

**Report of:** CHIEF PLANNING OFFICER      Derek McKenzie

**Report to:** PLANNING COMMITTEE      **Date of Meeting:** 13 November 2024

**Subject:**      **DC/2024/01545**  
**102 The Serpentine North Blundellsands L23 6TJ**

**Proposal:**      Erection of a new brick wall, fencing and sliding gate to the front of the dwellinghouse (Part Retrospective)

**Applicant:**      Mr & Mrs Dave & Holly      **Agent:**      Mr Tony Diaz  
Finnegan      Diaz Associates

**Ward:**      Blundellsands Ward      **Type:**      Householder application

**Reason for Committee Determination:**      Petition endorsed by Cllr Howard

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## Summary

The proposal seeks permission for the erection of a boundary wall and fencing across the front of the site, plus an electronic sliding gate to the existing vehicular access point.

The main issues to consider are the principle of the development, the impact on the character of the Conservation Area and surrounding heritage assets, together with highways safety and trees. The scheme has been amended and the revised materials are acceptable and would not cause harm to the character of the area or raise any highways safety concerns. The proposal complies with the policies set out within the Sefton Local Plan and is recommended for approval.

## Recommendation: Approve subject to conditions

**Case Officer**      Louise Everard

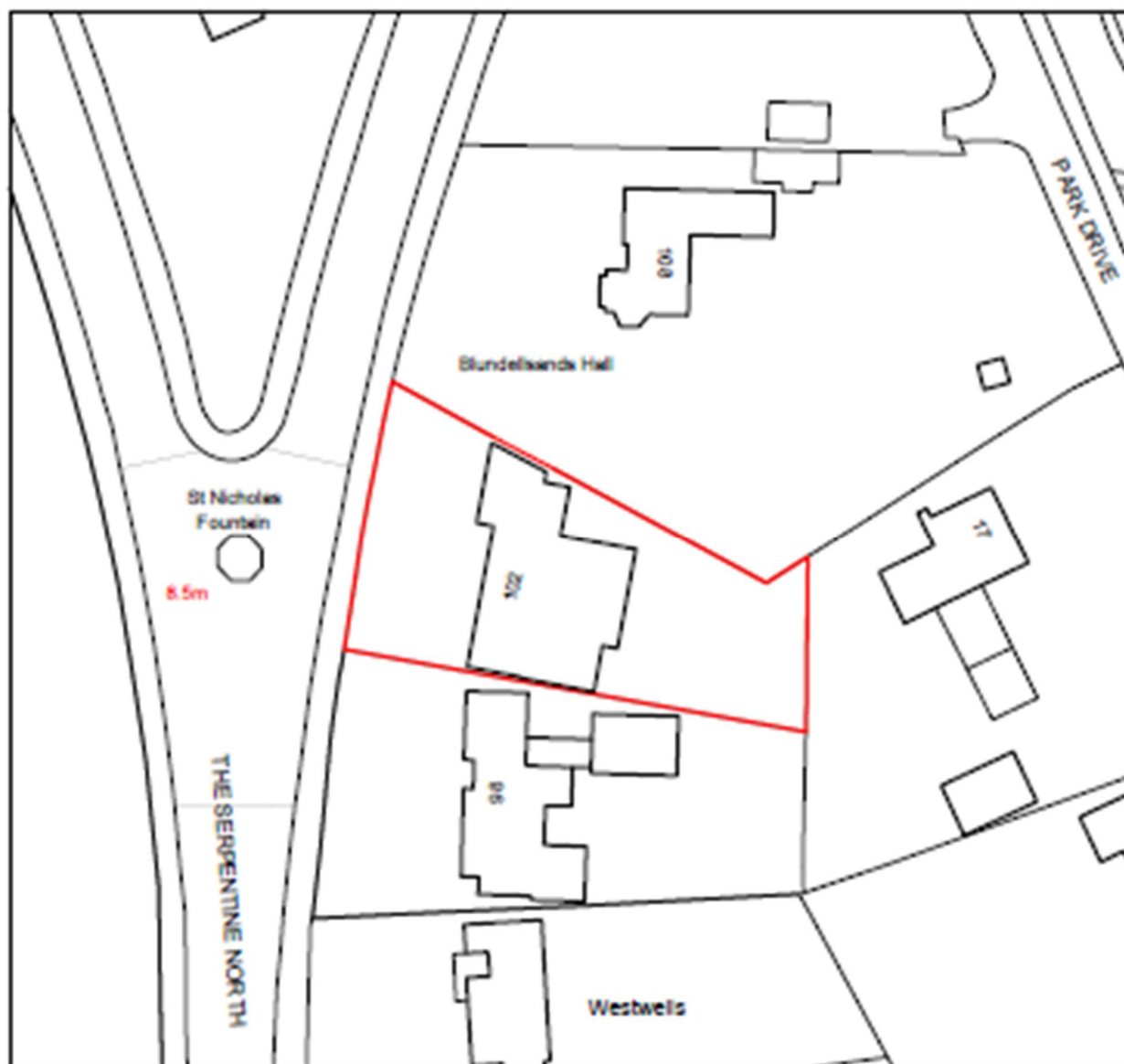
**Email**      [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)

**Telephone**      0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SIIO6CNW09300>

## Site Location Plan



## The Site

The application relates to a detached dwelling on the eastern side of The Serpentine North, Blundellsands. The site is located within the Blundellsands Park Conservation Area and the grade II Listed St Nicholas Fountain sits directly in front of the site. Blundellsands Hall, a non-designated Heritage Asset, is to the north of the property.

The property has been extensively remodelled and modernised following the granting of planning permission DC/2022/01269.

## History

DC/2024/01632 - Variation of condition 2 pursuant to planning permission DC/2022/01269 approved 21/10/2022 to allow for alterations to the elevations – Under consideration

DC/2024/01463 - Erection of an outbuilding to the rear garden (Part retrospective) – Approved 18/10/2024

DC/2023/01326 - Certificate of lawfulness for the proposed erection of a single storey garden room to the rear of the dwellinghouse – Refused 23/10/2023

DC/2024/01162 - Approval of details reserved by Condition 5 attached to planning permission DC/2022/01269 – Approved 07/08/2024

DC/2022/02374 - Approval of details reserved by conditions 3, 4, 5, and 6 attached to DC/2022/01269 – Approved 23/03/2023

DC/2022/01269 - Erection of a part two storey, part single storey extension to the south and east elevations, part conversion of the existing garage to a habitable room and erection of a first floor extension to the north elevation of the dwellinghouse, plus roof terrace to the front – Approved 21/10/2022

DC/2021/01739 - Erection of a two storey extension to one side, a part two storey/part single storey extension to the opposite side, a two storey extension to the rear, single storey extensions to the front and rear of the dwellinghouse, a roof terrace and partial conversion of the existing garages – Refused 06/06/2022

## Consultations

### Conservation Officer

No objections subject to condition

### Tree Officer

No objections

### Highways Manger

No objections subject to conditions

## Neighbour Representations

The neighbouring properties were notified of the application on the 30<sup>th</sup> August 2024.

A petition has been submitted with 30 signatures, endorsed by Cllr Howard. Two objections have also been received from one address.

The concerns raised by the petition and objection letters are summarised as follows:

### Design

- Proposed wall contrary to Local Plan Policy EQ2 'Design', the National Planning Policy Framework and Sefton Council's Boundary Treatment Supplementary Planning Document
- Materials unlike any treatment within the Conservation Area
- Boundary treatment will act as a backdrop to Grade II St Nicholas Fountain and materials will not enhance the heritage feature
- Incongruous addition to street scene
- Higher than LPA allow and higher than two heritage properties to north and others

### Trees

- Untrue that no trees are within influencing distance
- All hedges removed to erect wall and trees pruned back to stem
- Wall within the root protection area

### Highways Safety

- Electric gates will pose hazard as waiting for entry immediately at junction

### Other matters

- Application incomplete as West Street views are not grey shape with no windows or features and not a true reflection of what is there or proposed.

- Heritage statement incorrect stating no.108 The Serpentine North is not listed and not considered to be a Non Designated Heritage Asset.

Following the submission of revised plans, with amended materials, the neighbouring residents were renotified on the 10<sup>th</sup> October 2024. Since the renotification, two further objections have been received from one nearby property. However, they do not raise any sustainably different concerns than those summarised above.

## **Policy Context**

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017. The site is also located within Blundellsands Park Conservation Area.

## Assessment of the Proposal

### 1. The Proposal

- 1.1 Retrospective permission is sought for the erection of boundary treatment along the front of the site, including a sliding gate across the existing vehicular access.
- 1.2 Initially the boundary was proposed to be a low dark grey brick wall with brick piers and grey upvc panelling in-between. The brick wall has been built but the infill panels have not been added. Amended plans have since been received proposing the installation of a 1.8m high vertical timber fence to the outside of the brick wall as erected. Two brick piers would remain visible on either side of the driveway.

### 2. Principle

- 2.1 The proposal is located within a primarily residential area and therefore the erection of replacement boundary treatment is considered acceptable in principle.
- 2.2 The site is also located within the Blundellsands Conservation Area and adjacent to a Grade II listed feature and a non-designated heritage building. Therefore, Policies NH9 'Heritage Assets', NH11 'Works Affecting Listed Buildings', NH12 'Conservation Areas' and NH15 'Non-designated Heritage Assets' are also of relevance and will be discussed below.

### 3. Design and impact on surrounding area

- 3.1 The policies listed in paragraph 2.2 seek to protect Sefton's heritage assets and their setting. Developments which have the potential to affect these should ensure that the features which contribute to their significance are protected. Policy EQ2 'Design' is also relevant and expects developments to respond positively to the character of the surrounding area and to integrate well within the street.
- 3.2 The previous boundary treatment along the front of the site was a timber fence with brick piers on either side of the driveway. The area is predominantly characterised by timber fencing or red brick walls. The dark grey brick wall and panelling as initially proposed would introduce an additional material/colouring along this section of the street. Given the expanse of the boundary treatment and contrasting materials and colours, it was considered that the wall would appear out of keeping with the area and would not respect the historic character of the site and Conservation Area.

- 3.3 Amended plans have since been submitted, which propose the installation of a 1.8m high timber fence along the outer face of the wall, screening the majority of the grey brick work when view from the street. A brick pier would only remain visible on either side of the driveway. The appearance within the street scene would be similar to the original boundary treatment and the height would only marginally increase from 1.75m previously in place to 1.8m. The minimal increase would have no significant effect on the character of the area and the proposed boundary would not appear unduly prominent. The sliding gate is proposed as a powder coated steel 'open slatted' gate. An open design would be acceptable in this setting, preferable to a solid finish, and a condition could be attached to allow for the final design to be approved prior to installation.
- 3.4 The boundary treatment would form part of the backdrop to the Grade II St Nicholas Fountain. As the proposed materials have been amended to better reflect the previous fencing and boundary treatment within the surrounding area, it is not considered the proposal would cause harm to the setting of the listed feature.
- 3.5 Overall, the material finish of the amended scheme is considered acceptable within the conversation area, protecting the existing characteristics and the design would integrate well within the street scene. The Council's Conservation Officer has confirmed that as the proposal is similar to the fencing that was on site previously, the development would not cause harm to the character and appearance of the Conservation Area or the setting of the nearby heritage assets. The proposal therefore complies with Local Plan policies EQ2, NH9, NH11, NH12 and NH15 and the Draft Boundary treatment Supplementary Planning Document.

#### **4. Trees**

- 4.1 The Council's Tree Officer has advised that the vegetation at the front of the property has been maintained as a hedge and is treated as such and so is not subject to the legislation which applies to trees within a conservation area. Therefore, there are no trees relevant to the assessment. The hedge at the front has been pruned back away from the new boundary wall, so any impact by the wall, which follows the foundations of the original boundary, would be minimal. The Councils Tree Officer has raised no objections.

#### **5. Highway Safety**

- 5.1 The fence is similar in height to the previous boundary treatment and will not significantly affect visibility. The proposal includes adding an electronic sliding gate across the existing vehicular access point which is currently open. Cars will have to wait while the gate opens before clearing the highway, due to the context of the site as described below this is not considered to result in a highways safety concern.

5.2 There are double yellow lines on either side of the access point and so there should be no vehicles parked directly adjacent to the site which would affect visibility. The speed limit along this stretch of the road is restricted to 20mph, therefore vehicles travelling along The Serpentine North should be at relatively low speeds. The footway outside the premises is over 3m in width and combined with the existing highways restrictions in place, good visibility splays are maintained when exiting the driveway.

5.3 The proposed entrance is to remain in the same location, however the driveway would be widened from approximately 3m to 3.6m, improving the visibility and pedestrian safety when entering/leaving the site.

5.4 It is not considered that the introduction of the sliding gate would result in any significant harm to highway safety and the proposal would comply with Local Plan Policy EQ3 'Accessibility'.

## **6. Other Matters**

6.1 One of the concerns raised within the objections relates to insufficient information with the submitted West Street View plan, as only the outline of the application property is shown in grey and does not include details. However the application only seeks permission for the boundary treatment and it is considered that sufficient details have been provided to enable an assessment of this element.

6.2 Concern has been raised that the Heritage statement is incorrect in that it states no.108 The Serpentine North is not listed and not considered to be a Non Designated Heritage Asset. However, this committee report acknowledges that No.108 (Blundellsands Hall) is recognised as a Non Designated Heritage Asset and this has been considered in the assessment of the proposal.

## **7 Planning Balance and Conclusion**

7.1 The proposed boundary treatment has been amended to incorporate more appropriate materials for the area. It is considered that the development would not have any significant effect on the character of the Conservation Area, nor would it cause unacceptable harm to the surrounding heritage assets.

7.2 The proposal is considered to comply with the relevant Local Plan policies and is therefore recommended for approval.

## **8. Equality Act Consideration**

Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:



- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

## Recommendation - Approve with Conditions

### Approved Plans

- 1) The development is hereby permitted in accordance with the following approved plans and documents:

686-30 - Location Plan

686-31-C - Existing and Proposed West Street View

Reason: For the avoidance of doubt.

### During Building Works

- 2) Prior to the installation of the sliding gate, details of the proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed in accordance with the approved details.

Reason: To ensure an acceptable visual appearance to the development.

### Ongoing Conditions

- 3) Within three months from the date of the planning permission, timber vertically slatted fencing shall be attached to the outer face of the wall, in accordance with approved plan 686-31-C (Proposed West Street View). The fencing shall be retained in that condition thereafter.

Reason: To ensure an acceptable visual appearance to the development.

4. The sliding gate shall not be installed until the works to widen and reconstruct the existing dropped crossing onto The Serpentine North have been completed, in accordance with works approved under the Highways Act 1980.

Reason: To ensure the safety of highway users.

**Informative**

1. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at [HDD.Enquiries@sefton.gov.uk](mailto:HDD.Enquiries@sefton.gov.uk) for further information.