



Appeal Decision

Site visit made on 18 May 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 MAY 2022

Appeal Ref: APP/L3625/D/22/3291013

Mellow Wood, 148 Portnalls Road, Chipstead CR5 3DX

- 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 Jamie Gregory against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00674/HHOLD, dated 15 March 2021, was refused by notice dated 10 December 2021.
 - The development proposed is removal of hedge and fixed gate at the front of the property surrounding the driveway entrance. Installation of fence and double swing gates around the perimeter of the existing driveway, with the gates opening inwards towards the house. Relay the driveway apron with cobblestone sets.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. For the avoidance of doubt, the fact that development has occurred has had no bearing on my decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and highway safety.

Reasons

Character and Appearance

4. This part of Portnalls Road includes farmland with mature hedges on one side and, on the other, residential development set behind a mainly open planted verge lined with trees subject to a Tree Preservation Order. This results in a pleasant, green, leafy appearance. The boundary treatment for the properties in this area is generally a fence or hedge with a gated access set back behind the verge, forming a uniform front boundary line. The style of gates and fencing is varied. The prominence and consistent width of the soft landscaped verge makes an important contribution to the open, verdant character of the road.
5. The gate that was previously installed was a five-bar type gate set in line with the rest of the front boundary. This arrangement is similar to others in the street and is appropriate to the character and appearance of the area described above.

6. The proposed development introduces solid fencing and a gate forward of the established front boundary line. Due to its forward position the fence and gates are highly visible in the streetscene and whilst there is no objection to the detailing of the gates, the solid appearance of the side fencing accentuates this prominence. Even though the size of the development is modest, it nevertheless harmfully erodes the width and undeveloped character of the verge, unacceptably affecting its important green character.
7. Consequently, the development has a harmful effect on the character and appearance of the area. Therefore, in this respect it is contrary to Policy DES1 of the Development Management Plan 2019 (DMP), and Policy CS4 of the Core Strategy 2014 which together provide criteria to be achieved for high quality design and seek to protect the character of valued townscales. As well as to the advice in the RBBC Local Character & Distinctiveness Design Guide Supplementary Planning Document June 2021 which provides guidance as to how development can avoid poor design and reflect local distinctiveness.

Highway Safety

8. The new gate is set back from the edge of the highway and opens inwards. Its position does not provide space off the highway for a car to wait while the gate is opened. However, this was also the case in the previous arrangement. Therefore, the appeal scheme does not alter or increase harm to highway users compared to the previous situation.
9. Portnalls Road is subject to a 20mph speed limit and is relatively straight in this location. The new arrangement maintains a gap between the edge of the road and the gates. This may result in a vehicle exiting needing to protrude slightly into the road. However, given the conditions in the road, I am not presented with evidence that the visibility achieved, albeit reduced from the previous arrangement, is harmful to highway safety.
10. Consequently, the proposed development would not be harmful to highway safety. Therefore, in this respect, it would be in accordance with Policy TAP1 of the DMP which seeks a highway design and layout that provides adequate, safe and convenient access for all road users. Nor would it conflict with the advice in Surrey Transport Plan (April 2018) which seeks to improve road safety, amongst other things.

Other Matters

11. The fence and gates result in a safe and secure frontage to this property. However, I am not presented with evidence that the previous gated access was insecure and I am not satisfied that these aims could not be achieved in a way which would not cause the harm to character and appearance identified above. Therefore, any benefit of the proposed development in this regard is minor. Furthermore, the lack of harm with regard to highway safety is a neutral factor. Therefore, this does not outweigh the notable public and permanent harm to the character and appearance of the area described above.
12. Representations were made to the effect that the rights of the appellant, under Article 8 of the Human Rights Act 1998, would be violated if the appeal were to be dismissed. However, any interference must be weighed against the wider public interest. Having regard to the legitimate and well-established planning policy aims to protect the character and appearance of the area, a refusal of

permission would be proportionate and necessary. The protection of the public interest cannot be achieved by means that are less interfering of these rights.

Conclusion

13. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR