



Appeal Decision

Site visit made on 16 March 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/K3415/W/19/3243673

Junctions of Keepers Road with Walsall Road, Endwood Drive with Rosemary Hill Road and Park Drive with Rosemary Hill Road, Little Aston Park, Little Aston, Lichfield

- 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 LAPRA Ltd against the decision of Lichfield District Council.
 - The application Ref 19/00550/FUL, dated 15 April 2019, was refused by notice dated 6 September 2019.
 - The development proposed is erection of 3 sets of security gates, CCTV and associated facilities.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the header above is taken from the appeal form and Council's decision notice rather than from the application form and more accurately describes the development as shown on the appeal plans. As it is used by both main parties, I am satisfied that my assessment of the appeal on the basis of the above description would cause no injustice.

Main Issue

3. The main issue is the effect of the development on social cohesion.

Reasons

4. Keepers Road, Park Drive and Endwood Drive are access and egress points for vehicles, cyclists and pedestrians to Little Aston Park (LAP). Signs at the junctions of these roads with the public highway state that they are private, for residents only and that cycle and vehicles are not allowed entry except for access to properties. As well as the accesses that constitute the appeal site, LAP is also served by Roman Road and Talbot Avenue that connect to the public highway.
5. Core Policy 3 of the Lichfield District Local Plan Strategy 2015 (LPS) requires development to contribute towards the creation of sustainable communities by, amongst other things, promoting social cohesion and inclusion. This policy accords with the National Planning Policy Framework (the Framework) which looks to ensure development creates places that are inclusive. These policies make no distinction between private and public elements of the built

environment or indicate that social cohesion and inclusion aims do not apply to private residential estates.

6. Whilst they would be set back from the road, the proposed gates would be seen from the public highway when standing directly in front of the accesses. The gates would stretch across the width of the roads and so would have a marked, albeit localised visual effect. The vehicular gates would remain shut unless activated to open by approaching drivers and so it is likely they would be closed for significant periods. The pedestrian gates would be left unlocked but this would not necessarily be apparent to passers-by. For these reasons, the gates would appear as imposing physical barriers at odds with the policies that aim to promote social cohesion and integration.
7. The existing signs at the accesses and limited rights of entry onto LAP already adversely affect the level of inclusivity of the estate. Also, the proposal would not impact on any rights of access to residences, the Little Aston Golf Club or St Peter's Church. Nevertheless, the introduction of the proposed gates would further emphasise a sense of segregation between the properties on the private roads and the surrounding area. The existence of other unobstructed accesses onto LAP would not address the increased sense of separation and exclusivity that would be caused by the proposal at the 3 access points that make up the appeal site.
8. As such, I conclude that the development would cause harm to social cohesion by reason of an increased sense of segregation. Consequently, and in this regard, it would be contrary to Core Policy 3 and policy BE1 of the LPS as well as the Framework. These all aim, amongst other things, to promote social cohesion and inclusion. LPS Core Policy 2 is referred to in the Council's refusal reasons but contains no provisions directly relevant to this main issue.

Other Matters

9. The appeal site lies in Little Aston Conservation Area (CA) which gains its significance partly from the range of architecturally interesting buildings and their verdant setting. The development would have only a localised visual impact and gates to individual private properties are common in the area. As such, the proposal would preserve the character and appearance of the CA. Moreover, the development would not cause harm to any trees or prejudice highway safety or access to LAP by emergency vehicles. However, acceptability in these regards is a neutral factor in my assessment that fails to address or override the concerns in relation to the main issue.
10. Reference has been made to other gated communities and properties within the locality and elsewhere. No details have been provided on the circumstances that has led to these developments and this appeal needs to be assessed on its own merits against relevant current planning policies. As such, the referred to developments have little influence on my assessment of this appeal.
11. The appellant refers to a transport consultant's review that identifies Keepers Road, Endwood Drive and Park Drive as being unsuitable for any significant volume of traffic and consequently recommends that these roads are gated to control movements. However, no substantive evidence has been provided that demonstrates how the gates would affect traffic flows on these roads or how any affect would be beneficial to highway safety. As such I attach only limited weight to this factor in my assessment.

12. The proposal would help address unauthorised access onto LAP and would alleviate the fear of crimes such as burglary taking place on the estate. However, there is limited evidence that demonstrates the development would have any meaningful effect in reducing crime in LAP given the presence of other access points and it is noteworthy that the Police Architectural Liaison Officer does not explicitly support the proposal. Furthermore, whilst paragraph 91 of the Framework seeks to achieve safe places, it also aims to ensure that crime and the fear of crime do not undermine community cohesion. As I have found it would harm social cohesion, it follows that the proposal would not fully accord with the Framework irrespective of any effect it may have on reducing the fear of crime and criminal activity. As such, I attach only limited weight to the benefits of the proposal in this regard.
13. I have noted the other points made in support of the appeal but these do not either singly or in combination lead me away from my conclusion. Overall, the benefits of the proposal are limited and insufficient to outweigh the harm that would be caused to social cohesion by reason of an increased sense of segregation.

Conclusion

14. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR