



# Appeal Decision

Site visit made on 7 February 2023

**by A Hunter LLB (Hons) PG Dip MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 April 2023**

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**Appeal Ref: APP/L5240/W/22/3307138**

**1 Hanbury Mews, Croydon CR0 7DW**

- 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 Aston Wilson on behalf of Hanbury Mews Limited against the decision of the Council of the London Borough of Croydon.
  - The application Ref 21/05976/FUL, dated 29 November 2021, was refused by notice dated 17 March 2022.
  - The proposed development is a retrospective planning application for gates.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. From my site inspection, I noted that the gates had already been installed, the appeal has been determined on this basis.
3. Both parties have acknowledged that Croydon's Suburban Design Guide, Supplementary Planning Document 2019, referred to in the reasons for refusal on the Council's notice of decision, has since been revoked. I have also determined the appeal on that basis.

## Main Issues

4. The main issues with this appeal are the effect of the proposed gates upon:
  - highway safety;
  - social cohesion and accessibility; and,
  - the character and appearance of the area.

## Reasons

### *Highway safety*

5. The appeal site relates to the only, and relatively narrow entrance to a completed housing development of 9 dwellings, all served by a private drive from Orchard Avenue. There are two largely symmetrical inward opening gates, attached to tall brick piers on either side. The new gates comprise several thin wrought iron rails painted black. To either side of the new gates and abutting the pavement is a low brick wall with metal rails above, in a similar design to the new gates. The appellant has stated that the new gates are to be open during the hours of 7am and 10pm daily and controlled by a timer which could be controlled by a planning condition.

6. The local highway network within the vicinity of the site contains a number of different roads and junctions in close proximity to each other, with several accesses off the road serving dwellings. Given these characteristics it is likely that there are many competing demands on drivers of vehicles using the highway within the vicinity of the appeal site.
7. The Council has previously found the access to the site to be acceptable, and when the gates to it are open, vehicles using the access are unlikely to be waiting in the highway for longer periods than that previously approved.
8. However, when the gates are closed, drivers are more than likely to have to wait in the highway until the gates open. It is unclear how the new gates are opened or the time it takes for them to do so, to allow vehicles to pass through the entrance to the site. Even if occupiers of the dwellings had a fob mechanism to open the gates, it would be unlikely that visitors or emergency or delivery personnel had such a device. As such there would be a high probability that vehicles accessing the site would be stationary in the highway whilst the gates opened. Such waiting vehicles could arrive from either side of the road, causing an added distraction to a part of the highway where there are competing demands on drivers. Moreover, there may be instances where vehicles were upon the pavement causing an obstruction to pedestrians whilst waiting for the gates to open.
9. Furthermore, the gate posts restrict visibility along the pavement due to their solid mass and width, obscuring the visibility of both the carriageway and footway users adding to the above highway safety risks. In addition, if the gates are open it is likely that drivers exiting Hanbury Mews would not stop their vehicles until they can look along Orchard Avenue to see if it is safe to enter Orchard Avenue, thereby not affording any time for other highway users to react, who may be hidden by the piers, including children, people with pushchairs, those in wheelchairs or with mobility problems and cyclists.
10. The appellant has cited other examples of gates nearby that have been granted planning permission or allowed at appeal. Of those examples, Bracken, Bishops Walk, is a single dwelling in a low-density environment with fewer nearby junctions than the appeal site, I do not regard that as comparable to the appeal proposal. The gates at Land and Garage adjoining 2 Dennett Road are set much further away from the highway so there would not be the same conflict with highway users that there is in this case. The gates at No. 143-145 Portland Road were not comparable to the appeal proposal as only serve pedestrian access points.
11. I note there are some similarities between the proposal and the gates at 11A Harewood Drive, although Harewood Drive is not a busy through-road and there are less junctions near to it, making it not directly comparable to the appeal site. Finally, the gates at 12-14 Braybrooke Gardens, are located at the end of a cul-de-sac and do not have a footpath to either side of the gates, so their effect upon highway safety is likely to be much different to the appeal proposal. None of these examples has led me to a different conclusion in terms of the effect of the new gates upon highway safety.
12. I am mindful of the traffic surveys undertaken by the appellant and the relatively low volumes of traffic, however due to the road conditions and the narrow width of this part of Orchard Avenue, such matters do not alter my findings in respect of times when the gates are closed.

13. I therefore conclude that the new gates would be harmful to highway safety, contrary to Policy DM29 of the Croydon Local Plan 2018 (CLP), and Policy T6 of The London Plan, The Spatial Development Strategy for Greater London, adopted March 2021 (LP), which amongst other things require new developments to provide adequate provision for deliveries, servicing and emergency access, not to be detrimental to highway safety for pedestrians, cyclists, and private vehicles. In addition, the dismissal of this appeal would also be consistent with paragraph 111 of the National Planning Policy Framework (the Framework) when an unacceptable impacts upon the highway have been identified.
14. The Council stated the new gates are contrary to Policy SP8 of the CLP, however that policy is focussed on strategic highway and communications improvements and is not directly relevant to the proposal.

*Social cohesion and accessibility*

15. In a closed position, the new gates would make a clear distinction between the houses at Hanbury Mews and the wider area. This would likely exclude and discourage social interactions between the site and the public spaces along Orchard Avenue and its immediate area. The new gates in a closed position would form a barrier between Hanbury Mews and the rest of the community, and would prevent Hanbury Mews being accessible, making it a segregated housing development.
16. However, the appellant has made it clear that the gates are open between 7am and 10pm daily, which includes the times of the day when most social and community interactions, particularly those outside, would be expected to take place. Outside of these times, it would mainly be dark and there would likely be less outside community social interaction in any case. If I was minded to allow the appeal, I am sufficiently persuaded that a suitably worded condition could be imposed requiring the new gates to be open between 7am and 10pm daily, in this particular case.
17. In the open position, the new gates would allow Hanbury Mews to be accessible and enable community interaction, which would support social cohesion in the immediate area. Moreover, with the new gates open there would be no barrier or segregation between Hanbury Mews and the rest of the local community. In their open position, even from oblique angles, I view the presence of the gates, given their slender rails would not be a deterrent to social cohesion in this case.
18. I therefore find that subject to the above-mentioned condition, the new gates would allow Hanbury Mews to be accessible and that they would not be harmful to social cohesion, and comply with Policies SP4 and DM10 of the CLP, which amongst other things seek to create sustainable communities and enhance social cohesion as well as creating spaces that are visually attractive, easily accessible and safe. In addition, for the same reasons, I also find that the proposal would comply with paragraph 92 of the Framework which amongst other things, requires developments to promote social interaction.
19. The Council has referred to the proposal being contrary to Policy D6 of the LP, that policy is focused on housing standards, I did not find any conflict with that policy and this appeal relating to gates.

### *Character and appearance*

20. The wider area contains a mixture of front boundary treatments, including fences, walls, gates, piers and hedges of varying heights and styles. I also saw that there are similar wrought iron gates to the front of a property nearby. The design of the new gates is consistent with the style and materials used on the railings along the rest of the frontage of Hanbury Mews; likewise, the brick piers also match the height and style of those also along its frontage.
21. Whilst the gates and piers are tall, the site has a long frontage and faces onto a relatively open area. Furthermore, the thin rails and their generous spacing on the new gates mean there is considerable inter-visibility through them, reducing their sense of enclosure and making their appearance less conspicuous in the streetscene. The new gates are also not significantly taller than the adjoining front boundary railings, which they relate well to. They integrate well into their surroundings, against the backdrop of the new housing.
22. Whether the new gates are open or closed, they respect the character and appearance of the area, in accordance with Policy SP4 and DM10 of the CLP, and Policy D3 of the LP, which amongst other things, requires new development to be high quality that both responds to, and reflects the local character of the area. They also accord with paragraph 130 of the Framework, which amongst other things, seeks development to be sympathetic to the local character including the surrounding built form.

### **Other Matters**

23. I note the appellant's comments that the gates will help with the safety and security of properties at Hanbury Mews particularly at night-time. However, I have not been provided with evidence to demonstrate that there is a particular crime, anti-social behaviour, or safety problem in this immediate area. Moreover, if indeed there was such a problem, I am not convinced the new gates are the only way of providing the required safety and security measures for the residents of Hanbury Mews. Consequently, the appellant's argument does not outweigh the harm identified above.

### **Conclusion**

24. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole. There are no other considerations which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

*A Hunter*

INSPECTOR