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## Appeal Decision

Site visit made on 25 October 2016

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 November 2016**

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**Appeal Ref: APP/L3625/W/16/3153243**

**76 Fir Tree Road, Banstead, Surrey SM7 1NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Chris Page-Champion against the decision of Reigate & Banstead Borough Council.
  - The application Ref 15/02823/HHOLD, dated 2 December 2015, was refused by notice dated 29 March 2016.
  - The development is described as the replacing and relaying of the damaged driveway and the construction of two support pillars and a sliding front entrance gate. The site is situated on the south side of Fir Tree Road in a residential area that comprises of a variety of detached house styles some with and some without gates. The existing boundary comprises of 2.5 to 2.7m Laurel, Holly and Hawthorn hedges that form a solid barrier along the road edge and creates a natural break, the addition of the gates would enhance the security to the property and also give some added privacy. The gates would be constructed of grey powder coated aluminium with oak style panel in fills to match the current oak style doors to the house and slide from left to right. The construction of two yellow stock brick pillars to keep in character the existing house brickwork would also need to be constructed and set back 6 meters as advised by surrey county council highways agency to allow to pull in of the highway without restricting traffic flow and to support the gate, an additional bespoke side gate would also be fitted between the right pillar and hedge for pedestrian access and also allow the fitting of a post box.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of vehicle and pedestrian gates at 76 Fir Tree Road, Banstead, Surrey SM7 1NQ in accordance with the terms of the application, Ref 15/02823/HHOLD, dated 2 December 2015, and the plans submitted with it, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250 dated 6 January 2016; Block Plan 1:500 dated 6 January 2016; FRONT GATE undated; Plan 1:50 undated, and; Elevation 1:50 undated.

### Preliminary Matters

2. The development appeared to be complete at the time of my site visit. For the avoidance of doubt I have based my decision on the drawings which accompanied the application. In the interests of clarity and conciseness I have shortened the description of development in the formal decision above.
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## **Main Issue**

3. The main issue is the effect of the proposed development on the character and appearance of the area.

## **Reasons**

4. The Council is concerned that in a street scene where most houses do not have front gates, the siting of the gates and piers in this development so close to the footway, together with their scale and materials would be uncharacteristically prominent and obtrusive. It refers to saved Policies Ho9, Ho13, and Ho16 of the Borough Local Plan 2005 (LP). While Ho16 concerns frontage plots and extensions to dwellings and has less relevance to this proposal, Policies Ho9 and Ho13 require development to promote or reinforce local distinctiveness and to complement the character of the area. They set the maintenance of the character of the area as a prime consideration and seek development which conforms to the surrounding pattern of development.
5. Fir Tree Road is characterised by its continuous, wide, grass verge with mature trees set behind a timber, post and rail fence which runs along one side of the road, and by the generally tall, planted front boundaries of the houses on the opposite side, giving the road a distinctive, expansive, and semi-rural character. Most of the neighbouring houses have retained open entrances to their front gardens, cut through the high, dense hedges on their front boundaries. However, I noted on my visit that many have erected brick piers to mark the openings. I also saw that some houses have erected close-boarded fence or brick wall and railings as front boundary enclosures. I also noted a timber, 5-bar gate, and a metal gate as alternative entrance enclosures.
6. In this distinctive context, the retention of the front hedge is to my mind of primary importance as it reflects the green character established by the wide verge and mature trees on the opposite side of the road. Given the proportion of each front boundary already enclosed by hedges or trees, I do not see how the incorporation of front entrance gates on this site could disrupt the relationship between the front boundaries of the houses and the character of the road described above.
7. Standing in an opening around 4m wide in a boundary 15m wide and with a height of around 1.8m which is markedly less than the height of the boundary hedge which is around 2.4m high, does not give the vehicle gates undue prominence or a disproportionate scale. Their height is similar to the height of the gates at 60 Fir Tree Road. While the vehicle gates and piers are solid, they are set-back 6m from the road and the pedestrian gate is set at right angles to the street, behind the front boundary hedge. These factors diminish the conspicuity of the gates in the street scene. The materials of dark steel framing around oak infill panels with yellow brick piers do not look out of place in relation to the house behind or in the street scene which includes examples of brick piers, and steel and timber gates. I conclude on this issue that the development does not harm the character and appearance of the area, and accords with saved LP Policies Ho9 and Ho13.

### **Conditions**

8. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal, which I have considered in the light of the Planning Practice Guidance. As the development appears complete there is no necessity to apply the statutory time condition. While it is necessary for certainty to define the drawings with which the construction of the development should accord, given the amount of detail in the drawings and the completion of the development, there is no need for a separate condition for materials. The front boundary hedge and surrounding trees appear unaffected by the development. The condition suggested to control their removal or pruning, including those overhanging the site is unnecessary to make the development acceptable, unreasonable in the circumstances, and unenforceable. It has not been applied.

### **Conclusion**

9. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should succeed.

*Patrick Whelan*

INSPECTOR