



Appeal Decision

Site visit made on 17 May 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/T3725/D/22/3294473

46 Peabody Way, Warwick CV34 7BE

- 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 Karthikeyan Karuppiyah against the decision of Warwick District Council.
 - The application Ref W/21/1966, dated 22 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is new boundary treatments including new automatic bi-folding gates to principal elevation. Existing garage doors replaced with patio doors.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council's concerns relate solely to the automatic gates and no objections are raised to the other elements of the proposal. There is no reason for me to arrive at a different view on the acceptability of the other parts of the scheme. Accordingly, my assessment relates primarily to the automatic gates, with the main issue being their effect on the character and appearance of the area.

Reasons

3. The appeal property lies in a line of similar houses that all have the same style black metal rail fencing to the front and open-fronted driveways to the side. The uniformity of the properties in the row creates an attractive regularity and is a fundamental characteristic of the street.
4. The automatic gates would be positioned in a prominent location on the front boundary. Also, they would be adjacent to and markedly higher than the railings to the front of the appeal property and its neighbour. Moreover, the gates would enclose the side driveway, at odds with the other open driveways in the row. Consequently, the gates would stand out as highly visible and incongruous structures that would undermine the uniformity of the street scene. The ball-top features of the proposed gates would match the style of the railings but they would not overcome the visual incompatibility caused by the contrasting heights and the enclosure of the driveway.
5. The referred to gates at Down Palmer Crescent are seen in a different context to the appeal property and where there is less regularity in the street scene. As such, these do not justify the proposed gates and do not set a precedent that I am bound to follow in the determination of this appeal.

6. The acceptability of the other elements of the development fails to override or address the identified detriment that would be caused by the automatic gates. As such, I conclude the development as a whole would cause harm to the character and appearance of the area. Therefore, it would not accord with policy BE1 of the Warwick District Local Plan 2017. Amongst other things, this looks to ensure development respects local architectural distinctiveness.

Other Matters

7. The appellant refers to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the permitted development rights (PDRs) that it grants. However, there is no evidence before me that demonstrates the proposed gates or similar could be erected under PDRs. As such, I am unconvinced that PDRs provide a fallback position that can be afforded weight in my assessment of this appeal.

Conclusion

8. For the above reasons, the proposal would not accord with the development plan policies when read as a whole. Other factors are of insufficient weight to justify making a decision other than in accordance with the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR