

Appeal Decision

Site visit made on 13 September 2021

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021.

Appeal Ref: APP/N0410/W/21/3271963

Farnham Park House, Kemsley Chase, Farnham Royal SL2 3LU

- 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 & Mrs Ryan against the decision of Buckinghamshire Council.
 - The application Ref PL/20/3489/FA, dated 15 October 2020, was refused by notice dated 7 January 2021.
 - The development proposed is for the erection of new 2m high front entrance gates with pedestrian gate access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of new 2m high front entrance gates with pedestrian gate access at Farnham Park House, Kemsley Chase, Farnham Royal SL2 3LU, in accordance with the terms of the application Ref PL/20/3489/FA, dated 15 October 2020, subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev B, 002 Rev A, 003 Rev A, 004 Rev A and 005 Rev B.

Main Issue

2. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises a large detached house in a private residential estate, accessed off Farnham Park Lane which itself is characterised by a variety of front boundary treatments, including solid timber gates. Kemsley Chase is quite varied in its architecture and there are examples of hard boundary treatments adjacent to the road, of a height in order to provide privacy to their respective occupants.
4. The appeal site is in a prominent location at the entrance to the road where it turns in an easterly direction, with its front garden area bounded by an evergreen hedge. The gates would consolidate the enclosed nature of this, but

Farnham Park House would remain an imposing focal point in the road and I consider that by virtue of their simple design, that they would not harm the character or appearance of the area.

5. Consequently I consider that the proposal would not be detrimental to the open and spacious character of the locality, neither would it appear intrusive or unduly prominent within the street scene.
6. I note third party concerns with regard to a restrictive covenant, I have not been provided with a copy of this, but it would constitute a civil matter and therefore it is not a determining factor in this appeal.
7. In conclusion I consider that the proposed gates would not give rise to demonstrable harm to the character and appearance of the area and the proposal complies with Policy EP3 of the South Bucks District Local Plan which states that development will only be permitted where its scale, layout, siting, height, design and external materials are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Furthermore I also find that the proposal complies with the South Bucks District Council Residential Design Guide Supplementary Planning Document which, amongst other things, states that the choice of boundary treatments should be appropriate to their surroundings.

Conclusion and Conditions

8. Therefore, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
9. Other than the standard time limit condition, the Council recommends that a condition is imposed that requires the development to be carried out in accordance with the approved plans and the Buckinghamshire Council Guide Note entitled "Private Vehicular Access within the Public Highway". I have not been provided with a copy of this document, but I note from the Local Highway Authority's response that notwithstanding the fact that the gates would be less than 5m from the edge of the highway, they raise no objection on highway safety grounds. I have been given no substantive reason to come to a different conclusion on this and therefore have not made reference to the Guide Note in condition no2 above. In the interests of the character and appearance of the area, it is however necessary to require the development to be carried out in accordance with the proposed plans.

C J Tivey

INSPECTOR