



Appeal Decision

Site visit made on 21 June 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2024

Appeal Ref: APP/L5240/D/24/3344094

61 Downs Court Road, Purley, Croydon CR8 1BG

- 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 Marcin Poloska against the decision of the London Borough of Croydon.
 - The application Ref: 23/04056/HSE.
 - The development is to retain two-metre high gates on driveway adjacent to highway (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The gates subject of this appeal have been erected and completed at the site and is, therefore, retrospective development. I have assessed the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on (i) highway safety, and (ii) the character and appearance of the area.

Reasons

Highway safety

4. The appeal site is a two-storey detached property located on the north-east side of Downs Court Road, which is a classified road and bus route. The appeal site slopes up from the road with the host dwelling on an elevated position within the street scene. The gates are located adjacent to the highway along the site's frontage and connect to the property's front hedge and low boundary wall.
5. At the time of my visit during a weekday morning, the road was busy albeit with traffic free flowing. I have no evidence before me that suggests the highway conditions were abnormal. I observed during my visit the gates being both closed and open. I understand that the gates open automatically when a vehicle approaches.
6. From the information before me, the Council's crossover guidance states that gates need to be set back 5 metres from the back of the footway to ensure cars leaving the highway do not create an obstruction to free flowing traffic,

- which is not met in this case. Whilst I observed the gates opening relatively quickly, cars entering the property would still be required to be stationary for a period of time outside the gates on the carriage way or pavement to allow them to open to provide vehicular access. This creates an unacceptable obstruction to free flowing traffic on the classified road, which increases the prospect of road danger to vehicles, cyclists and pedestrians that use the road.
7. I acknowledge the appellant's contention that it would be impractical to move the gates further back into the site due to the topography of the site. Whilst that might be the case, it does not justify the location of the gates and the harm that arises to highway safety contrary to the Council's guidance.
 8. I have also had regard to the garages nearby, which the appellant highlights are located similarly close to the highway. These examples have only limited weight as no details have been provided on the background on how they came to be approved and whether or not they are acceptable in highway terms. Notwithstanding these examples, I have assessed this appeal on its own merits, which for the aforementioned reasons is unacceptable in terms of its impact on highway safety.
 9. Whilst I have found there to be harm to highway safety from vehicles entering the site, there is not a material harmful impact on pedestrian sightlines from vehicles exiting the site. This is due to the existing hedges along the frontage, which already limit pedestrian sightlines and are higher than the gates.
 10. In conclusion, the proposal has an adverse impact on highway safety contrary to Policy T4 of the London Plan 2021 (LP) and Policy DM29 of the Croydon Local Plan 2018 (CLP), which require that development should not increase road danger and must not have a detrimental impact on highway safety for all users. I note the decision notice refers in the first reason for refusal to Policy DM30. I do not find Policy DM30 relevant in this case as it refers to provision of car parking, which is not applicable as the parking at the site was already in place before the appeal proposal was erected.
 11. The proposal would also conflict with Paragraph 115 of the National Planning Policy Framework (the Framework), which seeks to prevent unacceptable impact on highway safety.

Character and appearance

12. The character and appearance of frontages along Downs Court Road comprises mainly low boundary walls, vegetation and gaps that contribute to a generally verdant and open character. The garages that are present are mainly set back from the frontage within their plots and generally use colours and materials that enable them to assimilate successfully within the street scene.
13. In contrast, the development comprises a grey metal slatted gate, which has a utilitarian and industrial looking appearance prominently located along the appeal site's frontage. There are no other examples of this type of gate being used on nearby boundary frontages along the road. The development, therefore, appears as an unduly prominent and incongruous feature that harms the character and appearance of the street scene.
14. In conclusion, the development's functional appearance does not assimilate positively with the street scene and results in harm to the character and appearance of the area contrary to Policy D3 of the LP and Policies SP4 and

DM10 of the CLP, which require development to enhance local context and high quality design that respects and enhances Croydon's varied local character. The proposal would also conflict with Paragraph 135 of the Framework, which seeks to ensure development is sympathetic to local character.

Other Matters

15. The appellant's material considerations comprise the need for gates to provide a safe area for the appellant's children within a secure and enclosed space away from the busy road as well as to increase security for the property. Whilst important considerations, to which I am sympathetic, I give these points only limited weight in my assessment as the key issues remain the impact on highway safety and the character and appearance of the area, which I consider on the evidence before me are adversely affected. The material considerations presented, therefore, are not sufficient to outweigh the harm

Conclusion

16. To conclude, the development has adverse impact on highway safety and the character and appearance of the area. There are no material considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR