



Appeal Decision

Site visit made on 6 January 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2023

Appeal Ref: APP/T1410/W/22/3300354

Wateringbury Way (Formally Woods Cottages), land adjoining Swanley Close, Eastbourne BN23 7PE

- 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 Park Lane Homes (South East) Ltd against the decision of Eastbourne Borough Council.
 - The application Ref. 220237, dated 22 March 2022, was refused by notice dated 3 May 2022.
 - The development proposed is the erection of automatic entrance gates.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - social interaction and cohesion,
 - the character and appearance of the area,
 - the living conditions of the occupiers of nearby bungalows, with particular regard to outlook, and
 - if there is any harm, whether this is outweighed by other considerations.

Reasons

Social interaction and cohesion

3. Although the proposed automatic entrance gates are designed to be permeable, allowing views through them, they would nevertheless form a substantial physical barrier across the vehicular entrance to the housing development of some 50 homes that is under construction on land fronting Swanley Close.
 4. The proposed gates would not affect interaction between residents within the housing development itself. However, I find that they would be effective in physically segregating the relatively large number of properties on the housing development from those on the unobstructed residential streets in the locality, which consist of a generally permeable network of residential cul-de-sacs connected by pedestrian paths.
 5. Consequently, the proposed entrance gates would form a physical barrier to the movement of people and create the appearance of the housing
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development being a place that is overtly separate from its wider surroundings and exclusionary to persons outside of it, that are not authorised to access it.

6. The proposed entrance gates would unacceptably segregate the housing development from its wider area, restricting opportunities for contact between people. Therefore, the proposed development would significantly harm social interaction and cohesion. This would be in conflict with the aims in paragraphs 8.b) and 92 of the National Planning Policy Framework (2021) (Framework) of achieving well-designed, healthy and inclusive places.

Character and appearance

7. On the opposite side of the road to the appeal site is a row of single storey bungalows that are set well back from the road behind open frontages, giving a spacious appearance to the street scene on that side of the road.
8. In contrast, the appeal site and the wider housing development under construction does not have an open frontage to the road. It is fronted to the road by a tall brick wall with timber infill panels set along the back edge of the footpath and continuing either side of the entrance junction with Swanley Close.
9. The contrast between the spacious open plan layout of the bungalows on the one side of the road and the more enclosed nature of the denser housing development on the other, is markedly clear and obvious.
10. At a comparable height to the existing brick boundary wall and set further back into the site from the road, the permeable design of the proposed entrance gates would allow views through them and towards the buildings within the housing development. As such, the massing of the proposed gates would be negligible and largely absorbed into the greater massing and solidity of the existing boundary walls and buildings. For these reasons, I find that the proposed entrance gates would not be visually dominant in the street scene and would not harmfully erode the spacious open plan character and appearance of the bungalows opposite.
11. On this issue, I conclude that the proposed entrance gates would harmonise with the character and appearance of the area.
12. As such, the proposed development would be consistent with Policies B2 and D1 of the Eastbourne Core Strategy Local Plan (2013) (ECS), and Policy UHT1 of the Eastbourne Borough Plan 2001-2011 (2003) (EBP), which require development to harmonise with the character and appearance of the local area, amongst other objectives.
13. Furthermore, it would be consistent with paragraph 130 of the Framework, which states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, amongst other requirements.

Living conditions

14. Although the proposed entrance gates would be visible from the windows and front gardens of the bungalows on the opposite side of the road, those views would mostly be across considerable distances. Furthermore, the proposed gates would be seen in the context of the existing front boundary wall to the

housing development, which is of a comparable height but greater solidity and massing.

15. Taking these factors together, I find that the proposed entrance gates would not have a dominant or overbearing effect on the outlook of the occupiers of the bungalows on the opposite side of the road, in views from their windows and front gardens.
16. I therefore conclude that the living conditions of the occupiers of the bungalows, with particular regard to outlook, would not be harmed.
17. As such the proposed development would be consistent with Policy B2 of the ECS and Policy HO20 of the EBP, which seek to prevent development causing an unacceptable loss of outlook for nearby occupiers of residential properties.
18. Furthermore, the proposed development would be consistent with paragraph 130 of the Framework, which states that planning decisions should ensure that developments create places with a high standard of amenity for existing users.

Whether any harm is outweighed by other considerations

19. I have found that the proposed development would significantly harm social interaction and cohesion.
20. I note the appellant's justification for the proposed entrance gates and the concerns over parking within the housing development under construction.
21. The road layout within the housing development, as shown on the drawing before me, shows long rows of resident car parking spaces in front of the houses and fronting onto the access roads, mostly along both sides. As such, there is relatively limited space available for parking vehicles on the access roads serving the houses, without obstructing the residents' parking spaces.
22. During my site visit on a weekday morning, I saw there were relatively few parking spaces available on Swanley Close due to the number of vehicles parked on it. In the main those parked vehicles appeared to be associated with either persons involved in the construction of the houses, particularly those parked on the site frontage, and persons involved in dropping off children at the school, particularly those parked near to the school.
23. However, by the time I had finished my visit, the majority of the vehicles parked on the Close nearest to the school had vacated the Close, and parking spaces became available, except along the frontage of the housing development site. It is expected that vehicles associated with the construction of the housing development would only be parked for the duration of the construction works.
24. The school is located amongst a network of roads, mostly residential cul-de-sacs, many of which are connected to each other and to the school by pedestrian paths, providing a permeable layout through which to reach the school. During my visit, I observed that parking spaces were available on a number of the roads near to the school and accessible to it via footpaths, providing an alternative to parking on Swanley Close and on the roads within the housing development.
25. Whilst my visit was only a snap-shot in time, I have no substantive evidence to demonstrate that what I observed was abnormal.

26. In drawing these considerations together, I have found that parking spaces are available on the roads around the school and that parking associated with the school is typically confined to relatively short duration parking, normally at the start and end of the school day. When combined with the relatively limited number of parking spaces on the roads within the housing development, I find that these considerations, when taken together, would dissuade non-residents from driving into the housing development and parking vehicles within it, whilst dropping off or collecting children from the school.
27. I note that the Local Highways Authority has no objection to the proposed development, however this is a neutral factor that does not weigh in favour or against the development.
28. I appreciate that the appellant's development at Rosefinch Way/Sandpiper Walk experiences vehicles parking on the access roads. I saw that the same type of gates are fitted across the entrance to the appellant's development at Finchley Place. However, both of those developments are accessed from roads that lead to the Langney Place shopping centre and are located close to the shopping centre itself. In particular, Finchley Place is accessed from the road leading to the car park and service area of the shopping centre.
29. By comparison, the point of entrance to the housing development to which the appeal relates is located a considerable driving or walking distance from the shopping centre. Moreover, the access road within the housing development is shown as a cul-de-sac that does not lead to the shopping centre. As such, the contexts of the two developments referred to by the appellant are not comparable to the appeal site.
30. For these reasons, I am not persuaded that the housing development would be likely to experience significant parking stress from non-residents, resulting in a nuisance for occupiers. As such, I attach limited weight to the appellant's concerns in this regard and they do not outweigh the harm that the proposal would cause to social interaction and cohesion.
31. Policies B2 and D1 of the ECS, seek development that is safe and reduces opportunities for crime and the fear of crime. The proposed entrance gates would not conflict with these specific policy aims. However, the Designing Out Crime Officer at Sussex Police does not explicitly support the proposed development and advises that most incidences of crime are associated with the Langney shopping centre to the north, and not the area of housing in the location of the appeal site. As such, there is limited evidence that the proposed development would reduce the risk of crime in the area, and I therefore attach limited weight to this matter.

Other Matters

32. I have had regard to the appeal decisions submitted by the parties, in particular to the appeal decision¹ submitted by the appellant for automatic vehicle entrance gates across a new development of 9 homes in Hawkhurst, Kent. The 'Hawkhurst' appeal related to gating the access of a considerably smaller development than the appeal proposal before me and social interaction was not a main issue. Consequently, it is not comparable to the circumstances

¹ APP/M2270/W/21/3274063

and issues before me in this appeal. As such, it has little relevance to my findings.

Conclusion

33. I have found that the proposed development would not result in harm to the character and appearance of the area or to the living conditions of nearby occupiers. It therefore complies with the development plan as a whole.
34. However, the proposed development would segregate the housing development from its wider area, restricting opportunities for contact between people and harming social interaction and cohesion. Consequently, it would be contrary to the aims in paragraphs 8.b) and 92 of the Framework, of achieving well-designed, healthy and inclusive places.
35. In this instance, the appeal proposal's conflict with the Framework in this respect outweighs its compliance with the development plan and the other considerations brought to my attention above. As such, it justifies a decision other than in accordance with the development plan.
36. For the reasons given above I conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR