



Appeal Decision

Site Visit made on 17 May 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2021

Appeal Ref: APP/C4235/W/21/3268799

86A Higher Bents Lane, Bredbury, Stockport SK6 2JP

- 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 Tony Procter against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/077970, dated 4 September 2020, was refused by notice dated 28 January 2021.
 - The development proposed is the installation of an electric sliding gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of conciseness, I have utilised the description of the development from the decision notice, which has also been utilised by the appellant on the Appeal Form.
3. The submitted plans also include a separate pedestrian gate. The main parties are in agreement on this and I have therefore considered this appeal relating to the electric sliding gate.

Main Issue

4. The main issue is the effect of the appeal development on highway safety.

Reasons

5. The appeal property is a detached house which has a vehicular access from Higher Bents Lane, a classified road (A6017). The surrounding properties are predominantly residential, some of which are set back from the road and have parking areas to the front. The appeal development is for a sliding electric gate. The width of the vehicular access would broadly remain the same as the existing access, although the gate posts have been rendered.
6. The existing front boundary at the appeal property, other than the gate posts and access points, comprise of a low stone boundary wall on the back edge of the footway, which combines with a hedge that sits just to its rear. The electric gate sits slightly behind this boundary to allow for it to slide into its open position.
7. The Council are concerned the electric sliding gate is not set back sufficiently to allow for vehicles to wait off the highway whilst the gate opens. However, the appellant states that the gate is automated, and vehicles registered at the property are tracked allowing the gate to open well in advance of a vehicle's

arrival. Although various safeguards have been set out by the appellant, including a battery back-up in case of power loss and the gate remaining open in case of a delayed arrival of a vehicle due to traffic, it is not clear how vehicles which are not registered at the address, such as visitors or indeed those undertaking deliveries would be able to access the site. Although reference has been made to the gate being left open during set hours, and regular visitors being provided with user accounts, in my experience, deliveries and visits are often unpredictable so there would be times that visiting and deliveries would occur when the gate was closed.

8. In such circumstances, vehicles would overhang the carriageway and footway and result in an obstruction. Higher Bents Lane is a busy classified road, which from my site observations was carrying a significant volume of traffic. Vehicles waiting to enter the site would be hazardous to those vehicles and other highway users travelling along Higher Bents Lane and be detrimental to highway safety.
9. The appellant has stated that the opening of the gate provides advance notification to pedestrians and cyclists of when a car is due to arrive. However, such users are able to clearly see vehicles on Higher Bents Lane, and similarly, drivers of vehicles turning into the access are able to see other highway users.
10. Reference has been made to the automated gate subject of this appeal development being better than manual gates up to 1m in height which can be erected without planning permission. I have not been provided with any further details of such a scheme or of the old manual gates that were said to have been fixed to the posts. Whilst I accept, as the appellant states, that opening such a gate manually would cause traffic to build up, I have found that that the automated gates may also result in vehicles having to wait on the highway and I have therefore given this fallback position limited weight in this decision.
11. I appreciate the site has always been accessed from Higher Bents Lane and that vehicles can turn within the site. I also note the appellant's desire for privacy and security through the provision of the gate, but do not consider that the occupier's personal requirements outweigh public safety.
12. I therefore conclude that the appeal development has a harmful effect on highway safety. It is contrary to Development Management Policy T-3 and Development Management Policy SIE-1 of the Core Strategy DPD, which I consider to be of most relevance to this appeal proposal. These seek, amongst other matters, development that is of a safe and practical design.

Other Considerations

13. The appellant has stated that they were not aware that planning permission was required and searched the history of properties nearby that had gates over 1m in height. I can however confirm that I have determined the appeal on its own merits.

Conclusion

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

F Rafiq INSPECTOR