

Appeal Decision

Site visit made on 18 July 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/L5240/D/23/3321413

50 Sanderstead Hill, South Croydon, CR2 0HA

- 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 Ananda Chakravarthy Kota against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/00159/HSE, dated 12 January 2023, was refused by notice dated 13 March 2023.
 - The development is the provision of automatic gates.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The gates subject of the appeal have been installed, and the appellant wishes to retain them. I shall therefore proceed on this basis.

Main issues

3. The main issue is the effect of the development on: (a) highway and pedestrian safety, and (b) fire safety.

Reasons

Highway and pedestrian safety

4. The appeal property is a detached dwelling fronting Sanderstead Hill, a classified road (B269), which was busy at the time of my visit. The dwelling's front garden facing the road has a low wall, behind which is a mature hedge. The wall and hedge are punctuated by a wide opening providing access to car parking spaces in front of the house, which were in use when I visited; further along is a pedestrian access.
5. The gates were shut during my visit, and there was nothing apparent to me to indicate that they opened automatically. On the contrary, the gates were tied shut with a length of cable, and a locking device was also present. A footway separates the gates from the carriageway, and immediately outside the property are two bus stops, one on this side of the road and the other opposite.
6. Drivers entering the parking area would inevitably need to stop their cars in the carriageway outside or on the footway before entering the site either to allow the gates to open if they were in automatic mode, or to manually open them, if not.

7. This would create obstruction and a point of potential dangerous conflict with pedestrian users of the footway, also with passing cyclists and motor vehicles on this busy road, particularly if entry movements coincided with the use of either of the bus stops.
8. I conclude that the provision of gates in this location creates danger and potentially harms highway and pedestrian safety. Accordingly, I find that a clear conflict arises with the thrust of that provision of policy DM29 of the Croydon Local Plan (CLP) directed to ensure that development must not have a detrimental impact on highway safety for all users.

Fire safety

9. Policy D12 of the London Plan deals with fire safety and requires all development proposals to achieve the highest standard of fire safety. The appellant appears to suggest that fire safety is not a planning matter, since it is covered by the Building Regulations. To my mind, however, a proposal such as this which, by definition, restricts access to a building should properly be subject to the provisions of policy D12.
10. Had I been minded to allow the appeal a condition could have been imposed requiring the required fire safety details to be submitted. In the event, however, the appellant's failure to provide a fire strategy or statement as required by policy D12 serves as another reason to withhold permission.

Other matters

11. All other matters referred to in the representations have been taken into account including the appellant's claim there are several gated properties on Sanderstead Hill. However, these properties were not specifically identified and I therefore drove the whole length of the road and could see only one other. In that instance the gates were partly set back from the road, and the footway was wider. No bus stops were near it. The existence of those gates does not justify granting permission to a potentially hazardous development.
12. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR