



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: 31ST July 2024

Appeal Ref: APP/L5240/D/24/3343616

7 Russell Green Close, Purley, Croydon CR8 2NS

- 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 Miles Parry against the decision of the London Borough of Croydon.
 - The application Ref: 23/04495/HSE.
 - The development is the erection / installation of timber fencing along the front boundary wall with access gates at the front boundary (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development subject of this appeal has been erected at the site and, 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) the character and appearance of the area, and (ii) highway safety.

Reasons

Character and appearance

4. The appeal site is a two-storey detached property located on Russell Green Close, which is a residential cul-de-sac. The site has a large front driveway, which is accessed from the gates subject of this appeal. Frontages to properties along Russell Green Close predominantly have a open and verdant appearance comprising low boundary walls, hedges and openings providing access to driveways.
5. I am aware that before the development was installed there were existing gate piers, albeit at a lower height, with an approximately 2m high hedge in between that was subject to an earlier planning permission Ref 09/02545/P¹. I understand that the solid timber fence now erected in the central section of the frontage has replaced the hedging albeit at a lower height. Automatic gates have been installed between the extended piers in the spaces that previously provided open access to and from the driveway.

¹ 09/02545/P – Retention of brick piers on front boundary

6. The development encloses the property's frontage with a combination of brick and solid timber materials to a height of around 1.7m. This has resulted in a solid and incongruous appearing barrier to the property that is prominently at odds in terms of its scale and appearance with the prevailing open character of frontages along Russell Green Close. Whilst I acknowledge that there are a variety of different types of frontages along the road, the vast majority comprise low walls, hedges and other vegetation as opposed to the solid form of development erected in this case.
7. I observed that opposite the appeal site is the property on the corner with Gilliam Grove that is also enclosed around its perimeter. However, the boundary treatment to that property comprises a combination of timber fencing, mature vegetation and trellis fencing that gives it a softer and more verdant overall appearance than the appeal development. Part of that site also faces out to Purley Way where boundary treatment is more enclosed than the prevailing character along Russell Green Close.
8. Whilst I note the permitted development fall back of erecting a 1m high fence, this would likely be a more open and less visually discordant form of development than the fence and piers that have been erected. I, therefore, give the permitted development fall back limited weight in this decision as the difference between that and what has been erected at the site in terms of impact on the character of the area is materially different.
9. I have also considered the appellant's examples² of similar developments allowed at appeal elsewhere within the borough. Whilst the full details of these examples have not been provided, I have reviewed the character of frontages along both Pampisford Road and Hayes Lane and note they are generally less open than on Russell Green Road. Furthermore, in the case of 144 Pampisford Road the information before me indicates that the proposal included retention of natural frontage screening, which does not form part of the development in this case. Accordingly, I am not satisfied that the context for the other examples presented is sufficiently comparable to the appeal site to provide any justification for the harm that is identified.
10. To conclude and for the aforementioned reasons, I find that the development harms the character and appearance of the area contrary to Policy D4 of the LP and Policies SP4 and DM10 of the CLP, which require development to deliver good design, enhance local context and use high quality design that respects and enhances Croydon's varied local character.

Highway safety

11. The officer's report for 09/02545/P acknowledged that the piers and hedges proposed at that time would not achieve the required pedestrian visibility splays. It was, however, granted planning permission due to the low level of the connecting wall and very open aspect of the site that would enable pedestrians to be easily seen by vehicles exiting the site. It was also noted that vehicle volumes are low in this cul-de-sac location. I note the appellant contends that as the previous hedge and piers were already higher than what is normally considered to be an obstruction to driver visibility, alternating between the hedge and the fence is unlikely to change the position with regard to what visibility can be achieved.

² APP/L5240/D/16/3150942 and APP/L5240/D/13/2198613

12. Based on the information before me the development plan does not prescribe the size of visibility splays. The appellant's transport Technical Note contends that 1.5m x 1.5m visibility splays are achieved by the development based on a vehicle being positioned centrally in the access. I note that the Council's highway officer highlighted that the splays are not correctly shown and should be from the side of access.
13. Notwithstanding this, I have considered the Manual for Streets 2 guidance that states that the absence of wider visibility splays at minor accesses will encourage drivers to emerge more cautiously subject to consideration of the frequency of movements, the amount of pedestrian activity and the width of the footway. In this regard, I observed that traffic levels and pedestrian movements were very limited on Russell Green Close, and traffic speeds also appeared to be low. The width of the footway also appears to be a standard size. The appellant has provided information to demonstrate that there have not been any Personal Injury Accidents (PIAs) recorded along the road in the last 24 years. In view of the local conditions for users of the highway, I am not persuaded that the development is any more materially harmful than the previously approved and constructed boundary treatment with regard to pedestrian visibility.
14. With regard to the automatic gates, I note that they create the potential for an obstruction in the road by a car waiting for the gates to open, which from the information before me takes around 15 seconds. I also note that the entrance gates are near to the junction to Gilliam Grove. However, the footway and road next to the appeal site are collectively relatively wide that means only part of the car entering the gates would be left on the road for the period it takes for the gates to open. The road also has unrestricted on-street parking provision next to the appeal site.
15. Therefore, an oncoming vehicle needing to pass the section of car that remains on the road as it waits for the gates to open would not be a dissimilar movement to how they would pass a car that is parked on the on-street parking. With regard to the proximity to Gilliam Grove junction, I would expect the majority of traffic from that direction would be heading towards Purley Way as opposed to towards the appeal site and into the closed-route cul-de-sac. For these reasons, and with regard to the low levels of traffic and pedestrians observed, I am not satisfied that the gates cause any material harm to highway safety in view of the site specific context in this case.
16. In conclusion, I find that the development is consistent with Policy T2 of the London Plan 2021 (LP) and Policies DM29 and DM30 of the Croydon Local Plan 2018 (CLP), which amongst other things require that development should not increase road danger and must not have a detrimental impact on highway safety for all users.

Conclusion

17. To conclude, the development harms 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