



Appeal Decision

Site visit made on 3 October 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.10.2023

Appeal Ref: APP/U1430/D/23/3323183

Bredeside, Sea Road, Winchelsea Beach, East Sussex TN36 4LA

- 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 Steve Powell against the decision of Rother District Council.
 - The application Ref RR/2023/186/P, dated 25 January 2023, was refused by notice dated 12 April 2023.
 - The development is erection of oak gates (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of conciseness, I have taken the description of the development from the decision notice.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and,
 - highway safety.

Reasons

Character and appearance

4. The appeal property is a bungalow, which is sited adjacent to a junction and bend in the road. The surrounding area is predominantly in residential use and mainly comprises of bungalows. There are a variety of boundary treatments along Sea Road, but properties typically have low fences and gates, which enables views into the front gardens. Castle Farm Lane is more rural in character and soft landscaping along the front boundaries is a predominant feature. While the development is sited at the junction of Sea Road and Castle Farm Lane, it forms part of the street scene for both the road and the lane.
5. Oak gates have been erected to the front of the property. While the materials are of high quality, the gates are higher and more solid in appearance than other gates in the locality. I accept that if the gates are in an open position, they have a lesser impact on the street scene. However, the purpose of the gates is to reduce noise and light pollution and to increase privacy and safety for occupants of the dwelling. Given their intended purpose, it is likely that the gates would be closed for a large amount of the time. When the gates are in a

closed position, they create a solid and imposing barrier close to the carriageway, which is in marked contrast with the more low key and informal appearance of the front boundary treatments along Sea Road and Castle Farm Lane.

6. For the reasons given above, I conclude that the development is harmful to the character and appearance of the area and fails to comply with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy (CS) September 2014 and Policies DHG9 and DHG11 of the Development and Site Allocations Local Plan December 2019. These policies among other things seek to protect the character and appearance of an area and require that new boundary treatment is consistent with the character of the locality.

Highway safety

7. The gates are located close to the carriageway. Vehicles waiting for the gates to open would obstruct the carriageway and cause a potentially dangerous hazard at this junction, which is close to a sharp bend in the road. The lane is a public bridleway, which provides access to the countryside and sea front. The pavement stops to the west of the access for the appeal property. As a result, any cars waiting in front of the gates even momentarily would not only provide an obstruction for vehicular traffic, but also to other road users, including pedestrians, cyclists and horse riders. Such an obstruction would require other road users to move further into the carriageway at this point adjacent to a junction and bend in the road. Consequently, the development results in conditions that are prejudicial to the safety of users of the highway.
8. For the reasons given above, I conclude that the development is harmful to highway safety and fails to comply with Policy CO6 of the CS. This policy among other things seeks to ensure that development avoids prejudice to road and/or pedestrian safety.

Other Matters

9. The gates provide a barrier between the dwelling and the highway, which provides benefits to the occupant of the dwelling in respect to increased privacy and safety, and helps to reduce noise and light pollution. I also appreciate that the appellant requires gates of a certain height in order to deflect headlights from lorries and buses. However, I do not find that these benefits outweigh the harm that I have identified in respect to the character and appearance of the area and highway safety.
10. I acknowledge that no objections were received to the scheme from neighbouring residents; however, this does not alter my findings on the appeal.

Conclusion

11. For the reasons given above, the development conflicts with the development plan as a whole and there are no other material considerations, including the National Planning Policy Framework that would outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR