



Appeal Decision

Site visit made on 6 January 2020 by Ben Phillips Bsc Msc

Decision by K Taylor BSc (Hons) PGDip MRTPI

An Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/H1705/D/19/3238114

3 Homesteads Road, Basingstoke RG22 5LG

- 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 Dr K Panwalkar against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 19/01809/RET, dated 3 July 2019, was refused by notice dated 9 September 2019.
 - The development proposed is described as "erection of a fence and electrically operated vehicle gate".
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a fence and electrically operated vehicle gate at 3 Homesteads Road, Basingstoke RG22 5LG in accordance with the terms of the application, Ref 19/01809/RET, dated 3 July 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P01A, P02A.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. This is a retrospective application; the fence and gates are already in place on site. In the formal decision the reference to the application being retrospective has been removed as this is not part of the development.

Main Issue

4. The main issue in this case is the effect of the vehicle gate on highway safety.

Reasons for Recommendation

5. Homesteads Road is a quiet, residential, suburban thoroughfare bounded on both sides by detached dwellings of varying scale design, set back from the road by front gardens and off street parking areas.
6. The fence is of a height above the eye level of a driver of a typical car but replaces a hedgerow of approximately the same height. The Council have not raised issue with visibility, and I have no reason to disagree with this.
7. Drivers emerging from the appeal site need to take account of people on the footway. The height of the fence is likely to encourage exiting drivers to do so

cautiously. Whilst the footway at this point is narrow, the potential for harmful conflict between pedestrians and exiting vehicles is limited.

8. Whilst the submitted documents confirm that the gate opens electronically and slides behind the fence, its position relative to the carriageway means that an average-sized vehicle waiting for it to open obstructs the footway and part of the highway. However, as the appeal site contains a single dwelling, vehicle movements are limited in frequency. The duration of any obstruction is also likely to be limited, even were the gate to be opened manually. There is also little to indicate that Homesteads Road accommodates substantial numbers of pedestrians or vehicles.
9. Moreover, the visibility levels are more than adequate in the event that pedestrians were to stray onto the carriageway, or cars delay their entry into the site to avoid obstructing the footway, despite the curve in the road at this point in approaching the junction with Kempshott Lane (called 'Old Kempshott Lane' by the Council). In addition, drivers naturally slow when approaching the junction and such a hazard is not wholly unanticipated given the residential character of the road and number of similar front gates along Homesteads Road.
10. I acknowledge that the space available between the gate and footway is not optimal. In addition, it is noted that there have been recent accidents at the junction of Homesteads Road and Kempshott Lane. But given the specific circumstances of this case I find that the location of the gate and fence do not present an unacceptable risk to the free flow of traffic and therefore pedestrian or highway safety. I therefore conclude that the proposal accords with the design and highway safety objectives of Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029 and part 9 of the National Planning Policy Framework 2019.

Conditions

11. A Condition has been suggested by the Council requiring the external surfaces of the development to be finished in materials to match the existing building. Given the nature of the development, this is not necessary. Similarly, given that the development is retrospective, the start date condition is unnecessary, however a condition setting out the approved plans is required in the interests of clarity.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR