site Description

The immediate area is characterised by detached and semi-detached houses, with terraced housing further along Knowsley Lane. Opposite the site is a primary school, with housing to the west of the school site. The adjacent pair of semi-detached houses to the west are Grade 2 listed buildings. The adjoining house has a hedge to the front boundary. front boundary of the listed buildings comprises a low level sandstone wall, with the neighbouring listed building having a hedge behind the wall. The houses to the west of the listed buildings have railings along the front with grass behind. The modern buildings on the opposite side of the road also have railings to the front boundary with grass behind, as do the houses of the new housing estate to the east of the application site and adjoining house which front Knowsley Lane.

The application site comprises a large brick built semi-detached house with a large front garden and smaller rear garden. The existing front garden area comprises largely grassed amenity space with hardstanding to provide a driveway through the front garden in the form of a single-width driveway. There are a range of trees to the front and side curtilage (on the party boundary shared with No.220). The front boundary has a brick wall with piers and solid composite panels between the piers with solid composite double gates.

Proposal

The proposal is to retain the (unapproved) brick wall and piers and to replace the solid composite panels and double gates with railings and railing gates coloured black. The distance from ground level to the top of the piers is approximately 2m and the distance to the top of the panels is approximately 1.8m, with the wall being approximately 1.05m. The distance from ground level to the top of the railings and railing gates would be 2m the same as the brick piers. The railings and gates would be coloured black with Heritage Spearhead tops.

Consultations

Conservation (Growth Lancashire) – Object due to the impact on the setting of the adjacent listed buildings; note that reduction in the height of the wall and installation of railings across the reduced height wall would be acceptable.

Knowsley Parish Council - No comments received.

Representations

This application has been publicised by letters sent to 5 neighbours. No representations have been received.

Planning History

21/00712/FUL - DEMOLITION OF EXISTING CONSERVATORY AND THE ERECTION OF A SINGLE STOREY SIDE/REAR EXTENSION TOGETHER WITH THE ERECTION OF A TWO STOREY SIDE EXTENSION. Granted: 04.11.2021.

24/00311/FUL - ERECTION OF A DOUBLE GARAGE AT THE FRONT OF EXISTING PROPERTY. Refused: 30.10.2024.

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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS19 - Design Quality and Accessibility in New Development
CS20 - Managing the Borough's Historic Environment

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

H5 - Development within Primarily Residential Areas
H8 - Extensions and Alterations to Residential Properties
DQ7 - Listed Buildings

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 discussing those with the applicant. Unfortunately, it has not been possible to resolve those matters

within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reason(s) for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Assessment

The proposal is for the retention of a front wall and the installation of railings and double gates of railings to a front boundary of a house in a predominantly residential area and is acceptable in principle.

Conservation Considerations

Relevant Legislation and Policy

Listed buildings- Section 66 (1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

NPPF

Para 208 states local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Para 210 of the NPPF states in determining planning applications LPAs should take account of:

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

Para 212 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

Para 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 215 states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against

the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan

Knowsley Local Plan Core Strategy 2016: Policy CS20 – Managing the Borough's Historic Environment states in part (c) that where a development proposal would result in less than substantial harm to a designated heritage asset or its setting, assess such harm against the benefits of the proposal.

Knowsley Replacement Unitary Development Plan 2006: Saved Policy DQ7 states in part (3) that development affecting the setting of a listed building will only be permitted if the proposal would preserve the setting and important views of the building.

The significance of the site

School Cottages hold high historic, evidential, aesthetic and communal value as a late C18 school erected by Lord Derby. The listed buildings are set back considerably from the road and have large verdant front gardens with a low level sandstone wall across the front, with the immediate neighbouring listed building having a hedge set behind the low level front wall with no such hedge behind the front wall of the listed building adjoining that one. The design and layout of the host property and that adjoining it were clearly influenced by the listed cottages, responding to the angle and deep set back arrangement and forming a visually harmonious group with mutual historic associations.

As such, together with the verdant gardens of mature hedgerows, backdrop of trees and historic wall and hedge borders, the host property provides a positive contribution to the significance of the setting of the listed buildings. The wider setting of cumulative modern development, both further along the same side of Knowsley Lane, east and west, and opposite, although considered to have neutral/negative impact, appear to have responded to the cues of the historic group in that the buildings are well spaced and with hedges and / or railings along the front and grassed frontages, with the adjoining property having a hedge across the front.

Impact on the setting of the Listed Building

In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas, which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

In this context, the key contribution to setting in this case relates to how views from Knowsley Lane allow the listed building to be appreciated. This is not just limited to directly outside the listed building as suggested in the Heritage Impact Assessment. Due to its south east orientation the listed building is best appreciated when approaching from the east along Knowsley Lane, which is impeded by the tall, solid, modern wall.

Whilst it is appreciated that the proposal seeks to replace the modern panels with

steel railings with heritage spear heads, which would be an improvement on the existing arrangement, it is considered that the brick wall negatively impacts the view largely due to the height of the piers which is compounded by the double pier to the west side. This it is considered obstructs the frontal view of the listed building from the road, and as such causes low level less than substantial harm to the contribution made by the setting to the significance of the listed building. The wall even with the composite panels replaced by railings would cause low level less than substantial harm to the setting of the listed building.

Para 213 of the NPPF requires that any identified harm is justified, which in this case is not substantiated by the applicant's security needs and lifestyle when other, less impactful schemes could be considered notwithstanding the retrospective nature of this application (in part). To successfully reduce impact / harm, the wall and piers should be reduced in height and the piers omitted. Appropriate railings could provide added height for security without compromising the setting of the listed building.

It is acknowledged that the two storey side extension and single storey rear extension to the dwelling was approved in November 2021 (21/00712/FUL). At the time Conservation advice was not sought for this application. On reviewing the application it is considered from a heritage perspective that this development causes low to moderate level of less than substantial harm to the contribution made by the setting to the significance of the adjacent listed building. In context, the approved 2-storey side extension not only significantly interrupts the historic relationship between the listed building and host property, but it also causes moderate visual intrusion impeding the views of the listed building and the verdant backdrop provided through space between the buildings. This impact is further compounded by the discordant fenestration and the installation of uPVC windows. However whilst it is unfortunate that this development was not afforded conservation advice just because that was approved does not mean that any future proposals such as the current application should be granted if they harm. Overall the existing / proposed front boundary treatment would further compound the impact to the setting of the listed building. The current application due to the siting it is / would be much more visual from the highway in terms of impact on the setting, particularly viewed from public vantage points, and so impacts on the setting of the listed building, particularly the front part of the front garden, greater.

Planning Enforcement Appeal: 727 Knowsley Lane

In July 2023 an enforcement appeal was dismissed for fencing adjacent the public highway at 767 Knowsley Lane, Knowsley with the enforcement notice seeking the reduction in height of fencing to 1m adjacent the public highway (Appeal Ref: APP/V4305/C/22/3312974).

The appeal site comprised a semi-detached dwelling, with a modest front garden, which fronts onto Knowsley Lane. This appeal site was not a listed building or adjacent a listed building. Although the appeal site is a limited distance from Knowsley Village, this part of Knowsley Lane has a verdant character, with boundary treatments generally comprising mature hedgerows and modest stone walls. Prior to the erection of the fencing, the boundary treatment comprised a mature hedgerow set behind a modest brick wall.

The appeal scheme comprised close boarded fencing, finished in an orange hue, which had been erected atop the modest brick wall. The adjoining semi-detached dwelling had a modest brick wall, with a hedgerow above, which made a positive contribution to the verdant character of the area and reflects boundary treatments

located in Knowsley Village. Due to its height and proximity to the highway, the Inspector considered the appeal fence to appear a dominant feature which diminished the verdant character of this part of Knowsley Lane and harmed the character and appearance of the area. Although the Inspector noted vegetation had been planted between the dwelling and the fencing, he saw that it was largely obscured from public view by the fencing and so did not contribute to the verdant character of the area. The Inspector stated that during the site visit other fences in the area of a similar height to the appeal scheme which have been erected were seen. However, the Inspector advised that they were generally located on side returns or to enclose rear gardens, rather than to enclose the frontage of dwellings. The Inspector did not therefore consider them to be comparable to the appeal scheme. The Inspector found the appeal scheme to be harmful to the character and appearance of the area, contrary to policies CS2 and CS19 of the Core Strategy and saved Policy H8 of the UDP and the SPD. The Inspector also found the appeal scheme to be harmful to highway safety contrary to Policy CS7 of the Core Strategy.

Taking the above into account the application is contrary to Policies CS2, CS19 and CS20 of the Core Strategy and Saved Policies H5, H8 and DQ7 of the UDP.

Visual Amenity Considerations

The listed buildings have along the front boundaries low level sandstone walls, with the listed building adjacent the application site having a hedge behind. The adjoining neighbouring house has a hedge to the front boundary. The houses to the west of the pair of listed buildings have railings along the front. Excluding the school opposite, surrounding modern development have taken cues from the historic site in that the border treatments are predominantly railings with hedgerows and / or grass behind traditional style railings. Brick walls are not a feature in the wider setting. As such the existing wall and panels forms a strident feature in the street scene. Even with the solid panels and gates replaced by railings the wall and piers with railings would form an anomalous uncharacteristic feature in the street scene detrimental to the visual amenity of the area.

The application is therefore contrary to Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and H8 of the UDP.

Highway Considerations

The wall and access follows the line of next doors hedging which is slightly higher than the piers of the existing wall, and the gates open where the driveway is. It is considered that the wall and the railings do not /will not cause significant highway safety concerns.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and H8 of the UDP.

Conclusion

The proposed front boundary treatment, and the existing would / do impact adversely of the setting of the neighbouring listed building(s) in that it obstructs the frontal view of the listed building from the road, and as such causes low level less than substantial harm to the contribution made by the setting to the significance of the listed building, even with the composite panels replaced by railings it would still would cause low level less than substantial harm to the setting of the listed building. It is considered that the identified harm is not justified (the applicant's security needs and

lifestyle) when other, less impactful schemes could be considered and as such Para213 of the NPPF is not met. The proposal in terms of the heritage context and detrimental impact on setting fails to comply with S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Para212 of the NPPF together with Policies CS2, CS19 and CS20 of the Core Strategy and Saved Policy DQ6 of the UDP.

The proposal (and existing development) would be discordant and anomalous in the street scene of this stretch of Knowsley Lane and uncharacteristic detrimental to the visual amenity of the area. The application therefore conflicts with Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and H8 of the UDP.

The proposal could be made acceptable by the removal of the piers and lowering of the wall, with railings attached across the length of lowered wall for security purposes.

As such taking the above into account the application is recommended for refusal.

Recommendation

That Planning Permission be refused for the following reason(s):-

- 1) The proposed development due to its siting, form and scale would result in a negative impact on the setting of a Listed Building in that the modern design with tall piers with short length of railings between and wall and piers of modern brick appears out of context within the significant view of otherwise historic sandstone walls, which are very low to the south perimeter, and mature hedgerows and verdant gardens and backdrop which frame the listed building and which provide a positive element to its significance amongst the wider setting of cumulative modern development which itself has taken front boundary treatment design cues from the historic buildings. As such the proposal would be contrary to CS2, CS19, CS20 of the Knowsley Local Plan Core Strategy adopted January 2016, the NPPF (Paragraph 212) and s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The proposed development would be an anomalous feature in the street scene uncharacteristic of this stretch of Knowsley Lane which features (other than the school site opposite) low level walls, hedgerows and railings and verdant gardens. As such the proposal would be detrimental to the visual amenity of the street scene of the stretch of Knowsley Lane and conflict with Policies CS2 and CS19 of Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

Signed Case Officer¹: **Lee Osborne**

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

**Signed Authorising
Officer²:**

Jo Sheridan

Date:

29/07/2025

Informatives

- 1 The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242.

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

Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mining-remediation-authority.gov.uk)

Informative Note valid from 1st January 2025 until 31st December 2026

