



**PLANNING COMMITTEE: 19TH JANUARY 2023**

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**Report of: Corporate Director of Place & Community**

**Contact for further information:**

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**SUBJECT: PLANNING APPLICATION REF. 2022/0894/FUL**

**PROPOSAL: A plain wood fence to side of property (retrospective)**

**ADDRESS: 63 Westerdale Drive, Banks**

**REASON FOR CALL IN:**

**Councillor Howard:** The works have already been undertaken and not described as retrospective in the application. Disappointed that the laurel hedge and ornamental bushes have been removed and replaced with the wooden fence. Notes that a similar application for a fence and wall was refused in 2007. The works have resulted in an unkept area full of weeds on the corner of Westerdale Drive.

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**Wards affected: North Meols**

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Planning Committee on an application which seeks retrospective consent for the retention of a 1.8m high fence to the side of No. 63 Westerdale Drive.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

2.1 **Approve subject to conditions (Approved Plans)**

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## **3.0 THE SITE**

3.1 The application site consists of a detached dwelling located within a modern housing estate. The dwelling has an open side gable elevation which faces on to the public highway running adjacent to the site.

## **4.0 PROPOSAL**

- 4.1 A fence has been erected and this forms the basis for this current retrospective application. It measures approx. 1.8m in height and is constructed from concrete posts and wooden panels.

## **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 2007/1016/FUL - Erection of side boundary fence – Refused - 18.09.2007

## **6.0 OBSERVATION OF CONSULTEES**

- 6.1 **WLBC Tree Officer:** There is a small tree with the potential to be damaged. However, the tree is of little amenity value and can be easily replaced. It is otherwise ornamental in value. Overall, there are no aboricultural objections that would warrant a refusal of the application.

## **7.0 OTHER REPRESENTATIONS**

- 7.1 No neighbour/3<sup>rd</sup> Party representations have been received at the time of writing this report.

## **8.0 SUPPORTING INFORMATION**

Photographs of fence as erected.

## **9.0 RELEVANT PLANNING POLICIES**

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

- 9.2 The National Planning Policy Framework (NPPF) relevant sections are:  
Chapter 12 – Achieving well designed places.

- 9.3 West Lancashire Local Plan 2012-2027 DPD  
GN1 – Settlement Boundaries  
GN3 – Criteria for Sustainable Development  
IF2 – Enhancing Sustainable Transport Choice

- 9.4 Supplementary Planning Document – Design Guide (January 2008)

## **10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

- 10.1 The main considerations for this application are:

### *Design*

- 10.2 Policy GN3 along with the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.

- 10.3 The fence erected on site is moderate in its scale and would in no way be considered an alien feature within a residential environment. Fencing around side

and rear garden areas is relatively commonplace in such environments and officers would only ever consider refusing such a scheme if the character of this particular area would be harmed in any discernible manner. With regard to this last point, any harm would be considered minimal and officers therefore support this scheme on design grounds. A condition is however attached to require the dark staining of the fence within two months of approval. This would reflect appearance of the fence that existed prior to that currently in place.

#### *Amenity*

- 10.4 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 10.5 The fencing is moderate in terms of its height whilst being located to the side / rear of the host property. The fencing would not result in an overt physical presence when viewed from neighbouring plots and the existing amenity levels of neighbouring units are not compromised.

#### *Highways Safety*

- 10.6 The parking arrangements provided to the occupiers of the host property are not affected by this scheme. Officers also note that the fencing would not impact upon the visibility splays provided to neighbouring occupiers and it is therefore considered acceptable on highway safety grounds.

#### *Other Matters*

- 10.7 Comments have been raised with regard to the area of land that has been fenced off by the fence as erected. The main concern relates to the land not being maintained and would become full of weeds. This area of land is small in area and would otherwise fall within the same ownership of the applicant for this application. As such the maintenance of this area of land would rest with the landowner and would otherwise amount to a civil matter and not one that would amount to significant amenity harm.
- 10.8 The previous refusal 2007/0894/FUL related to a proposed comprised of a brick wall columns and timber panel fencing, which would have been positioned directly against the edge of the carriageway whereas the proposed fence line is set back from the carriageway, maintaining views of the grass verge from the public perspective. The applications are therefore not of an identical form and the setting back of this fence compared to the previously proposed enclosure therefore reduces its visual impact and prominence in comparison.

### **11.0 CONCLUSION**

- 11.1 The fence would not be considered as an alien feature within the street scene nor would it result in amenity harm or be considered problematic with regard to highway safety. The proposal therefore complies with policies GN1 and GN3 of the Local Plan.

### **12.0 RECOMMENDATION**

- 12.1 That the application should be APPROVED subject to the following conditions:

1. The development hereby approved shall be retained in accordance with details shown on the following plans:

- Application Form
- Site Location Plan
- Site Layout Plan (inc. Fence Dimensions)

Received by the Local Planning Authority on 8<sup>th</sup> August 2022 and 13<sup>th</sup> September 2022.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

2. Within two months of the date of this permission the fence hereby permitted shall be dark stained in a brown colour and retained as such thereafter.

Reason: In the interests of visual amenity and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **13.0 SUSTAINABILITY IMPLICATIONS**

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

### **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

14.1 There are no significant financial or resource implications arising from this report.

### **15.0 RISK ASSESSMENT**

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

### **16.0 HEALTH AND WELLBEING IMPLICATIONS**

16.1 There are no health and wellbeing implications arising from this report.

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### **Background Documents**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

## **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

## **Appendices**

None.