



Appeal Decision

Site visit made on 18 September 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 5th October 2017

Appeal Ref: APP/R5510/D/17/3180806

382 Sipson Road, Sipson, West Drayton, London UB7 0HR

- 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 Mohsin Ashraf against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70385/APP/2016/2207, dated 6 June 2016, was refused by notice dated 3 May 2017.
 - The development proposed is the retention of an existing 1.3m high electrically-operated sliding entrance gate, set 250mm away from the street frontage and the retention of a small tool-shed (footprint 0.9m x 1.1m) within the rear garden.
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Procedural Matters

1. The planning application described the appeal development as set out above. The Council's refusal reason however described it as 'Installation of electronic sliding gate to front and shed to rear. (Retrospective)'. I consider that the application better describes the development and have considered the appeal on this basis.
2. The Council's second refusal reason refers to 'the proposed development' being 'contrary to the conditions applied to planning application 17581/APP/2013/812.' It then goes on to detail matters (including fences, walls and parking details) which lie outside of the application under consideration in this appeal. The application was not made directly in respect of the conditions imposed under planning application 17581/APP/2013/812, but in relation to the development described. I have therefore considered the appeal in accordance with the planning application, which was not subject to any subsequent amendments.

Decision

3. The appeal is dismissed insofar as it relates to the retention of an existing 1.3m high electrically-operated sliding entrance gate, set 250mm away from the street frontage. The appeal is allowed insofar as it relates to the retention of a small tool-shed (footprint 0.9m x 1.1m) within the rear garden and planning permission is granted for the retention of a small tool-shed (footprint 0.9m x 1.1m) within the rear garden at 382 Sipson Road, Sipson, West Drayton, London UB7 0HR in accordance with the terms of the application Ref 70385/APP/2016/2207, dated 6 June 2016, so far as relevant to that part of the development hereby permitted and subject to the conditions listed at the end of this decision.

Reasons

Highway Safety

4. I consider the main issue in this case to be the effect of the appeal development on highway safety. The appeal property includes a parking area to the front of the house which is accessed from the rear of a footway alongside the A408. The vehicular entrance is gated, with the gate being electrically operated, and this gate represents part of the appeal development.
5. The A408 through Sipson connects the M4 with the A4 in this area. In Sipson, it has a 20mph speed limit and speed humps to restrict vehicle speeds. A roundabout is situated to the south of the appeal entrance, and a bus stop is located to the north of it.
6. The appeal gate is likely to be opened as a vehicle approaches to enter the parking area. I am not however satisfied that a key fob activator for the gate could be safely operated when drivers approach the appeal site up to and through the roundabout to the south of the entrance. Indeed, I am not satisfied that the fob could be safely used in moving traffic on a Class A road in any event. I saw the gate opening at my site visit. I consider that a vehicle wishing to use the entrance under these circumstances would have to wait on the highway in the area of the appeal property for the gate to complete its opening cycle.
7. If approaching from the south, any waiting vehicle would therefore obstruct its running lane in the carriageway until the gate had opened. Such an obstruction would be in close proximity to the exit from the roundabout. Drivers approaching the obstruction would be likely to be distracted as they complete their roundabout manoeuvre, and obstructed traffic could also quickly back up onto the roundabout at busy periods. Both of these factors would result in a risk of collisions, and I therefore consider that the entrance gate prejudices highway safety conditions in conflict with Local Plan Part Two¹ Saved UDP Policy AM7. From the north, the gate is also likely to increase waiting times on the highway by removing any immediate opportunities to turn into the entrance, particularly if the fob can only be used safely when a vehicle is stationary.
8. In terms of pedestrian safety on the footway, I am satisfied that sufficient visibility is available over the boundary wall and that the entrance gate does not have an adverse effect in terms of highway safety in this regard. The absence of any adverse effect in this manner does not however outweigh the harm that I have already identified.
9. I therefore conclude that the entrance gate has an unacceptable adverse effect on highway safety and that this conflicts with Saved UDP Policy AM7.

Other Matters

10. It has been suggested that the entrance gate is necessary to reduce the incidence of petty crime and vandalism. Whilst this may be the case, I do not consider that it outweighs the adverse impact on highway safety that I have identified.

¹ Hillingdon Local Plan Part Two: Saved UDP Policies: November 2012

11. The planning application included for the retention of a small tool shed within the rear garden at the appeal property. The appellant's representations include photographs of the shed in place. At my site visit, the shed was not in place. The appellant's appeal refers to the possibility of the shed being granted planning permission, even if this is not the case for the gate. In view of all of these matters, I consider that the shed continues to form part of the appeal development.
12. The tool shed, which I consider now to effectively be a proposed development, would be small. The Council does not object to the shed, and it is not referred to in the Council's refusal reasons. There is no evidence of any harm that would result from the installation of the shed, and I can see no reason to dismiss this element of the appeal.

Conditions

13. It would be necessary that the proposed development of the tool shed should be undertaken in accordance with the approved drawings for the avoidance of doubt and in the interests of proper planning. A condition would therefore be required to define the approved drawings.

Conclusions

14. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed in respect of the entrance gate but allowed in relation to the tool shed.

Stephen Roscoe

INSPECTOR

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings, except in respect of the entrance gate shown the drawings:

Location Plan	1
Photos	2
Photos	3
Historical and Proposed to be Retained Plans	4
Historical and Proposed to be Retained Elevations	5
Proposed Shed to be Retained	6
Historical and Proposed to be Retained Sections	7