



# PLANNING STATEMENT

77 KIRKLAKE ROAD, FORMBY, L37 2DA

On behalf of K & M Fairclough



<https://ph-planning.co.uk/>

FEBRUARY 2024



---

## Contents

1	Introduction	03
2	The Site and its Context	04
3	The Proposal	05
4	Planning History	06
5	Policy Context	08
6	Precedents	09
7	Assessment	10
8	Conclusion	12

Page  
| 2

## Photographs

P1-P2	Front boundary treatment to 73 Kirklake Road	13
-------	--	----

## Appendix

A	The Sefton (Kirklake Road, Formby) TPO No. 1 1977	14
---	---	----

Version	Date	Reason for revision
01	24/02/2024	First Issue
02	29/02/2024	Minor amendments

## 1 Introduction

- 1.1 This Statement is submitted to support a planning application for the erection of a 1.8m high brick wall with timber panels/brick wall with vehicular and pedestrian timber gates and a new vehicular crossover to the front boundary of 77 Kirklake Road, Formby.
- 1.2 This Statement considers the key planning policies relevant to the site and the proposed development. It provides an assessment of the proposed development against the policy requirements and puts forward any material considerations that are also relevant to the application.
- 1.3 The application site is located on land designated as Primarily Residential Area on the Sefton Local Plan Policies Map. There is also a TPO which covers the site (The Sefton (Kirklake Road, Formby) TPO No. 1 1977) a copy of which is at Appendix A.
- 1.4 The planning application package includes the following material:
- Completed planning application form and Certificate of Ownership,
  - Location Plan and Existing and Proposed Elevations and Site Plans,
  - Arboriculture Impact Assessment and Method Statement,
  - Planning Statement, and
  - Statutory fee for a planning application.

---

## 2 The Site and its Context

- 2.1 The application property is a two storey detached dwelling with a detached garage located on the south side of Kirklake Road in Formby. It currently includes a 1.1m high brick wall with 1.4m high stone pillars (finished in white) for a vehicular access and a dropped kerb. The wall is located at the back of pavement. It tapers from east to west resulting in the footway being 2.57m wide in the east to 1.27m in the west.
- 2.2 There is one tree (an oak) in the north-eastern corner of the site. This is not the subject of the TPO. An existing elm, which is the subject of the TPO, in the north-western corner is diseased and has a 30-35 degree lean over Kirklake Road.
- 2.3 Kirklake Road includes a variety of front boundary treatments from low brick walls (some with hedging and planting to the rear) to taller brick walls with timber panels. Some of these walls are rendered and painted.

### 3 The Proposal

- 3.1 The proposal includes the demolition of the existing brick wall and pillars to the front boundary and the removal of an elm tree (T2 in the AIA) followed by the erection of a 1.8m brick wall with timber panels and a 1.8m brick wall with vehicular and pedestrian timber gates and a new vehicular crossover.
- 3.2 The proposal is shown on the following drawings submitted with the application:
- 23015/01 Rev B – Existing Ground Plan, Site Plan and Elevations
  - 23015/02 Rev A – Proposed Ground Plan, Site Plan and Elevations
- 3.3 The proposed wall will be 1.05m high with 0.75m high timber panels where it is located at the back of the pavement. Where it is set back from the back of the pavement it will be all brick at 1.8m high. The brick pillars are 1.95m high. The wall will be finished in reclaimed brick to match an existing boundary wall to the side of the dwellinghouse. The gates will be of timber and will be 1.8m in height.
- 3.4 The proposed wall will be located to the back of pavement for 13.8m from the north-eastern corner of the site. From this point it is set back 2m to allow for an appropriate visibility splay for the new vehicular access to where it connects with the existing boundary with no. 79 Kirklake Road.
- 3.5 The side boundary wall with no. 79 is to be replaced from the location of the new front wall to the front of the garage. This will be a 1.8m high brick wall. This is considered to be permitted development under Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 3.6 A new vehicular crossing is proposed onto Kirklake Road to align with the vehicular access point.
- 3.7 A tree is proposed to be planted in the north-western corner of the front garden. This is to replace the elm tree which is to be removed.

## 4 Planning History

### *77 Kirklake Road*

4.1 The following applications, as shown on the Council's planning portal, relate to the property:

- **DC/2024/00274:** Tree Preservation Order Consent for the pruning of No.1 Sycamore Tree (T1) and to Crown lift No.1 Oak Tree (T2) (Lies within TPO 30) – not determined at date of report.
- **DC/2021/01784:** Erection of a detached garage and garden room, following the demolition of existing detached garage – granted 12/10/2021.
- **DC/2020/01617:** Erection of a single storey extension to the rear of the dwellinghouse, following the partial demolition of existing rear extension and outrigger – granted 08/10/2020.
- **DC/2016/00120:** Tree Preservation Order Consent for the pruning of eight no. Sycamore trees to the east side of the property (marked G7 on the attached plan) and removal of 3 no. Sycamore trees (marked G5 on the attached plan) to the west side of the property – granted 16/03/2016.
- **DC/2015/00736:** Erection of a single storey extension at the rear of the dwellinghouse – granted 11/06/2015.

Page  
| 6

4.2 There have been a number of planning applications for similar development on properties in the vicinity of the application site obtained from Sefton Council's planning portal as listed below.

### 73 Kirklake Road

- **DC/2020/01075:** Erection of a new solid rendered boundary wall with piers and railings and access gates to the front of the dwellinghouse (alternative to DC/2019/02120) – granted 09/09/2020.

4.3 In this case the proposal consisted of 1m high walls with 0.8m high timber panels and 2m high piers. The wall runs to the back of pavement and is set back 2m at the vehicular access. The wall is solid (i.e., no timber panels) where it is set back for the visibility splay. The wall is finished in render and painted white.

### 79 Kirklake Road

- **DC/2023/02105:** Alterations to the boundary, gates and new vehicular access to the front of the dwellinghouse – granted 22/02/2024.

4.4 In this case there are no changes to the height of the existing wall. The proposed gates are of a similar height to the existing wall. A dropped down kerb is proposed to the existing eastern access adjacent to the site subject of this application.

### 6 Church Green

- **DC/2023/00186:** Conversion of existing garage including a pitched roof, a single storey extension to the existing dwellinghouse and the erection of a new garage and a fence to the side – granted 12/04/2023.

4.5 The proposed fence to the side of the property is located adjacent to Kirklake Road. It is 3m in height and consists of timber panel with a low concrete plinth and posts.

Page  
| 7

### 32 Kirklake Road

- **N/2005/1149:** Erection of a single storey extension and a 2.2m high boundary wall/fence to the front of the dwellinghouse – granted 23/12/2005.

4.6 The decision notice includes a condition (no. 3) which states 'The brick piers/wall/fence to the Kirklake Road elevation shall not exceed 1.7 metres in height'.



## 5 Policy Context

5.1 In making decisions on a planning application the local planning authority must have regard to the provisions of the development plan, where material to the application, unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town & Country Planning Act 1990). The National Planning Policy Framework (NPPF) (December 2023) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. This is supplemented by the National Planning Practice Guidance (NPPG).

Page  
| 8

5.2 The site is located on land designated as Primarily Residential Area on the Sefton Local Plan Policies Map. There is also a TPO which covers the site (The Sefton (Kirklake Road, Formby) TPO No. 1 1977) a copy of which is at Appendix A.

### *NPPF (December 2023)*

5.2 Paragraph 135 of the NPPF is relevant to this proposal which seeks to ensure that developments:

- function well and add to the overall quality of the area;
- are visually attractive;
- are sympathetic to local character and history;
- establish or maintain a strong sense of place, using materials to create attractive, welcoming and distinctive places to live, work and visit;
- create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life.

5.3 Paragraph 136 of the NPPF is also relevant to this proposal which seeks to ensure existing trees are retained wherever possible and opportunities are taken to incorporate trees elsewhere in developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees.

### *Sefton Local Plan and the Formby and Little Altcar Neighbourhood Plan*

5.4 The Local Plan for Sefton (April 2017) and the Formby and Little Altcar Neighbourhood Plan (November 2019) provides the relevant parts of the statutory development plan for the site and proposed development. Sefton Local Plan (SLP) policies EQ2 'Design' and EQ9 'Provision of Public Open Space, Strategic Paths and Trees' and Formby and Little Altcar NP (FLANP) policies ESD2 'High Quality Design' and ESD7 'Trees and Landscape' are relevant.

5.5 Chapter 9 of the House Extensions SPD relates to walls, fences and other boundary treatments.



## 6 Precedents

- 6.1 As referenced in the 'Planning History' section there has been a very similar proposal granted planning permission in September 2020 at a site 2 properties distant from the application site, at no. 73 Kirklake Road.

Page  
| 9

### 73 Kirklake Road

Application ref. DC/2020/01075 granted 09 September 2020

Erection of a new solid rendered boundary wall with piers and railings and access gates to the front of the dwellinghouse (Alternative to DC/2019/02120).

The Case Officer's Report states:

*'So as to minimise the impact upon the street scene amended plans have now been received which reduce the height of the wall adjacent to the pavement to 1m in height, the wall will then be broken up with wooden panels above to height of 1.8m and piers of 2m with a central gate. The walls adjacent to the driveway access gates will be solid, however they are now set back from the main road by introducing 2m visibility splays which satisfies Highway requirements in relation to pedestrian visibility.'*

*There are other similar walls within the vicinity and the adjacent property, number 71A has a comparable design, with fence panels but in a brick finish. There is also another example of a tall, rendered panelled, front boundary wall not visible from the application site positioned further along Kirklake Road at number 89. Though this does not benefit from planning permission.*

*Overall the proposal as amended is now considered acceptable and to comply with the objectives of policy and if given permission it would not create a significant, negative impact on visual amenity'.*

- 6.2 In this case the proposed wall, where located adjacent to the highway, is 1m in height with timber panels at 0.8m in height and piers at 2m in height. The walls adjacent to the driveway are 1.8m in height and all rendered brick. Photographs P1-P2 show the front boundary treatment to no. 73 Kirklake Road. The heights of the walls at no. 73 are similar to the proposal subject to this application. A key difference is that this application proposal uses reclaimed brick and is not to be rendered and painted.
- 6.3 The proposal at no. 73 was considered to be acceptable in terms of visual amenity and the Report cites other comparable boundary treatments nearby (although acknowledges that some of these do not benefit from planning permission). However, there is a recognition that these type of boundary treatments – 1.8 m walls (some with timber panels) – are part of the character of the area.

## 7 Assessment

7.1 This section will assess the proposal against the relevant policies within the NPPF and the Sefton Local Plan (SLP) and Formby and Little Altcar Neighbourhood Plan (FLANP).

### Design and Character

7.2 As mentioned earlier in this Statement, a similar proposal, at no. 73 Kirklake Road, was granted planning permission in September 2020. That proposal also involved the erection of a 1.8m boundary treatment comprising 1m high wall and 0.8m high timber panels to the back of pavement and 1.8m high solid wall to the driveway. The walls are rendered and painted white. The LPA considered that this proposal complied with the objectives of the relevant policies and would not harm visual amenity.

7.3 In coming to this conclusion the LPA acknowledges there is a mix of front boundary treatments along Kirklake Road which contributes to the varied character of the street scene. This includes 1.8m high brick walls with timber panels, high solid brick walls and high close boarded fence panels.

7.4 This proposal, which comprises a 1.05m high brick wall and 0.75m high timber panels at the back of pavement and 1.8m high brick wall adjacent to the vehicular and pedestrian accesses, is also considered to be sympathetic to the character of the local area and street scene. The use of reclaimed brick is also considered to be an appropriate material to the character of the area.

7.5 The proposal is considered to respond positively to the character, local distinctiveness and form of its surroundings, be of an appropriate scale and height and be of high-quality design using appropriate materials. It therefore accords with the relevant aspects of SLP policy EQ2 and the House Extensions SPD and FLANP policy ESD2.

### Residential amenity

7.6 The proposal does not harm the amenity of the occupiers of the application property and those in adjacent properties in terms of overshadowing, loss of light and outlook, and being overbearing. It therefore accords with the relevant aspects of SLP policy EQ2 and FLANP policy ESD2.

### Highways

7.7 At present the existing wall does not run parallel with the road resulting in a reduction in the width of the footway at the north-western corner of the site to 1.27m from a width of 2.57m at the north-eastern corner. This creates a pinch-point for pedestrians and is below the 2m minimum width set out in the Manual for Streets.

7.8 The proposal includes the provision of a new dropped kerb to a new vehicular access. The proposed boundary treatment is set back 2m either side of the new vehicular access to allow for the required visibility splays. This 2m setback continues to the north-western

corner of the site. Although the land to the front of the gates remains in private ownership, the set back of the wall 2m from its existing location removes the pinch point on the footway.

- 7.9 The proposal does not reduce the amount of curtilage parking and provides separate pedestrian and vehicular access off the highway into the site. The proposal is considered to provide safe and well-designed access for all users and enhances the existing pedestrian network. It therefore accords with the relevant aspects of SLP policies EQ2 and EQ3 and FLANP policy ESD2.

### Trees and landscaping

- 7.10 The application is supported by an Arboriculture Impact Assessment and Method Statement. There are two existing trees, an oak in the north-eastern corner of the site and an elm close to the north-western corner. The elm is diseased and is to be removed. In line with SLP policy EQ9(7) this is to be replaced with a tree located within the front garden as shown on the proposed Ground Plan.
- 7.11 The Method Statement proposes an approach to the construction of the proposed wall which should not affect the root system of the retained oak tree. As such this tree and the visual amenity it provides to the area should not be harmed.
- 7.12 There is opportunity for hedging, shrubs and ornamental plants (or a mix of these) to be provided adjacent to the inside wall of the proposed wall as part of the garden's soft landscaping. The proposal therefore accords with the relevant aspects of SLP policy EQ9 and FLANP policy ESD7.

## 8 Conclusion

- 8.1 The Statement has demonstrated that the proposal complies with the relevant policies within the Sefton Local Plan, including its supporting Supplementary Planning Guidance, and the Formby and Little Altcar Neighbourhood Plan. It has been demonstrated that the proposal is acceptable in that is appropriate to the character of the host dwelling and the character of the area, it does not have a harmful impact on the amenities of the occupiers of adjacent properties, it provides safe access for all highway users and retains, through appropriate mitigation, the visual amenity value of the trees in the front garden of the property.
- 8.2 In line with paragraph 11 of NPPF, as the proposal accords with the relevant policies of the statutory development plan, the presumption in favour of sustainable development should be applied and it is respectfully requested that planning permission is granted for the proposed development.



Photographs P1-P2: Front boundary treatment to 73 Kirklake Road



Page  
| 13



Appendix A: The Sefton (Kirklake Road, Formby) TPO No. 1 1977

THE SEFTON (KIRKLAKE ROAD, FORMBY) TREE PRESERVATION ORDER NO. 1 1977

LOCATION : 49-89 KIRKLAKE ROAD, FORMBY

Statement of Grounds

- a) At the time of the granting of outline planning permission (S/3213) on the site of "Lowcroft", 73 Kirklake Road, Formby on 11 February, 1976, by Sefton M.B.C., the visiting Planning Committee considered that the visual amenity of the area around this site was considerably enhanced by the existence of many mature and semi-mature trees, and therefore authorised the commencement of a Tree Preservation Order to preserve the attractiveness of this section of Kirklake Road.
- b) Following a site inspection by representatives of the Planning and Parks Departments it was decided by the Borough Planning Officer to extend the Tree Preservation Order to include the trees of property numbers 49-89 inclusive.

First Schedule

Trees specified individually - (marked T1 - T10 on <sup>plan</sup>map)  
(encircled in black on the map)

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
T1	Beech	Site of 89 Kirklake Road
T2	Sycamore	Site between No's 71 and 73 Kirklake Road
T3	Beech	Site of 63 Kirklake Road
T4	Sycamore	" " 57 " "
T5	Pine	" " 55 " "
T6	Silver Birch	" " 53 " "
T7	Hawthorn	
T8	Beech	" " 51 " "
T9	Cherry	
T10	Cherry	" " 49 " "

Trees specified by reference to an area - NONE

Groups of Trees (within a broken black line on the <sup>plan</sup>map and marked G1 - G13)

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
G1 comprising	4 Silver Birch, 1 Pine	Site of No. 87 Kirklake Road
G2	2 Beech, 2 Horse Chestnut	" " 85 " "
G3	2 Hawthorn, 1 Sycamore	" " 83 " "
	1 Silver Birch	
G4	2 Monkey Puzzle, 1 Pine, 1 Oak	" " 79 " "
G5	5 Sycamore, 2 Elms	" " "The Elms" "
G6	7 Elms	
G7	14 Sycamore	
G8	3 Alder, 25 Silver Birch	" " 73 Kirklake Road and adjoining property (i.e. between No. 71 & 77)
G9	2 Sycamore, 4 Pine	
	11 Silver Birch, 18 Pine	" " 69 Kirklake Road
	3 Elm, 1 Alder	
G10	2 Alder, 4 Elm	" " 65 " "
G11	1 Pine, 2 Alder	
G12	4 Sycamore	
G13	4 Pine	

Woodlands - NONE



