

<u>APPLICATION NO:</u>	24/00166/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Cherryfield	<u>PARISH:</u>	
<u>LOCATION:</u>	1 Wordsworth Court, Southdene, Kirkby		
<u>PROPOSAL:</u>	ERECTION OF FENCE TO FRONT OF PROPERTY *RETROSPECTIVE*		

Site Description

The application site is located at 1 Wordsworth Court, Southdene and is situated within an area designated as a Primarily Residential Area in the Development Plan. The application property is a detached dwelling, located on a modern housing estate and is situated on a corner plot, which features an open plan design. It is brick facing on its front, side and rear elevations, together with white UPVC openings and brown, flat, interlocking roof tiles.

The property is North-West facing and is situated on the corner plot adjacent the junction which connects the cul-de-sac to the highway (Elliot Drive). The private rear garden of the application property is bounded by brick pillar posts together with timber fence panels.

Proposal

The application seeks permission for the erection of fence to the front of the property. The fence has already been installed and subsequently this is to request its retention and therefore the application is retrospective*.

The fence is approximately 1.15m in height and is constructed from brick at the bottom of the timber fence panels with concrete posts. There is a total of 5 panels altogether. These are situated to enclose the side of the front garden area from the adjacent highway and stop when it meets the hardstanding that serves the application site.

Consultations

None Required.

Representations

This application has been publicised by letters sent to 6 neighbours. No representations have been received.

Planning History

APP. NO:	02/00114/REM
PROPOSAL:	RESERVED MATTERS APP. FOR PROPOSED DEVELOPMENT OF 114 HOUSES & 2 NO 3 STOREY APARTMENT BLOCKS & ASSOCIATED SITE WORKS, INC. A DIVERSION OF EXISTING RIGHTS OF WAY (AMENDED

FOOTPATH ROUTE) (AMENDED SITE LAYOUT/AREA & REVISED HOUSE TYPES).

DECISION: GRANTED
DECISION DATE: 16 August 2002

Condition 11 of the Decision Notice prohibits select forms of boundary treatment.

(11) Notwithstanding the provisions of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be placed or erected in front of the forwardmost part of any wall of a building which fronts on to or bounds a highway, carriageway or other open space.

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.

The site is identified as a site allocated for housing development in the adopted Unitary Development Plan. As such, a domestic extension to the existing residential 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 policies H5 and 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; and that adequate parking and garden space would remain for use by residents of the extended property.

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)

H5 - Development within 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.

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

Saved Policy H8 in the Replacement Unitary Development Plan states that proposals for extensions to dwellings will be permitted provided that:

- a) The proposals would not (due to their scale and massing) result in a disproportionate addition to the original dwelling
- b) The design and materials used would reflect those used on the original dwelling
- c) The proposal would not adversely affect the amenity or privacy of occupiers of adjacent dwellings
- d) The proposal would not create potential hazards for highway users by obstructing visibility for pedestrians or drivers of motor vehicles; and
- e) Adequate parking and garden space would remain in use by the residents of the extended property

The Householder Development SPD states that for gates, wall and fences (7.11) that 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.

The SPD furthers that the following (relevant) principles apply:

- The style and materials of all gates, walls and fences should match or be in harmony with the existing style of boundary treatment in the surrounding area or, when this is more appropriate, the dwelling itself.
- Gates, walls or fences will not normally be permitted on open plan estates.
- Highway visibility should be preserved and solid walls of fences above 0.6m adjacent to vehicular access should be avoided.
- Means of enclosure on highway boundaries would normally be expected to be constructed from bricks or stonework in keeping with the host dwelling or

area. Timber fencing should be avoided and should only be used to rear and on less sensitive or prominent boundaries.

- Where the curtilage of a house adjoins the highway it should usually be expressed as 'semi-public space'. In other words it is clearly separated from the public highway by a boundary feature or landscaping and readable as a private garden, but it should not be enclosed by high boundary features or screening that conceals the house from the street and vice versa.

Certain gates, walls or fences can be erected under permitted development. However, it should be noted that permitted development rights for gates, fences or walls may have been removed for certain dwellings, in particular those on 'open plan' estates.

Design

The existing boundary treatment that forms the proposal is constructed from a mixture of brick bases, concrete pillars and timber fencing panels. The brick bases are a light, stone grey colour, which contrasts with the brick that forms the existing boundary treatment situated to the side curtilage of the dwelling. It is a notable contrast between the two boundary treatments; however, the proposed development is not completely incongruous in the locality, there is boundary treatment adjacent the head of the cul-de-sac which matches the design of the proposed development.

The boundary treatment for the application would not be considered however to display an unacceptable design. Although it presents a contrast to the adjoining boundary treatment, it would not be considered to be cause a detrimental adverse impact through its design. Given that the proposed development matches the boundary treatment situated to the head of the cul-de-sac, it would be considered to have some relation and consistency within the surrounding area.

Moreover, it is considered that although Condition 11 prohibits front boundary treatment, the boundary treatment would not fully enclose the front garden area as it encloses the side curtilage of the front garden. The hardstanding and frontage of the curtilage would remain open; therefore, the 'open plan' principle would not be completely in conflict.

The proposed development would be considered to be constructed within materials that are acceptable (bricks) and would be in accord with the guidance. Although the guidance states that timber fencing should be avoided, given the site context, which displays timber fencing, it would not be considered that the proposed development would be significantly harmful to the character or street scene. It would not appear incongruous or unacceptable in design terms. The existing boundary treatment would also be clearly separated from the highway (Elliot Drive) and readable as a private garden, whilst not featuring an unacceptable height which conceals the dwelling from the street scene.

Overall, it is considered the proposal would not harm the overall character of the area. The proposed development would largely be in accord with the guidance outlined in the Householder Development SPD and Saved Policy H8.

Residential Amenity

The proposed development would not be considered to result in any significantly adverse harm on the amenities or privacy of any nearby dwellings.

Highways

The proposed development would remove a view from the side curtilage of the front garden, however, it would not be considered to an unacceptable degree. The hardstanding meets the cul-de-sac of Wandsworth Court and would not result in fast-moving traffic entering major roads; therefore, any reduced visibility would not be considered to result in any unacceptable negative highway safety.

Given the dwelling is situated adjacent the junction to Elliot Drive, there is a give way line, which would mean that traffic leaving the property would stop and observe traffic at this point, the proposed development would not prohibit this.

The guidance does encourage the avoidance of (solid) boundary treatment in excess of 0.6m in height, for the reasons outlined above, it would not be considered to be to the detriment of highway safety. It is also important to recognise that, had Permitted Development Rights remained intact at the property, boundary treatment of up to 1m could have been erected, without the requirement for Planning Permission, and therefore, on this basis would be considered acceptable.

Overall, the proposed development would not be considered to result in any unacceptable highway safety impact and would be in accord with Saved Policy H8.

Conclusion

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

- 1) 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
01/04/2024	001	-	EXISTING AND PROPOSED ELEVATIONS.
01/04/2024	-	-	LOCATION PLAN.

Signed Case Officer¹: **Reece Black**

Signed Authorising Officer²: **K Foster**

Date: **29 May 2024**

Informatives

Not applicable.

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