The Planning Inspectorate

Appeal Decision

Site visit made on 24 April 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 9 May 2017

Appeal Ref: APP/L3815/W/17/3167920
Hall Hurst Close, Loxwood RH14 0BE

- 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 Bob Brennan against the decision of Chichester District Council.
- The application Ref LX/16/01552/FUL, dated 24 April 2016, was refused by notice dated 17 August 2016.
- The development is described as 'a retrospective application for installing entrance gates at Hall Hurst Close, Loxwood. The primary reasons for the gates are to provide protection for the residents and minimise damage to the road surface by unauthorised vehicles. Hall Hurst Close is a private road'.

Decision

1. The appeal is allowed and planning permission is granted for the erection of entrance gates at Hall Hurst Close, Loxwood RH14 0BE in accordance with the terms of the application, Ref LX/16/01552/FUL, dated 24 April 2016, and the plans submitted with it, subject to the following conditions:

    1) The northern gate shall be fixed open at all times. The southern gate shall be either open or ready for opening at all times.

    2) Signs shall be displayed on the southern gate at all times showing priority to traffic entering Hall Hurst Close.

Preliminary Matters

2. I saw during my site visit that the development has been completed.

3. The description of the development given in the heading above goes beyond describing the development carried out. I have therefore taken the description in my Decision from the more succinct version given on the Council's decision notice, omitting details that do not directly describe the development.

Main Issues

4. The main issues are the effect of the development on i) road safety, with particular regard to vehicular and pedestrian movements in Hall Hurst Close and ii) the living conditions of the occupiers of 1 to 6 Hall Hurst Close, with particular regard to noise and disturbance and access to those properties.

Reasons

5. Hall Hurst Close is a private road serving a small modern housing estate of traditional design. It is accessed from the B2133 Guildford Road, the main road that runs through the centre of the village of Loxwood. A pair of timber five-bar gates has been erected at the vehicular entrance to the Close, set

approximately 9m back from the B2133 publicly maintained highway boundary. A latch-operated pedestrian gate of matching design and materials has also been erected across the footway, adjacent to the vehicular gates. The gates, which have maximum height of about 1.64m and a total length of about 5.5m, are of rural style and are generally in keeping with other gates and boundary fences in the local area.

Vehicular and pedestrian movements

6. The gates have been installed principally as a traffic calming measure and to dissuade drivers from entering the Close for parking or turning, due to some residents' concerns about safety and damage to the road. The evidence before me indicates that the vehicular gate closest to the pedestrian gate, referred to as the southern gate, has generally been closed since installation in January 2016. The northern gate has been kept open to allow vehicles to pass into and out of the Close. The southern gate can also be opened in order to allow larger vehicles, such as the refuse lorry, to serve the Close.

7. The Close is sufficiently wide for two cars to pass, and widens slightly towards the junction with the B2133 in the vicinity of the gates. As a result there would be ample space for most cars or vans to pass through the northern gateway without obstruction. There is also adequate space for most vehicles to turn into the Close from the B2133 and wait, should a vehicle be exiting the Close, before continuing through the northern gate. There is also adequate space in the Close for most vehicles to wait to allow vehicles entering free access, although there may be a short delay while the gate is opened for larger vehicles.

8. The southern gate has signs on both sides indicating that vehicles entering the Close have priority. This arrangement limits the likelihood of vehicles waiting on the B2133 to enter the Close. During my site visit no road users other than me entered or exited the Close, and the level of traffic along the B2133 was moderate. I accept that both roads would be busier at other times. However, given that the Close serves only around 20 dwellings, and modest associated movement levels of around 32 vehicle trips are expected to pass through the gates at peak times, significant congestion or queues in either direction are not likely. Furthermore, there is no substantive evidence before me that such waiting has been a significant or regular occurrence since the gates were installed over a year ago.

9. There is reasonably good visibility of both the access to the Close and of the gates when approaching on the B2133, where the road is roughly straight in the vicinity of the Close. There is also reasonably good visibility along the B2133 in both directions when exiting the Close. A 30mph speed restriction is in force through the village.

10. At the time of my site visit both vehicular gates were open and there was no on-street parking taking place in the Close. The pedestrian gate was closed and a wheelie bin partially impeded the footway inside the Close, near the gate. The pedestrian gate represents a barrier across the footway however, it is freely openable by way of a simple lever, it opens in either direction, and it is of adequate width to allow most wheelchairs, mobility buggies, or pushchairs to pass through. The gate itself does not affect the pedestrian footway route directly to and from the Close.

11. In light of the above, I consider that the gates do not have a significant effect on the safety of road users, and I note that the local highway authority raised no significant objections in that regard. I therefore conclude that the development does not have a detrimental effect on road safety, with particular regard to vehicular and pedestrian movements in Hall Hurst Close. I therefore find no significant conflict with Policy 39 of the adopted Chichester Local Plan: Key Policies 2014 – 2029 (CLP), which among other things requires safe and adequate means of access for all relevant modes of transport and provides for safe, easy and direct movement for those with mobility difficulties.

Living conditions

12. The gates are positioned close to the access drive off the Close that serves Nos 1 – 6. When the southern gate is closed somewhat altered manoeuvring may be necessary to enter the drive or leave the Close from the drive. While this could result in some additional engine noise from vehicles as drivers negotiate the access and gates, this would not be significant given the limited number of traffic movements associated with six dwellings, and taken against the background noise environment which includes the significantly busier B2133. While such manoeuvres would be in proximity to residential properties, particularly No 6, the effect would not amount to significant harm to the living conditions of the occupiers of that property or others nearby.

13. Furthermore, the means and route of access to the properties is essentially unchanged and any delay or inconvenience experienced in negotiating the gateway would be minor and would not amount to significant harm to residents' living conditions.

14. I conclude that the development does not have a significant adverse effect on the living conditions of the occupiers of 1 to 6 Hall Hurst Close, with particular regard to noise and disturbance and access to those properties. I find no conflict with Policy 33 of the CLP, quoted by the Council, which is of little relevance as it relates to the provision of new or replacement dwellings. Nonetheless, the appeal scheme is generally consistent with the National Planning Policy Framework, including Paragraph 17, which among other things seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. I have had regard to the various other matters raised by interested parties, including concerns in relation to 'gated communities' and separation, and the height of the gates. The gates are not solid timber and are approximately 1.64m high at the highest point, allowing through and over them. Furthermore one gate will remain fixed open at all times. As a result clear views into Hall Hurst Close are achieved and the estate is not materially separated from the village.

16. Many of the matters raised, such as the gates being unnecessary, that no other roads in the village have gates, damage to vehicles, and restricted access to the green area, principally relate to individual resident's preferences for or against the presence of the gates. This is essentially a matter for private resolution between residents, and unrelated to the planning merits of the scheme upon which basis I must determine the appeal. I conclude that none of

the matters discussed in this section of my decision add materially to the case for or against the appeal.

Conditions

17. I have considered the conditions suggested by the Council. As the development has been carried out there is no need for a condition to specify the plans. A condition requiring the north gate to be fixed open and the south gate to be readily openable is necessary in the interests of accessibility and safety. A condition specifying traffic priority is necessary in the interests of safety.

Conclusion

18. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Catherine Jack

INSPECTOR