

Appeal Decision

Site visit made on 22 May 2019

by Julie Dale Clark BA (Hons) DpTRP, MCD DMS MRTPI

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

Decision date: 16 August 2019

Appeal Ref: APP/A0665/W/19/3222777

The Meet, The Village, Burton, Neston CH64 5TQ

- 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 Zaid Dajani against the decision of Cheshire East & Chester Council.
 - The application Ref 18/03192/FUL dated 11 August 2018, was refused by notice dated 10 December 2018.
 - The development proposed is installation of gate.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description is taken from the decision notice in order to be succinct. The descriptions on the planning application form and appeal form are longer and explain in detail the appellant's requirements for pedestrian and vehicular gates.
3. The Council's reasons for refusal include the Cheshire West & Chester Local Plan (Part One)¹ and the Ellesmere Port Neston Borough Council Local Plan². The latter is now deleted. I have therefore based my decision on the policies set out in the Cheshire West & Chester Local Plan (Part One) together with the National Planning Policy Framework³.
4. The Council's reason 1 for refusal refers to the Neston Conservation Area whereas from the Conservation Area plan submitted, the appeal site is within the Burton Conservation Area.
5. The appeal site is within the Green Belt but no dispute with Green Belt policy has been included in the Council's decision or in this appeal. I therefore consider that there are no Green Belt implications for this proposal.

Main Issues

6. I consider that the main issues are:-

¹ Cheshire West & Cheshire Council Local Plan (Part One) Strategic Policies, Adopted 29 January 2015.

² Ellesmere Port and Neston Borough Local Plan, Adopted 2002.

³ Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018 (the Framework).

- whether the proposed gates preserve or enhance the character or appearance of the Conservation Area; and
- the effect of the proposed gates on highway safety.

Reasons

Conservation Area

7. The Meet is a detached house in the Burton Conservation Area. I have therefore had regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected in Local Plan Policy ENV 5 and the Framework. Amongst other things Policy ENV 6 requires development to be sympathetic to heritage assets.
8. The house currently has stone walls and an open gravel driveway. Whilst the gates would not be excessively high, their expanse and design would appear prominent and out of keeping with this village location. Therefore, I do not consider that they would preserve or enhance the character or appearance of the Conservation Area. This would conflict with Policy ENV 5 and the Framework as well as Policy ENV 6.

Highway Safety

9. The Village is a fairly narrow road with no footpath and the gates would be located close to the edge of the road. I can appreciate that the current open driveway is of concern to the appellant given that the family includes young children. I also note that the gates would be electronically operated in order to minimise the need for vehicles to stop on the highway.
10. Amongst other things, Local Plan Policy ENV 6 seeks to protect safe and secure access routes. Policy STRAT 10 includes a requirement for the design and layout of developments to take into account the safety of all road users. I consider that the position of the gates close to the edge of the road could lead to vehicles waiting on the highway which would be harmful to highway safety in conflict with these policies.

Conclusion

11. I have taken all other matters raised into consideration but none alter my conclusion. I conclude that the proposed gates would not preserve or enhance the character or appearance of the Burton Conservation Area and it would have a harmful effect on highway safety. They would conflict with the Framework and Local Plan policies ENV 5, ENV 6 and STRAT 10 and therefore the appeal fails.

J D Clark

INSPECTOR