



Appeal Decision

Site Visit made on 17 August 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/M2270/W/21/3274063

Land north of Santer House, Red Oak, Hawkhurst, Kent TN18 4QR

- 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 Park Lane Group against the decision of Tunbridge Wells Borough Council.
 - The application Ref 21/00376/FULL, dated 3 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is the erection of automatic vehicle entrance gates.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of automatic entrance gates at land north of Santer House, Red Oak, Hawkhurst TN18 4QR in accordance with the terms of the application, Ref 21/00376/FULL, dated 3 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and shall be retained as such thereafter:

Site Location Plan and Block Plan - 6435/21/LBP

Proposed Entrance Gates - 6435/3/D

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal relates to the entrance of a new development of nine houses which is currently under construction. The site is at the northern end of Red Oak, a relatively narrow residential cul-de-sac that drops in gradient towards the site.

¹ National Planning Policy Framework (2021)

5. Despite the narrowness of the road, the houses are set back from the plot frontages and boundary treatments are kept relatively low. The grassed area around Santer House, which adjoins the appeal site, is not enclosed. As a result, Red Oak has an open character to it.
6. In contrast, the new housing development appears to be a higher density development with a courtyard layout and so does not directly reflect the prevailing pattern of development. The approved boundary and entrance arrangements to the site creates a slight sense of separation between the new housing development and the existing properties along Red Oak. However, by virtue of their open railing design, the proposed vehicular entrance gates would not noticeably increase this sense of separation. Indeed, by matching the design of these proposed gates to that of the approved pedestrian gate, there would be continuity in appearance across the site's frontage.
7. Given that the site is at the end of a cul-de-sac, is at a lower ground level than the prevailing built form and that the road has a slight curve in its alignment, the proposed gates would not be widely seen from much of Red Oak nor would they be particularly prominent within the wider context. I therefore find, taking all of the above into account, that the proposal is of an acceptable design and would not harm the character or appearance of the area.
8. As such, the proposal would accord with Policy EN1 of the Local Plan², Policy 4 of the Core Strategy³ and Policy HD4 of the Neighbourhood Plan⁴, which amongst other things, seek to ensure that developments have regard to their context and character and create safe environments. The proposal would also accord with the Framework, in particular paragraph 130, which amongst other things, supports development which is sympathetic to local character.

Other Matters

9. Both main parties have commented on the issue of crime prevention and the effectiveness of various deterrents. Whilst the perception of crime can be a material consideration, it is not clear what the incidence of crime is in the area. Furthermore, the development is under construction and therefore at this stage there is no way of knowing what any future residents' perception of crime may be. Therefore, the weight I can attach to this issue would be limited.
10. The Council and interested parties are concerned about the build-up of vehicles at the entrance to the site and the potential impact this could have on the highway, pedestrian safety and on the quality of existing residents' living conditions. However, given that the site is at the end of a relatively quiet cul-de-sac and comprises only nine houses, the number of vehicles waiting at the gates at any point would be low. Any impact on the highway or neighbours' living conditions would therefore be equally limited. There would be a separate entrance for pedestrians to avoid conflict with vehicles. The proposed gates would also help to ensure vehicles are travelling slowly at this point, which would further minimise the potential for any conflict. The Council suggest the use of an attendant would manage the flow of traffic into the site more effectively. Aside from questions of practicability and viability, I do not see how this would necessarily be more effective than automatic gates nor would it

² Tunbridge Wells Borough Local Plan (2006)

³ Tunbridge Wells Borough Local Development Framework – Core Strategy Development Plan document (2010)

⁴ Hawkhurst Neighbourhood Plan (2018)

have any bearing on the number of vehicles wanting to enter the site. However, as I consider the gates to be acceptable, it is not necessary to consider such alternative options further.

Conditions

11. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans, and that the development be implemented, accordingly. I consider it important that the gates remain of an open design, so as to not unduly harm the character and appearance of the area. Therefore, this condition also requires their retention. Any future installation of gates that might be of a different form and profile would thereby require the benefit of planning permission.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions above.

Stewart Glassar

INSPECTOR