

<u>APPLICATION NO:</u>	23/02717/FUL	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Roby	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	40 Chestnut Avenue, Huyton, Knowsley, L36 5XR		
<u>PROPOSAL:</u>	ERECTION OF A FENCE TO THE FRONT AND SIDE OF PROPERTY (RETROSPECTIVE)		

Site Description

The application site is a Semi detached house in a residential area. It is located at the corner of Oak Road and Chestnut Avenue. The site is bounded by residential properties to the north, west, and east and by a wooded area to the south.

Proposal

The proposal is for the erection of a fence to the front and side of property (Retrospective).

Consultations

Highways - Highways note the retrospective nature of the proposal, and have carried out a site visit. Whilst the fence, situated at the back of the footway, does impede forward visibility for traffic travelling from Oak Road to Chestnut Avenue, the difference between the current situation and that which would be achievable if the fence were located 1m from the back of footway (under permitted development rights, for which no planning permission is required) is negligible.

Representations

This application has been publicised by letters sent to 3 neighbours. 3 Objections and 1 letter of support have been received consisting of the following main points:

Objections

- This would cause a distinct loss of light into both my front and rear garden.
- It would visually impact the front of my house to a detrimental effect.
- The fence is unsightly and out of character.
- The area is used to hang washing.
- The fence is dangerous to highway safety as it reduces visibility.
- The fence may reduce property values.

Support

- We have no problem with the fence at no 40 chestnut ave.

Planning History

None Relevant

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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

The fence is of two different heights being 1.53 metres along the corner and along Chestnut Avenue and 1.83 metres in height (due to the additional trellis) along Oak Road.

In terms of the Oak Road frontage, whilst this is a reasonably tall height for an enclosed area, part of this is due to a trellis rather than a solid fence. This partially softens the visual impact of the proposal. In addition, the area is away from the corner and only faces towards a wooded area. As a result, the fence is not prominent within the streetscene and does not cause significant harm to the character of the area.

In terms of the Chestnut Avenue frontage, this is a more prominent position in the street scene, however, it is materially lower in height (1.53 metres high). This is only 53 cm more than could be achieved without planning permission under permitted development rights. There is also a slightly lower fence opposite. Whilst the visual impact is considered to cause some harm to the character of the area, the level of harm is not sufficient to justify refusal of the application.

Neighbour Amenity

In relation to impacts on no 47. There would be no material harm as the fence is obscured by the presence of vegetation in between.

In relation to 38, the fence would be lower in height in this part and would not materially impact the amenity of the garden or dwelling.

Overall, it is considered that there would not be significant harm to amenity.

Highways

NPPF para 115 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 would be severe.

The fence would be around 1.53 metres around the corner, this height partially reduces highway visibility, however, the level of harm is not considered to result in an unacceptable highway impact. This also has to be considered relative to the permitted development fallback position of a 1 metre fence. In addition, the property opposite has a small fence and tall vegetation which is comparable in terms of limiting visibility. In addition, the traffic accident record for this location, demonstrates that there have been no reported accidents since the introduction of the fence, or within the last 24 years.

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.

Other Considerations

In relation to potential impacts on property prices. This is not a material planning consideration and cannot be taken into account.

In relation to the use of washing lines it is understood that the dwelling has no rear garden and therefore any washing has to be located in the front or side of the house. In any event this is not a material planning consideration.

The remaining points of objection have been addressed previously in this report.

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. Plan (received 27/11/2023).
 - b. Location Plan – (received 16/10/2023).

Reason: For the avoidance of doubt.

Signed Case Officer¹: **Andrew Hunt**

**Signed Authorising
Officer²:** **K Foster**

Date: **1 March 2024**

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