

<u>APPLICATION NO:</u>	22/00549/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Shevington	<u>PARISH:</u>	
<u>LOCATION:</u>	11 Redwald Close, Tower Hill, Kirkby, Knowsley, L33 4EH		
<u>PROPOSAL:</u>	ERECTION OF A 1.0M HIGH BOUNDARY FENCE		

Site Description

The application property is situated on a residential street within a Primarily Residential Area. The application property is a mid-terraced house and includes hard standing for one vehicle together with a grass lawn.

During the site visit it was noted that a small boundary fencing along the boundary with no. 12 Redwald Close has been erected along the property boundary measuring 0.3m in height.

Proposal

As originally submitted, the application sought permission for a 1m high boundary fence in an L shape arrangement at the property boundary shared with no. 12 Redwald Close and fronting the public highway. Following representations received from the Highway's Authority the fencing at the front boundary has been removed and the fencing at the side has been set back from the public highway. The revised proposals form the basis of this decision.

The fence now measures 1m in height and consist of a 300mm concrete panel together with 700mm close boarded fence above. The fence is set back 1.7m from the public highway and spans a length of 4m connecting to the application property's porch.

Consultations

Highways – Highways object to the proposed development as originally submitted as the proposed fence would be located on adopted highway land.

Representations

This application has been publicised by letters sent to 7 neighbours. Three letters of objection have been received. The following provides a summary of the representations received

- Impact on visual amenity and would restrict access in/out of our own vehicles parked on our own drive.
- Cause an obstruction to an opening the back passenger door to my vehicle.
- The applicant will need to trespass onto our property to gain access to his gas box. If the application is approved, we will put a request to have his gas meter moved to a different location.
- Would change the aesthetic of the close and is not needed.
- Existing parking issue on the close
- If application is granted a request is made so that it is built up to the front door

and gas meter is moved.

Issues on visual amenity and highways will be discussed in relevant sections below. In response to neighbours concerns regarding the gas meter this is not a planning issue and would need to be undertaken by the utility provider.

Planning History

A number of applications have been submitted with regards to the construction of the wider housing estate. A planning condition was placed on the decision notice relating to application reference: 97/0414/APP restricting the erection of fencing under permitted development rights.

No individual planning applications have since been submitted associated with the application property.

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.

CS2 - Development Principles
CS19 - Design Quality and Accessibility in New Development
DQ2 – Security in the Built Environment
H5 – Primarily Residential Areas
H8 - Extensions and Alterations to Residential Properties

In addition, the Householder Development SPD (2016) is a material consideration for the purposes of this planning application and provides additional guidance in relation to householder development within Knowsley Borough.

The site is identified as land located within a Primarily Residential Area. As such, alterations to boundary features to a domestic 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 policy 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.

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

Design

The Householder Development SPD is a material consideration for the purposes of this planning application. It advises that the design and detailing of boundary features such as fences particularly on highway frontages play 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. In the case of housing areas where service strips are provided alongside roads, rather than pavements:

- i. Any front boundary treatment should avoid divorcing the service strip from the front gardens of the dwelling; and
- ii. No front boundary treatment should cross the service strip.

The Highways Authority expressed concern that the proposed development would be located on adopted highway. The Local Planning Authority has worked positively with the applicant and revised plans have been submitted removing the front fencing panels and setting back the side fence panel by 1.7m to avoid crossing the service strip.

Whilst the property is located in an open plan designed estate, the front panels have been removed and would not enclose the front of the application property. Furthermore, there are numerous examples within the street scene where boundary walls and fencing have been erected using a variety of materials. The use of a simple close boarded fence at 1m in height is considered a more sympathetic boundary in comparison to others found within the street scene. Furthermore, the location of the property in a recessed cul de sac means that the fencing would not break up a large area of openness. The fence is acceptable in terms of design.

Residential Amenity

No. 12 Redwald Close

No. 12 is the adjoining end of terraced property. The fence is relatively minor development and would sit below the windows at ground floor level. As such, it is not considered that the development would have an overbearing effect on residential amenity in relation to this property.

No other properties would be affected.

Highways

The Highways Authority has raised objection to the proposed development due to its location on adopted highway. The plans have been amended so that the fence is no longer located on the adopted highway network and should address the highways authority's concerns.

In addition, concerns are raised that the erection of the fence will exacerbate parking issues in the locality particularly in relation to no.12. However, the neighbouring property has hardstanding to the front drive in its entirety sufficient to accommodate at least 2 vehicles. It is not considered that the erection of the fence would exacerbate parking issues as there is ample space to park vehicles on the drive and to access/exit said vehicles.

The development would not result in adverse effects to highways safety.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways (subject to condition attached). 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 will be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 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.

- 3) The fencing shall be of close boarded design and no greater than 1m in height for the entirety of its length.

Reason: In the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Saved Policies H8, and DQ2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
19.10.2022	GBA-RED-PL-DR-LP-01		LOCPLAN
21.12.2022	GBA-RED-PL-DR-EL-02	REV B	PROPOSED ELEVATIONS
21.12.2022	GBA-RED-PL-DR-SP-02	REV C	PROPOSED SITE PLAN

Signed Case Officer: **John Fleming**

Signed Authorising Officer: **Alan Kilroe**

Date: **21/12/22**

Appendix 1 – Site Photographs



