



Appeal Decision

Site visit made on 30 July 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/L5240/D/24/3344998

41 Shirley Church Road, Croydon, CR0 5EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ameen Raza against the decision of the Council to the London Borough of Croydon.
 - The application Ref is 24/00287/HSE.
 - The development proposed is described as adding new electric gates to allow vehicular and pedestrian access. The current boundary wall will be replaced with hedging and grass to match the street scene.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. In their second reason for refusal the council refer to a fence behind the hedges. However, no such fence is referred to in the description for the development, within the application form, or on the submitted drawings. Also, in the materials section of the application form the appellants refer to the driveway between the proposed gates and the building being finished in light grey resin. Despite this, the layout of the front garden is not referred to in the description for the development, or on the submitted drawings.
3. Accordingly, I confirm that the above fence and driveway within the front garden fall outside the scope of this appeal. The appeal has been determined on this basis.

Main Issues

4. The first main issue is the effect of the proposal on the character of the area. The second main issue is the effect of the proposal on highway safety.

Reasons

Character

5. The appeal site is located in a verdant edge of settlement location, which is primarily characterised by spaciouly sited linear housing occupying generous sized plots, interspersed with areas of woodland, recreational and school fields and a golf course. The planting within and along the front garden boundaries, together with the spacious street scene with its grass verges and trees contribute to the verdant and informal character of the local area. It similarly

- contributes to the gentle transition between the countryside and the built-up area.
6. The appeal property comprises a large, detached house which occupies a good sized plot with a wide frontage. Currently its front boundary comprises hoardings and the front garden has yet to be hard/soft landscaped.
 7. The appeal property is flanked on one side by a modern care home and on the other by an irregular shaped dwelling that fronts onto Ardingly Close. The boundaries between these dwellings and Shirley Church Road comprise tall hedges, although the entrance to the care home includes walls and gate posts on either side. On the opposite side of the road is a school field that is separated from the highway by a mature hedge and trees. This hedge screens a metal security fence which runs around the school field.
 8. Elsewhere within the locality there are low metal road safety railings adjacent to the road junction of Shirley Church Road and Shirley High School, along with taller metal gates at the school entrance, which are set back from the street scene. There are also metal railings around and metal entrance gates to the modern gated development at Ardingly Close. These gates are also set back from Shirley Church Road.
 9. Collectively and amongst other things policies SP4 and DM10 of the Croydon Local Plan 2018 (LP) and policies D3 and D4 of the London Plan 2021 (London Plan), require proposals to be of a high quality, which respects and enhances local character and contributes positively to the public realm, landscape, townscape and local distinctiveness.
 10. The proposed gates and associated piers would span a distance of some 9.6 metres. As stated in the council's delegated report, the vehicular gates would be up to 2.57 metres high, with the pillars being some 2.5 metres high. The ornate classic gates would feature intricate designs and various flourishes and would be set between bold classic limestone pillars with shallow curved stone caps and spheres.
 11. Due to their combined width, height, form and detailing the proposed gates and associated pillars would be highly prominent and imposing within the street scene, where they would appear uncharacteristically tall, formal, bulky and ornate. They would fail to respect the more modest verdant and informal character of the street scene and the local area. They would similarly fail to respect or reflect the modest form, scale and height of other metal railings, gates and associated pillars in the local area.
 12. The proposed grass verges and tall front boundary hedges would respect and reinforce the verdant character of the area. However, they would fail to satisfactorily soften the formal and imposing appearance of the proposed gates and associated pillars. Further whilst I understand the appellants concerns regarding security and safety, the need for gates and pillars of the size and design proposed has not been demonstrated.
 13. For these reasons I find that the harm caused by the proposed gates and associated pillars would clearly outweigh the benefits for the appellant and their family that would result from their installation. This is a matter that could not be satisfactorily addressed through the imposition of conditions.

14. I conclude on the first main issue that the proposal would unacceptably harm the character of the area. It would therefore conflict with LP Policies SP4 and DM10 and policies D3 and D4 of the London Plan.

Highway safety

15. Together and amongst other things Policy T2 of the London Plan and LP Policy DM29 seek to reduce the impact of traffic congestion and state that proposals should not have a detrimental impact on highway safety. LP Policy DM30 states that development should ensure that the provision of parking does not compromise the movement of pedestrians, cyclists, public transport and emergency vehicles. Paragraph 117 of the National Planning Policy Framework 2023 (the Framework), states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
16. The proposed vehicular gates would be five metres wide and whilst the existing front garden has not been landscaped it is clearly large enough to readily accommodate suitable parking and on-site turning facilities. Accordingly, subject to a condition relating to the provision of on-site parking and turning, there would be ample room to access the existing parking area and to turn on-site.
17. The proposed gates and front boundary hedge would be set back from the carriageway behind a two metre deep grass verge and a comparatively wide pavement. Also, the highway is relatively straight at this point. Accordingly, I am satisfied that suitable pedestrian and vehicular visibility splays could be achieved. These matters could all be secured by the imposition of conditions.
18. The proposed electric gates would open inwards and would be remotely operated. As stated by the appellant the gates would be fitted with sensors so that they would open when approached by the owners vehicles. This would ensure that the drivers of such vehicles did not need to stop in the highway.
19. However, whilst limited details are provided, it is assumed that this would not be the case for all vehicles. The vehicles of unexpected visitors would need to be parked within the highway whilst access to the front garden is requested. Although this would obstruct the pavement the same would be true of any manually operated entrance gates when kept closed or locked, irrespective of whether or not they require planning permission. As indicated by the appellant, the existence of the gates would help keep vehicle speeds low when entering and exiting the parking area. Also having a gated garden would help prevent animals and children from straying into the highway, which would result in a highway safety benefit.
20. For these reasons, on balance I find that the proposal would not have a material impact on the movement of pedestrians and vehicular traffic, or highway safety. In reaching this conclusion I have taken into account that the site is located close to various areas of open space, two schools and a church.
21. I conclude on the second main issue that the proposal would not have a harmful impact on highway safety. It would comply with policy T2 of the London Plan and LP Policies DM29 and DM30.

Conclusion

22. Whilst I have found in favour of the appellant in relation to the second main issue, the conclusion on the first main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR