
Appeal Decision

Site visit made on 20 May 2025

by **N Praine BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th June 2025

Appeal Ref: APP/L3625/D/24/3357475

Santa Margherita, 1 Dean Lane, Merstham, Surrey RH1 3AH

- 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 Rashid Khan against the decision of Reigate and Banstead Borough Council.
- The application Ref is 24/01338/HHOLD.
- The development proposed is described as a remote control front lightweight see through metal gate.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As set out on the application form, development has started and is now complete. However, my assessment of the proposal is based on the plans before the Council at the time of the planning application. I will therefore refer to the “proposed development” throughout my decision and use the future tense, although certain aspects may already be completed.

Main Issues

3. The main issues are the effect of the proposed development on:
 - Highway safety particularly vehicles emerging from Dean Lane; and
 - The character and appearance of the area.

Reasons

Highway Safety

4. The proposed development would be sited across the existing access to the appeal site and close to a corner where Dean Lane, the A23, and the A23 service road meet. When the gates would be closed, vehicles would have to wait on the service road while the gates open before they could enter the site.
5. As vehicles travel toward the A23 along Dean Lane there is clear visibility straight ahead onto the junction with the A23. The Appellant has provided evidence to show that cars waiting to enter the appeal site would be unlikely to obstruct vehicles continuing ahead.
6. However, vehicles wishing to turn left out of Dean Lane into the service road would have considerably reduced visibility as they approach the point when they need to turn due to a fence and mature trees sitting on the boundary of the appeal site.

7. As they approach the end of Dean Lane, vehicles would be likely to be slowing down and proceeding with caution given the tree-covered, narrow single-lane rural nature of this lane, its 30mph speed limit, and busy junction ahead. However, the limited visibility, as indicated above, would impede drivers of any sight of a vehicle waiting on the service road until approaching vehicles were close to the junction.
8. I have considered the sight lines as set out in the Appellant's evidence and I do accept that drivers would eventually have visibility of a waiting car on approach, but this would be at short distance and therefore would present limited opportunity to react, brake, and come to a complete stop given the distance from first visual sight, even if cars were traveling at reduced speeds and under caution.
9. Therefore, from the evidence before me, it would be likely that a vehicle waiting could be struck by another car turning left out of Dean Lane or vehicles taking evasive action may swerve into other traffic. Even though the time and frequency of vehicles waiting for the gate to open, on average, would only be a matter of minutes, a few times a day, the proposed development would nonetheless increase the risk of accidents at this junction, endangering road users for the reasons set out above.
10. As a result, the proposed development would unacceptably compromise highway safety and would fail to accord with the relevant provisions of Policy TAP1 of the Reigate and Banstead Local Plan Development Management Plan 2019 ("the DMP") and the National Planning Policy Framework. These look to, amongst other things, ensure that development would not be detrimental to the safety of the transport network.

Character and Appearance

11. As indicated above, the appeal site sits at a prominent corner where Dean Lane meets the A23 and the A23 service road. The appeal site is set back from the A23 and has a generous frontage which includes a brick wall facing the A23, with piers either side of the access and a fence running along the Dean Lane boundary. Gated accesses feature prominently along the service road with neighbouring dwellings characterised by a range of gate designs, heights, and lengths.
12. The proposed development would incorporate double metal gates for vehicular access and a single metal gate for pedestrian access. The gates would be modern in design with vertical bars enabling views through the gates. They would span the full width of the existing access and would be no higher than the existing piers.
13. When viewed against the existing appeal site frontage, which is generous in size, the proposed width of the gates would have an element of proportionality in this context. The integration of the gates into the streetscape would also be aided by a slatted design, while the bars would be thicker than some neighbouring gates, they enable views through, and this softens their visual impact. The proposed height of the gates would be reflective of the adjoining piers and take their design cues from other gates nearby.
14. The combination of these factors leads me to conclude that the appeal proposal, when experienced in this setting, would sympathetically integrate into the street scene, and therefore would not be unacceptably harmful to the character and appearance of the area. The proposal would therefore comply with the relevant provisions of Policy DES1 of the DMP, this, amongst other things, addresses the

need for high quality design, therefore respecting local identity, distinctiveness, and sense of place.

Other Matters

15. I have found the gates to be acceptable on character and appearance grounds, but unacceptable in respect of highway safety. The absence of harm, including any heritage harm are neutral considerations and do not outweigh the overall harm that I have identified.
16. I also appreciate the gates were erected for security purposes; however, it has not been robustly shown that gates in this exact location would be the only solution to manage security. This therefore carries limited weight and does not alter my overall findings.
17. I note the objection from a consultee regarding pipelines which may be affected. However, as I am dismissing this appeal, there is no need for me to consider this matter further.

Conclusion

18. The proposal would conflict with the development plan when taken as a whole and for this reason the appeal should be dismissed. There are also no other material considerations of sufficient weight to indicate a decision should be made contrary to this conclusion.

N Praine

INSPECTOR