

<u>APPLICATION NO:</u>	22/00628/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	
<u>LOCATION:</u>	The Coach House, 62 St Marys Road, Huyton, Knowsley, L36 5ST		
<u>PROPOSAL:</u>	APPLICATION FOR THE ERECTION OF A 1M FENCE ABOVE EXISTING STONE WALL (TOTAL HEIGHT 1.8M) TO FRONT BOUNDARY FACING ST AGNES ROAD		

Site Description

The application property is located 453m (as the crow flies) from The Orchard Conservation Area which serves as an attractive, and to a large extent, well preserved example of a Victorian suburb. Whilst the application property is not located within the conservation area, there are elements of Victorian character within the street scene provided by the Victorian buildings, low lying stone walls and hedgerows as well as more modern elements of building design.

The application property is situated on a residential street located within a Primarily Residential Area. It is accessed via the communal parking area located at the side. The rear garden backs on to the public highway at St Agnes Road where a 2.75m has been erected.

The application property was previously converted as part of the wider conversion of its previous use as a nursing home. The current boundary fencing was erected in 2020 and is not typical of the local vernacular in terms of boundary treatments in terms of scale which are typically 1.8m in height and comprise a combination of low-lying stone walls, timber panels and hedgerow.

Proposal

As originally submitted, the application sought permission retrospectively for the erection of a 2m tall timber fence spanning the full width of the property boundary facing St Agnes Road. Due to the difference in ground floor level between the application property and the public highway the fence would measure 2m in height within the curtilage of the property boundary and 2.75m in height from the adjacent public highway. The Local Planning Authority has worked positively with the applicant who has agreed to remove the existing fencing and reduce the height of the timber panel to 1m in height above the existing stone wall resulting in an overall height of 1.8m beyond which additional planting in the form of an Evergreen hedgerow is proposed. The application is no longer seeking retrospective planning permission and the revised proposals therefore form the basis of consideration in this report.

Consultations

None.

Representations

This application has been publicised by letters sent to 20 neighbours. Five

representations have been received including 1 representation from the Ward Councillor.

Two letters in support of the proposed development have been received from neighbours stating that the fence is not an obstruction and would enhance the area and it is visually better than what previously existed.

The letter received from the Ward Councillor also supports the proposed development which states the need for the fence is required to ensure security at the property.

Two letters of objections have also been received (albeit from the same representator) which states that the proposed development results in loss of light and visual amenity and is a breach of planning regulations. This application seeks approval for works which required planning permission and will be determined against the relevant Development Plan policies discussed below.

A further letter has been received which is neither a letter of support or objection.

Planning History

Relevant application history is as follows:

- 10/00300/TWA – Remedial pruning of one no. sycamore tree and one no. eucalyptus tree. Granted 14th July 2010
- 02/00903/FUL – Erection of conservatory to front of coach house. Granted 19th December 2002
- 03/00230/TWA – Crown lift 3 no. lime trees and no. sycamore trees, fell 2 no. sycamore trees, prune 1no. sycamore and crown tip 1 no yew tree. Granted 14th May 2003
- 02/00106/FUL – Conversion of nursing home into 12 no. apartments, new vehicular access from St Agnes Road and car parking. Granted 20th March 2002.
- 01/00837/FUL - Alterations to existing nursing home to facilitate change of use into 12 no apartments with creation of 1 no additional vehicular access from St Agnes Road .Application withdrawn.
- 74/08953/HIST – Proposed 3 detached houses with integral garages. Refused 7th November 1985
- 74/10323/HIST – Erection of 2 storey side extension to residential home. Granted 11th August 1987.
- 74/09429/HIST – Change of use of dwelling to residential home for the elderly. Granted 22nd January 1986.
- 74/01179/HIST – Continued use of office premises until 31/12/76. Granted 4th December 1975.
- 74/02780/HIST – Temporary permission for use of premisses as offices. Refused 16th March 1978.
- 74/02260/HIST – Renewal of temp permission for offices. Granted 9th February 1977.

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

H5 – Primarily Residential Areas

H8 - Extensions and Alterations to Residential Properties

DQ2 – Security in the Built Environment

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, the alteration to boundary walls 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 CS20 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.

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

As currently standing, the existing fence subject to the previously submitted retrospective application consists of a fence panel which measures 2m in height supported timber supports above the existing stone wall and would attain a height of 2.75m when viewed from the public highway.

The Householder Development SPD states at paragraph 7.11 that the design and detailing of fencing particularly on highway frontages plays an important role in defining the character of places. In the more traditional areas, such as the application property, it advises that the character of the townscape is often determined by existing attractive hedging and brick walls where the existing character boundaries should be preserved.

It advises that the style and materials of fences should match or be in harmony with the existing boundary treatment in the surrounding area and that highway visibility should be preserved and solid walls or fences above .6m adjacent to vehicular access should be avoided.

The fencing currently in situ is considered to have a dominate effect on the character of the street scene due to its scale and mass and fails to respond sympathetically to the surrounding boundary treatments which are typically a mixture of low-lying stone/brick wall and fencing measuring 1.8m in height on average. The existing boundary treatments found in the wider area are in some places further strengthened by natural boundary treatments in the form of hedgerow.

The Local Planning Authority advised the applicant that the development, as currently in situ, would not be in accordance with relevant policies of the development plan as it would be out of keeping with the street scene. The Local Planning Authority has worked positively with the applicant who has submitted revised plans for consideration.

Firstly, the revised proposals consisted of a 1.8m fence at the property boundary with an additional 2m tall trellis located adjacent to the front fence and would be screened by tree planting. The Local Authority advised that this would not be supported as the same built form was proposed and would still appear prominent in the street scene. Furthermore, any climbing plants added which may help to soften the appearance of the fence would take time to establish and would not mitigate the overall impact to the street scene caused due to the height of the fence. The applicant was advised that they could install a 2m tall fence if it was set in by 2m from the public highway (taken from where the existing boundary wall and public footpath meet) under permitted development but that this would reduce the existing private amenity space at the application property.

The applicant decided that they no longer wished to pursue to retain the existing fencing retrospectively or the secondary fencing and instead amended plans have been submitted for consideration which now consists of retaining the existing stone wall together with the erection of a new 1m fence panel above taking the total height to 1.8m beyond which new hedgerow is proposed to ensure privacy and security to the occupant of the application property. The hedgerow would sit behind the proposed fence and would therefore not look out of place within the street scene.

Given the proposed changes and reduction in height the proposed changes are considered acceptable in terms of design and scale.

The proposal complies with policies CS2, CS19 of the Local Plan and saved Policies H5 and H8 of the Unitary Development Plan together with the Householder Development SPD.

Residential Amenity

No. 6 St Agnes Road

No. 6 is the neighbouring detached property and faces St Agnes Road. The common boundary brick wall measures 2.2m in height and the outlook at the side is already influenced by the side gable of the application property. The proposed development would reduce the overall fence height to 1.8m and would sit below the common brick wall boundary. As such no adverse effects to residential amenity would occur in relation to the occupiers of this property.

No. 9 & 11 St Agnes Road

No. 9 & 11 are a pair of semi-detached properties located opposite the application property and face the proposed boundary fence. The fence currently in situ results in a dominate affect in terms of the character of the street scene and would provide a negative outlook for the occupiers of these properties. However, the applicant has revised the proposals to no more than 1.8m in height which is considered acceptable and would not be too dissimilar to the adjoining fence providing the boundary treatment to the communal car park which measures 1.5m in height. Whilst the additional tree planting will increase the outwards appearance this is considered more natural and in keeping with the street scene and would not have the same visual impact to these properties in terms of built form.

As such, the fencing at a height of 1.8m from the public highway is not considered to have an adverse impact to residential amenity to these properties.

No other properties would be affected

Highways

The application proposals would not result in adverse effects to public highway 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
17.02.2023	SAR 031022 001	B	LOCATION PLAN AND SITE PLAN
17.02.2023	SAR 031022 002	B	PROPOSED ELEVATION AND CROSS SECTION
17.02.2023	SAR 031022 003	B	PROPOSED ELEVATION

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **22 February 2023**

Appendix 1 – Site Photographs

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.



