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|-------------------------------|--------------------------------------------------------------------------|-----------------------------|-------------|
| <b><u>APPLICATION NO:</u></b> | 25/00090/FUL                                                             | <b><u>CASE OFFICER:</u></b> | Andrew Hunt |
| <b><u>WARD:</u></b>           | Shevington                                                               | <b><u>PARISH:</u></b>       | N/A         |
| <b><u>LOCATION:</u></b>       | 108 Riesling Drive, Tower Hill, Kirkby, Knowsley, L33 1SH                |                             |             |
| <b><u>PROPOSAL:</u></b>       | ERECTION OF 2NO. WOODEN FENCES TO THE FRONT OF PROPERTY. (RETROSPECTIVE) |                             |             |

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### **Site Description**

The application site is an end terrace house in a residential area at Riesling Drive. It is located close to the eastern end of Riesling Drive. 108 Riesling Drive has a long narrow drive with a grassed area to the north east. There is a narrow footpath to the north east and south east of the site which wraps around the site. This is for bin storage access and is under the ownership of the adjacent neighbour at 106 Riesling Drive. There are dwellings to the north and south and west with a main road (Shevington's Lane to the east) with dwellings beyond this.

### **Proposal**

The proposal is for the erection of 2 wooden fences to the front of property (Retrospective).

- One of the fences is a short fence (0.9 m high) close to the boundary with 106 (but within the boundary of 108). There are plant pots on the side of 106 close to the boundary.
- The other fence is a taller fence (1.2 m high rising up to 1.5 metres high next to the house) along the boundary with the access footpath of 106 (to the north west).

Both fences extend from the front of the dwelling of 108 north west towards the pavement of Riesling Drive.

### **Consultations**

Highways – No objection - Fence 1 is below 1 metre in height and therefore does not obstruct pedestrian visibility. Additionally, Fence 2 has been assessed and is considered to provide adequate pedestrian visibility.

### **Representations**

This application has been publicised by letters sent to 11 neighbours and by a site notice. 3 Objections from 1 household and 2 letter of support (from two households) have been received consisting of the following main points:

### Objections

- This is an open plan estate.
- I cannot get out of my drive with the fence in place. This has caused access issues.
- The taller fence creates issues getting bins round as it is very tight.
- The previous fence was not maintained.
- The wooden edge of the fence is coming off and is not secure. There are nails sticking out what have caught on clothing.

### Support

- This is justified as neighbours had used their drive without permission.

### Planning History

97/00549/APP - Land Off, Shevingtons Lane, Kirkby, Knowsley, L33 1SQ –  
ERECTION OF 99 NO. TWO-STOREY DWELLINGS TOGETHER WITH  
CONSTRUCTION OF NEW ACCESS,

Condition 10 of the application removed permitted development rights for fences between buildings and the highway.

### 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

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

H8 - Extensions and Alterations to Residential Properties

### **Article 35 Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **Assessment**

#### **Character of Area**

##### *Guidance*

Para 7.11 of the Householder SPD states the following:

*7.11 The design and detailing of boundary gates, walls and fences, particularly on highway frontages, plays an important role in defining the character of places. Residential estates that were designed on 'open plan' principles should retain this characteristic unless a suitable justification can be put forward for enclosing the front of a particular dwelling.*

##### *Proposal*

The proposal consists of two fences. One of the fences is a short fence close to the boundary with 106 (but within the boundary of 108). The other fence is a taller fence along the boundary with the access footpath of 106 (to the north west).

##### *Shorter Fence*

In relation to the shorter fence (to the north west of the site), this would be modest in height (0.9 metres\*) and would be within the boundary of 106. The shorter fence would not normally require planning permission if permitted development rights had not been previously withdrawn at the property.

*\*This would normally not require planning permission, however, Permitted Development rights for fences have been removed by Cond 10 of 97/00549/APP.*

##### *Taller Fence*

The other fence would be slightly higher in terms of height from 1.2 metres high rising to 1.5 metres in height.

### *Assessment*

There are several examples of taller fences on Riesling Drive which are more impactful on the streetscene than the proposed fences. Whilst the estates may have previously been open plan, its character has been significantly eroded by the presence of other fences in the area and it no longer has the appearance of an open plan estate. As a result, a blanket restriction on fences would no longer be appropriate. The materials used are a wooden fence boards with concrete posts. Given the modest height of the fences (between 0.9 and 1.2 metres for the most part and only 1.5 metres close to the house) and the presence of other similar fences nearby, there would not be significant harm to the streetscene.

### Neighbour Amenity

In relation to impacts on 106, the fence would not result in loss of light or outlook to the property of 106. In relation to impact on access, whilst there may be some inconvenience, the fence is within the boundary of 108 and so would not encroach over the boundary. It is also noted that there are plant pots on the side of 106 which could be removed to improve access to 106 for cars and pedestrians. In relation to bin access to the rear, whilst the fence makes the access tight, it still allows bin access to be achieved. Overall, there would not be significant harm to the amenity of 106.

In relation to other dwellings, as these are further away, there would be no harm to amenity. Overall, it is considered that there would not be significant harm to amenity from the fences.

### Highways

NPPF para 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

In relation to fence, their effect on pedestrian visibility has been assessed by the council's highways department who have no objection. Both fences would still allow appropriate visibility as neither is particularly high enough to obstruct visibility. The fences are smaller in height than other fences erected on Riesling Drive.

Overall, the development does not cause an unacceptable impact on highway safety, this is supported by the views of the council's highways department who have no objection. As a result, refusal of the application on highways would not be justified.

### Conclusion

The proposal would be acceptable in relation to Street scene, Neighbour amenity and highway safety. The application complies with local planning policies and is recommended for approval.

### **Recommendation**

That planning permission be granted subject to the following conditions.

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents :-
  - a. Fence 1 Plan - (received 08/03/2025).
  - b. Fence 2 Plan - (received 08/03/2025).
  - c. Fence Layout Plan - (received 08/03/2025).
  - d. Location Plan - (received 08/03/2025).

Reason: For the avoidance of doubt.

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|-------------------------------------------------------|---------------------------|
| <b><u>Signed Case Officer<sup>1</sup>:</u></b>        | <b><u>Andrew Hunt</u></b> |
| <b><u>Signed Authorising Officer<sup>2</sup>:</u></b> | <b><u>Jo Sheridan</u></b> |
| <b><u>Date:</u></b>                                   | <b><u>09/05/2025</u></b>  |

### **Informatives**

N/A

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