



Appeal Decision

Site visit made on 1 March 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/B1930/D/21/3288993

90 Tippendell Lane, Park Street, St Albans, Herts AL2 2HD

- 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 Andy Smith against the decision of St Albans City Council.
 - The application Ref 5/21/2320, dated 2 August 2021, was refused by notice dated 4 October 2021.
 - The development proposed is erection of wall and gate to front boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It is clear from the evidence that the proposal is sought retrospectively to retain the wall and gate as built. The Council dealt with the application on this basis and I have done the same.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area, and ii) traffic flow and highway safety.

Reasons

Character and Appearance

4. Residential properties line the southern side of Tippendell Lane, with open fields to the northern side. The dwellings are detached and individual in style, ranging from modest bungalows to larger two storey dwellings. The dwellings are generally set well back into their sites on a consistent front building line. Most of the areas to the front of the dwelling are hard surfaced driveways, with some smaller areas of soft landscaping.
5. The frontages of the dwellings are, in general, quite open. Some properties have no front boundary. Others have an open driveway with low walls to the remainder of the frontage. Some properties have hedges and/or trees marking the boundary. There are also a few dwellings with detached garages to the front of the site, a couple of which are close to the frontage and form a de facto part of the boundary. The only gates visible were wooden field gates to a few dwellings, but these were all open at the time of my visit.
6. The development at No 90 comprises, to one side of the frontage, a rendered wall painted light grey with three pillars, between which is solid dark grey timber panelling. A hedge has been planted in front of the wall. The other side of the frontage contains a solid, sliding, metal gate in dark grey. Fencing of

similar height and colour returns down the side boundary with No 88, with taller, timber panel fencing to the other boundary with No 92.

7. I recognise that there is variety to the frontages along Tippendell Lane, with some more enclosed than others by their front boundary treatment. Given the occasional tall hedgerow and detached garage along the lane, the taller boundary wall, in and of itself, is not wholly uncharacteristic in its height, and although the materials differ from the prevailing use of red brick, the growth of the hedge in front has been effective in mitigating its visual impact in the street scene.
8. The same can be said of the side boundaries, as I saw a variety of walls, fences, trees and hedges of varying heights, solidity and length between the dwellings along the lane. There is less of an open view across the front driveways of the lane as a result, though some properties have minimal divisions between them which reinforces an open character in places.
9. However, the gate is not concealed by the hedge at the front and this forms a particularly conflicting feature of the development as no other dwelling has a tall, solid gate, each being at least partially seen through their open front driveways, even those with field gates. Instead, the gate, wall and side boundary fencing together create an imposing barrier around the front of the site which contrasts with the more open arrangements elsewhere along the lane. The contemporary design of the boundary treatment also appears jarring when seen next to open frontages or natural boundary treatments, and further conflicts with the more traditional design of the bungalows within the lane. The result is an uncharacteristic and incongruous boundary treatment which fails to respect the surrounding context.
10. The appellant refers to several examples of boundary walls and gates installed at other properties. However, these are located some distance away on different streets or within a separate part of Tippendell Lane. As a result, they are set within different surroundings with different patterns to the built form. As such, they are not part of the immediate context of the appeal site, and I afford limited weight to these examples as supportive precedents for the appeal scheme, which I have considered on its own merits.
11. The appellant also states that the wall and gate are an improvement on the previous overgrown hedgerow and dead tree. However, there are several examples of trees and hedges forming part of the boundaries of neighbouring properties. Therefore, the previous boundary treatment would not have been uncharacteristic of the street scene. Moreover, the overgrown state of the hedge could have been addressed through maintenance rather than removal. Therefore, this is a consideration attracting very limited weight.
12. For these reasons, I conclude that the appeal scheme forms an uncharacteristic and visually strident boundary treatment that harms the character and appearance of the area. This conflicts with Saved Policies 69 and 72 of the St Albans District Local Plan Review 1994 (the Local Plan), which together require developments to be visually attractive, designed to a high quality and to maintain or enhance the character of the area, having regard to the surrounding context. There would also be conflict with the similar aims of the National Planning Policy Framework (the Framework) to achieve high quality design in all developments.

Highway Safety

13. Tippendell Lane leads from a roundabout on the A405 North Orbital Road and is classified as a local distributor road. Hertfordshire County Council (HCC) as the local highway authority comments that the road is used by a high volume of traffic and is particularly sensitive during the morning and evening peaks from Monday to Friday. A 30mph speed limit is in force, but I saw that the relatively straight alignment of the road outside the appeal site meant some passing traffic appeared to be travelling faster than the posted speed limit. Indeed, the appellant refers to vehicles '*speeding along Tippendell Lane, well above the speed limit.*'
14. The Council's concern relates to the setback of the gate, which is given as 2.8 metres from the carriageway. The Council points to the Roads in Hertfordshire: Highway Design Guide (3rd Edition) which states that gates must be set back a minimum of 5.5 metres to allow for a vehicle to safely clear the carriageway whilst waiting to open the gate.
15. The setback in this case falls well short of that advocated by the Council's guidance. A vehicle waiting to enter the site would overhang the carriageway and pose an obstruction to oncoming traffic that could encourage unsafe passing manoeuvres, particularly if vehicles are approaching at speed as is indicated to occur. Similarly, a visitor or delivery to the dwelling who cannot enter due to the closed gate would have to park on the road, either fully on the carriageway or mounted on the footway. This would cause a further obstruction to drivers and pedestrians.
16. The appellant states that the gate operates on a sensor which has a range of up to 25 metres, and can therefore begin opening before a vehicle arrives at the entrance. However, 25 metres is not a significant distance, and would represent only a matter of seconds in real time. Moreover, I have no evidence as to how long the gate takes to open. There is also the risk that a fault with the sensor or the opening mechanism itself could cause unforeseen delays to a vehicle accessing the site, prolonging the obstruction or resulting in on-street parking if issues are not immediately rectified.
17. I accept that no evidence has been put to me of an incident occurring since the gate was installed. However, it seems to me that the general absence of gates to other properties along the lane is not a coincidence but reflects the fact that traffic must clear the carriageway quickly. The absence of on-street parking is a further indicator that the speed and volume of traffic along the lane is significant. Having regard to the comments of HCC, and my own observations, I find there to be a demonstrable risk to highway safety as a result of the development. This risk is not sufficiently reduced by the absence of an incident in the short period the gate has been in place. Nor has the appellant provided evidence to demonstrate why the 5.5 metre setback advocated by the Council's guidance document could not be achieved at the appeal site.
18. For these reasons, I conclude that the appeal scheme poses an unacceptable risk to highway and pedestrian safety. This conflicts with Saved Policy 34 of the Local Plan, which states that improvement of an access onto the public highway will not normally be permitted unless acceptable with respect to, among other things, road safety. There would also be conflict with the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

19. The appellant indicates that the wall and gate were erected as a security measure to prevent theft of tools and trespass on the site. The wall is also stated to provide some attenuation of traffic noise on Tippendell Lane.
20. I understand the desire to safeguard the property against theft; however, this could be achieved in a number of ways, including different forms of boundary treatment. I have no detailed evidence as to whether other security measures have been considered or put in place. Therefore, whilst the improved security the wall and gate provide is a benefit of the scheme, I am not persuaded that this is the only means by which the property could be secured. Therefore, I afford only limited weight to this benefit.
21. Noise attenuation could also be achieved by other means and it has not been demonstrated that other options have been considered or discounted. Moreover, I have no details before me of the actual noise from the traffic to determine if it is at a harmful level, nor details of the effectiveness of the wall in attenuating noise. As such, I afford only limited weight to this as justification for the development.

Conclusion

22. The appeal scheme conflicts with the development plan, taken as a whole. Material considerations do not indicate that permission should nevertheless be forthcoming in spite of this conflict.
23. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR