

Appeal Decision

Site visit made on 8 September 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/K3605/D/20/3249904
The Cottage, Byfleet Road, Cobham, Surrey KT11 1DS

- 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 Simon Banks against the decision of Elmbridge Borough Council.
 - The application, Ref. 2019/3117, dated 4 November 2019, was refused by notice dated 10 January 2020.
 - The development proposed is entrance gates to a height of 1.8m (retrospective application).
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Decision

1. The appeal is allowed and planning permission is granted for entrance gates to a height of 1.8m at The Cottage, Byfleet Road, Cobham in accordance with the terms of the application, Ref. 2019/3117, dated 4 November 2019, subject to the condition that the development shall be carried out in accordance with the following approved plans: Drawing Nos. 18146-003; 18146-004 Rev. A; OS based Location Plan; OS based Block Plan.

Main Issue

2. The main issue is the effect of the use of the entrance gates on the safety and convenience of users of Byfleet Road.

Reasons

3. The Council's refusal of the appeal application followed consultation with the County Highway Authority ('the CHA'). The latter referred to the status of Byfleet Road as a major A class road (A245) and the presence of the A3 Painshill junction and the Seven Hills Road junction as contributing to significant congestion during peak hours. In this context the CHA considers that any new gate should have a minimum 7m setback from the road to avoid the possibility of vehicles having to wait either on the carriageway or the footway for the gates to open to allow entry. Such waiting would be a risk to both highway safety and capacity.
 4. However, whilst I understand the CHA's concern that such a setback is necessary to cater for any vehicle seeking access to the property, I saw on my visit that The Cottage already has a vehicular entrance on the eastern flank adjoining 'Buntings' the neighbouring dwelling.
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5. This entrance is kept open and noticeably wider than the disputed gates adjoining the western boundary of the plot. For this reason, I accept the appellant's view that it would normally be used by drivers entering the property given the easier turning manoeuvre and greater convenience. As the appellant says, it is the obvious entrance to use for all vehicles entering the site and the new gates and crossover simply provide a convenient way to leave without the need to either turn around on the driveway or reverse out onto Byfleet Road. The rather limited space on the driveway at the front of the dwelling tends to support this argument.
6. I acknowledge that such an arrangement cannot be practically or reasonably enforced and cannot therefore be the subject of a condition. There is therefore a possibility that, despite their relative inconvenience, the new gates are sometimes used to gain access. However, in those circumstances I take the view that the automatic opening with its 15 second opening time would mitigate the adverse effect on traffic flow on Byfleet Road to the extent that it would be unlikely to cause significant congestion or hazard.
7. On the main issue I conclude, on balance, that the gates would not have an adverse effect on the safety and convenience of users of Byfleet Road. Accordingly, there would be no harmful conflict with Policy DM7 of the Elmbridge Development Management Plan 2015; the Surrey Transport Plan 2011-2026, and the National Planning Policy Framework 2019.
8. I shall therefore allow the appeal. Although the gates have already been installed, I consider it appropriate to impose a condition to link the permission with the submitted plans in the interests of clarity and certainty.

Martin Andrews

INSPECTOR