

Appeal Decision

Site visit made on 11 March 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref. APP/C1570/D/22/3291182

4 Bishops Green, Barnston, Dunmow CM6 1NF

- 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 Antony Barrington against the decision of Uttlesford District Council.
 - The application ref. UTT/21/2847/HHF, dated 13 September 2021, was refused by notice dated 12 January 2022.
 - The development proposed is "Section 73A Retrospective application for the erection of replacement gates".
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the proposed works provided on the planning application form has been updated by subsequent documents. In the heading above I have adopted the version found in the Council's decision notice as it more concisely describes the proposal before me.
3. The planning application was submitted retrospectively based on the details provided at section 4 of the application form. In February 2021, the appellant says he took off the old wooden gates and put metal gates up in their place.
4. There are in fact 2 separate sets of metal gates of similar size and appearance at the appeal property; both are annotated on the block and location plans and photographs of each of them appear to have accompanied the planning application. However, in an exchange of correspondence after my site visit, the appellant has clarified that the planning application was only concerned with the remotely controlled, sliding metal gates at the front of the house. This has not been disputed by the Council. I shall determine the appeal accordingly and on the basis of the design and position of the development as it exists on site.
5. I was able to observe the opening and closing of those front gates on my visit.

Main issues

6. The main issues are the impact of the replacement gates upon the character and appearance of the locality and highway safety.
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Reasons

7. The appeal property is a semi-detached house located in the countryside to the south-west of Barnston. It stands on a corner plot at the junction between High Easter Road and Proverbs Green Road. The subject black-coated metal gates stand at the vehicular entrance to the front of the site, slide on wheels, are sited about 2m from the back edge of the carriageway and are about 1.64m above ground level at each end rising up to about 1.91m high at the centre.
8. Whilst there are several dwellings located in the near vicinity of this road junction, the surroundings of the appeal site are resolutely rural in character. I have limited information about the former wooden gates but they appear to have been located in the same place as the replacement gates, whilst High Easter Parish Council says that they were wooden 5-bar gates. By reason of their imposing and harsh solid design, black-coated metal construction and overall height, I am afraid that the replacement gates verge on being industrial in character to the extent that they would struggle to blend in with many urban locations, never mind one as rural as this. They occupy a prominent roadside site and amount to an incongruously intrusive feature in this otherwise pleasant rural street scene. I consider that the subject replacement gates do not represent a visually attractive solution that adds to the overall quality of this area. Rather, they fail to complement or enhance the character and appearance of the street scene and the rural setting of the site.
9. I have taken into account the height, form and appearance of the replacement gates in relation to the other frontage treatments found in the immediate surrounding area. In this regard, the development unfavourably contrasts with the open frontages of nos 1, 2 and 3 Bishops Green where no entrance gates have been installed and with the timber gates at Garnetts Wood House which reach only about 1.77m high at the centre, have an open design towards the top and are sited about 7.5m back from the edge of the road. Those timber gates do not therefore appear out of place in this rural location. There are other examples of tall metal gates further afield closer to Barnston but they are not directly comparable in terms of appearance as they have more open, railing-type designs. I have no information about the planning history or lawfulness of the solid metal gates at the rear of the appeal property.
10. I find on the first main issue that the replacement gates are harmful to the character and appearance of this rural locality. As the development is not appropriate to this rural area and its design, appearance and materials fail to be compatible with the treatment to vehicular entrances at surrounding buildings, there would be conflict with the aims of Policy S7 (The Countryside) and Policy GEN2 (Design) of the Uttlesford Local Plan 2005 (LP). The scheme does not respect the guidance in the National Planning Policy Framework (the Framework) insofar as it relates to achieving well-designed places and recognising the intrinsic character and beauty of the countryside.
11. The Highway Authority (HA) objected on the basis that the subject gates are within 6m of the back of the carriageway. The HA said that this would result in vehicles not being able to stand clear of the carriageway whilst the gates are being opened and closed which would lead to conflict and interference with the passage of through vehicles at the junction to the detriment of the function and safety of the highway. This professional opinion cannot be set aside lightly

especially as the roads here are derestricted and as the entrance where the subject gates are sited is somewhat concealed by a combination of vegetation and its location on the inside of a bend at the junction. Indeed, signs have been placed in the verge warning drivers approaching from the south about a concealed entrance.

12. That the replacement gates are the same distance away from the road as the former wooden gates does not provide justification for the development in itself. I do not know whether those former gates were lawful for any reason. This limits the weight I can attach to them as a material consideration. Moreover, whatever the pre-existing situation, the erection of replacement gates was an opportunity to achieve a design for the site which did not compromise road safety in accordance with one of the aims of LP Policy GEN1 (Access). This policy is generally consistent with the Framework.
13. I saw that the gates open quite slowly. The appellant has not supplied any technical data from the manufacturers of the gates about the remote operating mechanism including the range of the device. I cannot be sure that a vehicle would be able to safely enter the driveway through the gates and move and manoeuvre on the approach to that entrance in exactly the same way as a vehicle would do if there was a clearance of at least 6m between the gates and the carriageway edge. At best the drivers of any following vehicles may be confused by the movements of vehicles utilizing the gates and at worst placed in more serious danger by the obstructions caused by vehicles waiting in the carriageway for the gates to be opened or closed. Even if the remote system was excellent in these respects, such devices can be prone to hitches and require maintenance from time to time. I consider that safety should be of paramount importance given the speed of passing traffic and the concealed nature of the entrance.
14. I agree with the HA and the local planning authority and find on the second main issue that the replacement gates have a detrimental impact on highway safety in conflict with LP Policy GEN1 (Access).
15. The improvement of security as a way of reducing the potential for crime at a residential property is capable of being an important material consideration but there is no evidence to suggest that the local constabulary have recommended the installation of gates to this design and in this position or that other means of providing security have been considered. I can only attach limited weight to this matter in such circumstances. My decision in this appeal does not interfere with the exercise of any permitted development rights for the erection of gates at the appeal property or prevent the appellant from entering into further discussions with the Council about alternative proposals.
16. My findings on the main issues are decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR