

APPLICATION NO: 23/02792/FUL **CASE OFFICER:** Andrew Hunt

WARD: Halewood North **PARISH:** Halewood
Town Council

LOCATION: 26 Brambling Park, Halewood, Knowsley, L26 7WE

PROPOSAL: RETROSPECTIVE APPLICATION FOR THE ERECTION OF A 1.8M
HIGH TIMBER FENCE TOGETHER WITH CONCRETE POSTS TO
SIDE OF PLOT

Site Description

The application site is a semi-detached dwelling located within a residential area at Brambling Park, Halewood. The site is an irregular curved shape and is located at the southern end of one of the cul de sacs of Brambling Park. The plot is surrounded by other dwellings to the north, west and east and by a grassed area to the south. A public footpath runs along the pavement area next to the site.

Proposal

The proposal is a retrospective application for the erection of a 1.8m high timber fence together with concrete posts to side of plot.

Consultations

Highways – Object to the current application. Highway issues are discussed later in the report.

Representations

This application has been publicised by letters sent to 10 neighbours. 1 letter of support has been received consisting of the following main points.

- I would be happy for this to take place

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development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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

CS7 - Transport Networks

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

T7 – New Development and Walking and Cycling Routes

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

Street Scene

Policy

Part 1 a) of Core Strategy Policy CS19 states that development within Knowsley will

be expected to Respond to and integrate positive characteristics of immediate surroundings, including local materials, scale, mass, form, layout, alignment and density of the existing built environment;

NPPF para 130 c) requires that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy B9 of the New Residential Development SPD states that e) Where residential curtilages adjoin public spaces (i.e. public footpaths, cycle ways, public open space, etc), use of walls and/or railings will be required to provide robust and durable boundary treatments. Fencing in such locations will not be supported.

Assessment

The fencing would be a height of 1.8 metres and would be cover a considerable length of pavement. It would fail to comply with the New Residential SPD which requires that boundary treatments adjoining public spaces be either walls or railings. The SPD also explicitly states that fencing in such locations will not be supported.

The fence would result in harm to the streetscene by enclosing a previously open area. The fence itself would be of a typical design and appearance and would present an unattractive frontage towards the street scene. However, there are several examples of similar such fences along Brambling Park. These are also similar in height to the current fence proposal. As a result, given the specific characteristics of the area and the presence of several other similar fences on Brambling Park, It is considered that there would not be sufficient grounds for refusal on streetscene impacts.

Neighbour Amenity

In relation to neighbour amenity, it is considered that the fence would not result in harm to amenity through loss of light or outlook.

Highway Safety

Policy

Knowsley Core Strategy Policy CS19 states that new development within Knowsley will be expected to:

e) Provide safe, secure and convenient routes for movement (including signage), with priority for walking, cycling and public transport, to meet the access needs of all users, particularly pedestrians, cyclists, less mobile people and the elderly;

Unitary Development Plan Policy T7 states that new development should preserve and where possible enhance the walking & cycling network, as it can help enhance and provide access to green corridors & the countryside as well as promoting and encouraging exercise and healthy living for all

NPPF para 114 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

b) safe and suitable access to the site can be achieved for all users;

NPPF para 116 states that applications for development should:

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

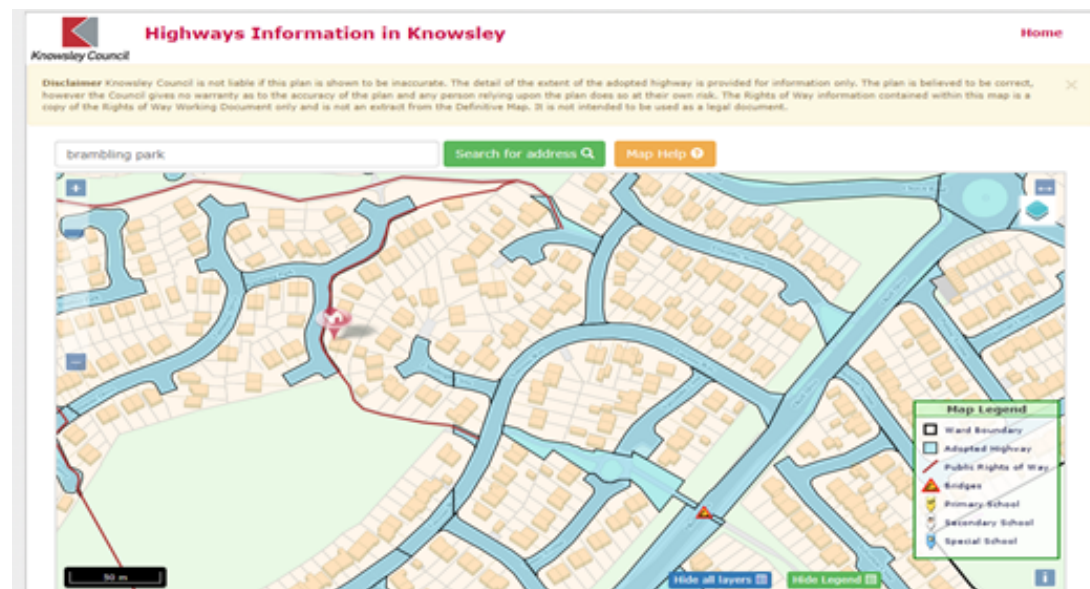
Para 7.12 of the Householder Developments SPD states that

☐ Highway visibility should be preserved and solid walls or fences above 0.6m adjacent to vehicular access should be avoided.

Assessment

Public Footpath

There is a public footpath running through the site (as shown below). This runs from the south and west of the site in a curved direction around the pavement next to the site and towards the northeast. There are also other informal pedestrian footpaths from the grassed area to the south past the site.



(Map showing public footpath running through the site)

Impact of Fence

At either end of the fence there are designated parking areas for the entering and exiting of cars to each dwelling. The fence is a slightly curved fence that follows the curve of the pavement. There is no set back or reduction of the fence height at the

edge of the fence. This means that cars both driving forward, and reversing would not be able to see pedestrians moving towards them as they would be hidden by the 1.8 metre high fence. Cars at the southern end of the fence would not be able to see any pedestrians walking from the north to the south. Conversely cars at the northern end of the fence would not be able to see pedestrians walking from the south to the north. This lack of visibility is a safety risk to pedestrians who also cannot see any cars adjacent to the fences until they step past the fence onto the vulnerable parking areas. This is a general safety risk to all pedestrians; however, the risk is higher for particularly vulnerable groups including young children, the elderly and infirm, disabled persons, and any recreational runners who would be running past the entrance at speed. The height of the fence significantly exceeds the 0.6 metres specified in Para 7.12 of the Householder Development SPD and is contrary to Core Strategy Policy CS19 e), UDP policy T7 and NPPF paras 114 and 116.



(Photo of Fencing on site)

Requested Amendments

Such a risk could be easily avoided by altering the fence line along the edges to create appropriate visibility splays. This would allow the use of the fence without harming pedestrian safety. This has been explained and suggested to the applicant (including with a site meeting), however they confirmed via email that they did not wish to amend the scheme and wished for it to be determined as it stood.

Fence Opposite

A similar fence opposite the site has an angled fence panel next to the parking area

which allows intervisibility between pedestrians and cars. This demonstrated that visibility splays can easily be achieved without impacting the usability of the fence.



(Image showing fence opposite – Source: Google Maps Accessed 29/10/24)

Conclusion

Overall, the fence fails to provide adequate intervisibility between pedestrians and cars and would cause significant harm to highway safety and would fail to create a safe and secure place or minimise conflicts between pedestrians and cyclists. The application is therefore contrary to Core Strategy Policy CS19 e), Unitary Development Plan policy T7, National Planning Policy Framework paras 114 and 116 and para 7.12 of the Householder Development SPD.

Recommendation

Refusal

That Planning Permission be refused for the following reasons:

- 1) The fence fails to provide adequate intervisibility between pedestrians and cars causing significant harm to highway safety. The development is therefore contrary to Core Strategy Policy CS19 e), Unitary Development Plan policy T7, National Planning Policy Framework paras 114 and 116 and para 7.12 of the Householder Development SPD.

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

K Foster

Date:

4 November 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