

<u>APPLICATION NO:</u>	24/00385/FUL	<u>CASE OFFICER:</u>	Kim Vo
<u>WARD:</u>	Halewood South	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	64 New Hutte Lane, Halewood, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF 1.8M HIGH TIMBER FENCE (RETROSPECTIVE)		

Site Description

The application relates to a two-storey semi-detached dwelling at no.64 New Hutte Lane, which is located on a prominent corner plot where New Hutte Lane meets Sycamore Avenue. The proposal relates to the unauthorised erection of a 1.8m high timber fence which is subject to this retrospective application. Prior to this, the boundary was formerly defined by a dwarf brick boundary wall to the front, side and part of the rear and was considered to positively contribute to the open and spacious character of the street scene. The application site is located within a Primarily Residential Area as defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006).

Proposal

The proposal seeks retrospective permission for the erection of a 1.8m high timber fence to part of the north (rear), the south (front) and west (side) boundaries. The vehicular access to the side (facing Sycamore Avenue) and the rear garden timber fence are both retained as existing. The length of the fencing to the south side of the vehicular access is stained in a light, warm brown colour. The length of the fencing erected to the north side of the vehicular access is stained in a dark brown colour.

Consultations

Environmental Health (21.08.2024): No objections.

Halewood Town Council: No comments received.

Representations

This application has been publicised by letters sent to 8no. neighbours. No representations have been received.

Planning History

17/00634/FUL - Demolition of existing garage, erection of single storey extension to side. Granted, 05.12.2017.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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 (January 2016)

Policy CS2: Development Principles

Policy CS19: Design Quality and Accessibility in New Development

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy H5: Development within Primarily Residential Areas

Supplementary Planning Documents (SPDs)

Householder Development (June 2016)

Ensuring a Choice of Travel (September 2010)

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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason for the refusal, approval has not been possible.

Assessment

The main considerations for this application are:

- Compliance with Householder Development SPD;
- Design and Visual Amenity;
- Neighbouring Amenity;
- Access, Parking and Highway Safety;
- Other Matters.

Compliance with Householder Development SPD

The height, colour and style of the boundary fence all to the south side of the access, does not appear in harmony with the surrounding street scene and is also a stark contrast to the previous dwarf wall. The former open and spacious character of the site has now been removed due to the new fencing and does not accord with the Householder Development SPD, which states that timber fencing should be avoided at prominent boundaries. The fencing to the south side of the access therefore fails to accord with the guidelines under Part 7.12 of the Householder Development SPD and is discussed in further detail below.

Design and Visual Amenity

Fencing to south side of the access

The application site is located within a primarily residential area, where the frontages of the dwellings within the same row as the application property (along New Hutte

Lane) are primarily defined by low or dwarf brick boundary walls. This type of low height boundary treatment is repeated to the adjacent dwellings on the opposing side of New Hutte Lane, with the exception of some properties using timber or stone as a material. This results in the character of the street scene (along New Hutte Lane) having an open and spacious appearance, where the previous dwarf brick boundary wall had positively contributed to this. The timber fencing has since replaced the dwarf brick wall and is highly visible from both the westbound and eastbound approach along New Hutte Lane, due to the prominent corner plot of the site. It is considered that this fencing has now resulted in an enclosure of the front and side garden, which does not relate well with the open frontages of the immediate area and is deemed to result in a loss of spaciousness within the street scene.

Additionally, this part of the fencing is of a solid timber material, finished in a visually distinctive light, warm brown colour, which has a conspicuous height of 1.8m. Together with the siting and considerable length of the fence, means it is a significant and prominent feature when seen from New Hutte Lane. From this highway, the fencing draws the eye as stark, solid and formal barriers. As a result, they have an overly imposing and prominent presence, which appears in marked contrast with the more lowkey and imperceptible front boundary treatments that prevail within the immediate vicinity. For these reasons, the unauthorised fencing erected to the south side of the vehicular access, by virtue of its height, siting, design and external appearance, is considered to result in an incongruous and obtrusive feature that has a harmful effect on the open and spacious character of the street scene. It is not sympathetic to its surroundings and does not make a positive contribution to the local distinctiveness. Consequently, the proposal would fail to accord with Policy CS2 and CS19 of the Local Plan, the Householder Development SPD and the National Planning Policy Framework.

It is acknowledged that no.66 New Hutte Lane has erected timber fence panels which are set within low brick boundary walls and posts. This neighbouring boundary is of a similar height as the unauthorised fencing of this retrospective application and is also situated at a corner plot. However, the Local Planning Authority notes that there is no previous planning approval for this development. Additionally, whilst the height is similar, the appearance, design, style and materials of no.66's boundary is significantly different and is not directly comparable. Each planning application is also judged on its own individual merits, and it is not considered that this neighbouring fence would provide any precedent or justification for the unauthorised fencing at the application site.

Fencing to north side of the access

The unauthorised fencing to the north side of the vehicular access is stained in a dark brown colour, has a height of 1.8m and is comprised of vertical timber boards. Whilst this part of the fencing is highly visible from Sycamore Avenue, the south side of this highway is defined by the rear boundaries of dwellings and is therefore, characterised by tall boundary treatments of approximately 1.8m-2m in height. These are also finished in various materials including timber and brick. As such, the scale and material of the fencing does not appear as an incongruous feature when viewed against the existing neighbouring boundary treatments of Sycamore Avenue. The fencing erected to the north side of the existing vehicular access is therefore deemed to be acceptable in terms of design and visual amenity.

Neighbouring Amenity

The surrounding neighbours to the application site include the adjoining semi-detached dwelling of no.62 New Hutte Lane to the east, the dwelling of no.66 New Hutte Lane to the west, no.53 Hawthorne Avenue to the rear and no.21 New Hutte Lane to the front. Whilst the fencing has resulted in an increased height to the

boundary, it is considered that there is suitable and sufficient separation distance with all the surrounding neighbours to avoid any harmful impact in terms of loss of light or overshadowing. These neighbours also include their own boundary fences/walls which provide a degree of screening from the timber fencing erected at the application site. The fencing is also situated where the previous boundary treatment was and is therefore, not considered to cause unacceptable harm to the living conditions of the occupiers of neighbouring properties. As such, it is considered that the fencing would not have a significant, detrimental impact upon residential amenity, in accordance with Policy CS19 of the Local Plan, Saved Policy H5 of the Knowsley Replacement UDP, and the Householder Development SPD.

Access, Parking and Highway Safety

The proposal does not affect parking provisions at the site. Whilst the fencing is adjacent to the vehicular access and may limit visibility upon exiting, this would be similar to the previous situation, which formerly included hedgerow and tall trees that were also adjacent to the access and had limited visibilities. Additionally, the applicant can utilise the width of the pavement to slowly advance their vehicle and increase their visibility of oncoming traffic/pedestrians. It is therefore considered that, on balance, the fencing has an acceptable impact upon access, highway safety and parking provision in accordance with Policy CS2 and CS19 of the Local Plan, the Householder Development SPD and the Ensuring a Choice of Travel SPD.

Other Matters

The application site is located close to a pollution control site. However, Environmental Health have reviewed the application and raised no objections.

Conclusion

The unauthorised fencing to the south side of the vehicular access results in an incongruous and obtrusive feature that has a harmful effect upon design, visual amenity and upon the wider street scene. Consequently, the proposal would fail to accord with Policy CS2 and CS19 of the Local Plan, the Householder Development SPD and the National Planning Policy Framework.

Recommendation

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

1. The length of the fencing erected all to the south side of the vehicular access (facing New Hutte Lane and part of Sycamore Avenue), by virtue of its height, siting, design and external appearance is considered to result in an obtrusive and discordant addition to the open and spacious nature of the immediate surroundings. This would result in harm to the visual amenity of the street scene and the character and appearance of the surrounding area. The proposal is therefore contrary to Policy CS2 and CS19 of the Knowsley Local Plan Core Strategy (Adopted January 2016), the Householder Development SPD and the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
19/08/2024	101	-	Location Plan
19/08/2024	301	-	Proposed North and South Elevations
19/08/2024	302	-	Proposed West and East Elevations

Signed Case Officer¹: **Kim Vo**

Signed Authorising
Officer²: **K Foster**

Date: **9 October 2024**

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

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