



Appeal Decision

Site visit made on 17 July 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2024

Appeal Ref: APP/Y3615/D/24/3342235

The Copse, Ockham Road South, East Horsley, Surrey KT24 6SG

- 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 Craig Smyth against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01839.
 - The development is a new sliding gate, piers and pedestrian gates to existing driveway.
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Decision

1. The appeal is allowed and planning permission is granted for a new sliding gate, piers and pedestrian gates to existing driveway at The Copse, Ockham Road South, East Horsley, Surrey KT24 6SG, in accordance with the terms of the application, Ref 23/P/01839, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1196/20, 1196/21 and 1196/22

Preliminary Matter

2. The appeal relates to the refusal of a development that at the time of the application had been completed. However, both parties have confirmed that the vehicle gate element of the works has since been removed and this was confirmed by my site visit. I have determined the appeal accordingly and have considered the proposal as applied for as commenced but not completed.

Main Issue

3. The main issue is the safety of the public, with reference to highway safety.

Reasons

4. The appeal relates to the installation of a sliding gate, gate piers and pedestrian gates to a single existing driveway entrance that served as the access point for both pedestrian and vehicular users to the appeal property. The gates and piers appear to be just under 1.2 metres tall.
5. The appeal property is a detached house, with an extensive area of off street parking to the front garden. It is in a part of the road that is fronted by similar sized properties with off street parking. These have a mixture of open and gated driveways. Where they are installed, gates all appear to be set back from the property boundary with enough space for a car to wait off the highway.

6. The decorative brick faced pedestrian gates at the appeal property are installed and would sit either side of the electric sliding gate. The gates and piers are set back a minimum of approximately 1.75 metres from the highway boundary with the appeal property. The electric gate would slide open behind a pre-existing earth bund with hedge.
7. Ockham Road South is the B2039, a two way single carriageway road, limited to 30mph, that connects at one end to the A246 and at the other, after passing through the village of Horsely, to Ockham Road North. A single footway is provided on this part of the road, on the same side as the appeal property.
8. A vehicle using the proposed electric gate at the driveway to the appeal property, with a suitable transmitter, could activate the gate to open. Whilst there is the facility for this to be done as a vehicle is approaching the gate, without the need to stop for the gate to open, there is no guarantee that this would always be the case. As such, the required use of such a facility could not form the basis of an enforceable condition. I have therefore considered the proposal with a delay to open the gate on arrival, with a vehicle having a short stationary wait for the gate to open.
9. I note from my site visit that vehicles accessing open gateways in the area were slowing considerably on approach to these accesses, and especially during their manoeuvre through the access point to their respective driveways. This would cause other vehicles using the road in the same direction to slow and in some instances stop and wait for vehicles to complete their manoeuvring to access the driveway. This was especially the case where a manoeuvring vehicle was waiting for oncoming traffic, before the manoeuvring vehicle crossed the opposing lane to access a driveway.
10. On my site visit there was also the occasional instance of parked vehicles on the road, usually what appeared to be delivery vehicles, necessitating drivers following to manoeuvre around the parked vehicle, including sometimes having to stop and wait for oncoming traffic. At the midday time of my site visit, such occasional manoeuvring off the road or parking on the road, appeared to result in only momentary delays to following vehicles, with the road wide enough for the safe passing of vehicles where necessary.
11. Whilst I find that the proposed gate would have the potential to increase the waiting time for vehicles as the gates are activated and opening, this would be a marginal increase on top of the time taken for a manoeuvring off the highway into an already open gateway. Especially when accessing the driveway from the furthest lane of the carriageway from the appeal property, as there is a likelihood of vehicles having to stop and wait for oncoming traffic.
12. Although there is a bend in the road at this point, it is a shallow bend with good visibility of the appeal property's driveway access when approaching in both directions. This would allow for extensive visibility of stationary vehicles and vehicles manoeuvring at this point and would also accord with the visibility requirements set out in the Manual for Streets, the Government's technical guidance for streets.
13. From the collision data for the local area of the appeal property provided by the appellant, which is drawn from the County Council's records, there have been a low number of collisions that have resulted in either minor or serious injury, none of which appear to have been related to vehicles manoeuvring at

driveway access points. The road, which has a significant number of driveway accesses points on both sides of the road, does not therefore appear to be a road with an existing highway safety issue that would be added to by the development of the gated access to the appeal property.

14. I note from the documents submitted by the Council that Surrey County Council, as the relevant Highway Authority (the HA), initially found in November 2023 that that the gated access as applied for would not have a material impact on the safety and operation of the adjoining public highway. However, a later objection from the HA in January 2024 sought a further set back of the gate, sufficient to allow vehicles to wait off highway whilst the gate opens. Given my own findings from my site visit and material provided as part of this appeal, I find that the proposal would not result in any significant harm to highway safety and see no reason to demur from the HA's initial findings in this regard.
15. For the reasons given, the development accords with policy ID3 of the Guildford Local Plan (2019) and Paragraphs 108 and 114 of the National Planning Policy Framework (2023). Collectively these seek development that does not adversely impact road safety or the movement of other road users.

Conditions

16. As the development to which this appeal relates has commenced there is no reason for me to add the standard condition on the timing of implementation of the development. In the interests of design quality, I have attached a condition requiring compliance with approved plans.

Conclusion

17. For the reasons above, the appeal is allowed.

Victor Callister

INSPECTOR