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## Appeal Decision

Site visit made on 14 December 2023

**by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

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

**Decision date: 2 February 2024**

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**Appeal Ref: APP/L3055/D/23/3327403**

**1 Thorndale Road Nottingham NG6 0LW**

- 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 Mona Jenkinson against the decision of Nottingham City Council.
  - The application Ref: 23/00891/PFUL3 dated 19 May 2023 was refused by notice dated 01 August 2023.
  - The development proposed is to install a 6ft high sliding gate, which is 4.6m in length made out of a steel frame.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues are the effect of the proposal upon (a) character and appearance of the area and (b) highway safety.

### Reasons

#### *Character and Appearance*

3. The appeal site (No.1) sits within an established residential area with many front garden areas used for private parking. Frontages are mostly enclosed by hedging widely presenting a soft line of greenery at the back of pavement which is a positive feature of the area. Although this hedging varies in height somewhat along the frontages (which in some cases are not hedged) these are generally, and importantly, below standing eye height allowing a generally open feel to users of the footways whilst providing a good sense of enclosure and privacy to occupiers, as is the case with the appeal site.
4. The proposal intends a 1.8m high side-rolling metal gate to be installed with supporting posts but to retain existing hedging. As proposed the height of the gate would significantly exceed that of the existing hedging at the site and on and similar frontages. It would appear highly visible in approach views along the street as an inconsistent and obtrusive element, whereas a lower gate set behind the hedge line and below the height of hedging would not.
5. I therefore conclude the proposal would be in conflict with Policy 10 of the Aligned Core Strategies Local Plan 2014 and DE1 of the Nottingham Local Plan which together seek that development should respect streetscape and enhance the public realm.

#### *Highway safety*

6. Thorndale Road is relatively narrow and, from my observations, lightly used by slow-moving private vehicles. The proposed gate would be applied to an existing access which appears to be in use. Although the gate would be above driver's eye level, that would also be the case with regard to the existing hedge. Consequently, it does not follow that the insertion of the gate would restrict visibility as this is already limited by the hedging on either side of the opening and users would be alert to the need for care in relation to passing pedestrians and cars as they are at the present time.
7. Although the Council refer to Policy TR1 this does not address the issue identified in this case, nor, to my mind are the other quoted policies intended to address the matter of highway safety in a way relevant to the matter to be determined. Paragraph 115 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety....*" Given my findings as to the likely impact of the proposal I conclude the proposal would neither conflict with the development plan nor national policy with respect to highway safety.

### **Other Matters and Conclusion**

8. I have concluded that the gate proposed would be obtrusive in the street scene due to its height not being lower than that prevailing at the back of pavements. Although the appellant has indicated that a gate of a lower height than that proposed would be acceptable to them, it is not the role of the appeal process to evolve proposals and I am unable to address that suggestion in this decision. Whilst I have also concluded that there would be no harm to highway safety from the installation of the proposed gate if set within the site, this cannot outweigh the harm identified.
9. Consequently, having taken all matters raised into account, I conclude, for the reasons set out, that the proposal would conflict with the development plan taken as a whole such that this appeal cannot succeed.

*Andrew Boughton*

INSPECTOR