
Appeal Decision

Site visit made on 6 November 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/T2215/D/19/3236114

Dale Villa, Dale Road, Southfleet, DA13 9NX

- 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 S Dunn against the decision of Dartford Borough Council.
 - The application Ref DA/18/01654/FUL, dated 21 December 2018, was refused by notice dated 6 June 2019.
 - The development proposed is a new front boundary wall and gate.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I saw from my site visit that a wall has been constructed which reflects the plans which were the subject of the previous appeal¹.

Main Issue

3. The main issue is the effect of the proposal on pedestrian and highway safety.

Reasons

4. The appeal site accommodates a two-storey detached dwelling with an open driveway at its southern corner. It has a solid brick wall along the road frontage and has brick pillars on either side of the driveway. The existing wall wraps around the northern boundary with the adjacent property and there is a low wooden fence along the southern boundary.
5. Dale Road is a narrow country road with no pedestrian footway and no street lighting and there are parking restrictions outside the appeal property. The area is predominantly residential in character and there is a village hall, a public house and a primary school close by.
6. The appeal proposal is for a new front boundary wall, railings and gate. The wall would have a low brick base with railings above, interspersed with brick pillars. There would be iron gates enclosing the open driveway. I note that the highways authority have concerns that the access gates would cause cars to stop on the highway and wait for the gates to open, causing an obstruction. However, a suitably worded condition to require the gates to be electronically controlled would address this concern.

¹ APP/T2215/D/18/3193646

7. In terms of visibility, the low wooden fence along the southern boundary with the adjacent dwelling, allows views in a northerly direction for drivers leaving the appeal property. However, when looking southwards, the design of the brick wall, by virtue of its height, together with the size and bulk of the brick pillars and the railings would significantly restrict visibility for drivers exiting the appeal site.
8. The appellant argues that there would be an improvement to visibility above that of the existing wall as railings would be introduced, and that which existed previously, due to the removal of a large shrub. The appellant also states that a condition could be imposed to restrict the height of vegetation to the front of the property. However, this would not address the concerns in relation to the size and height of the front boundary wall.
9. The appellant has also drawn my attention to a planning permission² at Rosedale, Red Street. In that case I note that the highways authority considered that the existing level of visibility would not be reduced. However, from the evidence I have before me, notably the photographs submitted by the Council, the level of visibility is markedly different to the original front boundary treatment. In any event, the fact that similar developments have been granted planning permission is not, on its own, a reason to allow unacceptable development.
10. The appellant also states that other changes to access arrangements of nearby properties have occurred. However, I do not have the full details of these and the proposals in each circumstance are likely to have been different. Therefore, I cannot be certain that they are directly relevant to this appeal.
11. In conclusion, the height of the wall combined with the size and bulk of the brick pillars interspersed with railings, would unacceptably inhibit visibility in a southerly direction for drivers exiting the appeal site. Consequently, the appeal proposal would be detrimental to highway and pedestrian safety.
12. The appeal proposal conflicts with Policies DP3, DP4 and DP5 of the Dartford Development Policies Plan (2017), which seek, amongst other things, the layout and siting of access is acceptable in terms of highway capacity and safety, free flow of traffic, cyclists and pedestrians. I do not consider Policy DP2 relevant as it does not specifically relate to highway and pedestrian safety.

Other Matters

13. I note that representations were made by the Southfleet Parish Council and the Southfleet Residents Association relating to the location of the boundary wall and the colour of the materials. The Council has raised no objection in relation to the location of the boundary wall and I have no evidence before me to the contrary. The Council has also raised no objection to the character and appearance of the CA and I am satisfied that no harm would be incurred for significance of this designated asset. I am also mindful that a condition in relation to materials could be imposed.
14. Whilst I accept that the proposal would offer additional security, there may be other alternative security options that could be explored by the appellant, including the use of CCTV.

² 19/00232/FUL

Conclusion

15. For the reasons above the appeal is dismissed.

Neil Smith

INSPECTOR