
Appeal Decision

Site visit made on 3 June 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd of July 2025

Appeal Ref: APP/D5120/W/25/3359568

39 Surlingham Close, Thamesmead, London SE28 8NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Bidemi Osifeso against the Council of the London Borough of Bexley.
 - The application ref. is 24/02223/FUL.
 - The development proposed is the installation of a back garden automatic sliding gate (maximum height of 6 feet).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the amended application form includes details of health and safety and other supplementary information, which I have omitted as they do not comprise development.
3. I found on site that brick piers like those described in the planning application have been built, albeit in different locations to those shown on the drawings and without a gate. Temporary fencing has been fixed between the piers.
4. Whilst an amended site location plan more closely matches the drawings, the piers are further away from the house than shown, one significantly so, and the garden is longer, particularly the upper part that is level with Crossway.
5. As the submitted drawings are not representative of the situation on the ground and would not substantially reflect the development carried out so far, I have not dealt with the appeal as retrospective in any respect.

Main Issues

6. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area
 - highway safety

Reasons

Character and appearance

7. The appeal site contains a two-storey mid-terrace house with block-paved front and rear gardens, located at the end of a cul-de-sac with a combined turning and

parking area. A further parking area is at the end of the terrace. The site is in an area developed in the 1980s, identified as a Primarily Residential Area. Its layout comprises waterways bounding groups of houses on cul-de-sacs accessed from a distributor road, the nearest section of which is Crossway.

8. The rear garden backs on to both Crossway as it climbs to bridge a waterway and an access that diverges from it and leads down to the waterway. The embankment between the two contains trees and shrubs. The rear boundaries of neighbouring gardens are formed by close-boarded timber fences of about two metres' height with concrete posts. Those to the waterway access are screened by the trees and shrubs in its verge, but those to Crossway directly abut its footway.
9. The proposal would erect brick piers closer to the house than those present and install a sliding gate of four articulated panels in grey composite board, running in a track turning into the site and along the side boundary. The piers and gate would appear unusual in their form and materials, compared to the trees and shrubs or concrete posts and fences to either side. The composite board would not have the same appearance, or age in the same way, as treated timber.
10. Despite the appellant's intention not to use the gate for vehicular access, future intentions or occupiers may differ. A further effect, therefore, would be to create activity on – possibly including vehicular crossings of – a footway interrupted at present only by the waterway access, detrimentally affecting its character.
11. The proposal would therefore harm the character and appearance of the area, contrary to Policy D4 of the London Plan (2021) and Policies SP5 and DP11 of the Bexley Plan (2023), which seek high quality design, place-making, and to protect or enhance the character of Primarily Residential Areas. I attach significant weight to these conflicts with the development plan.

Highway safety

12. The appellant refers to rights of way to access Crossway and considers that the Council failed to take these into account. Whether the appellant has a legal right of way is a matter of civil law beyond the scope of this appeal and implies no right to develop land in such a way as to implement an access.
13. Photographs submitted with the appeal show the exterior of the site as seen from Crossway with the temporary fence in place. Whilst the proposed piers and gate would be closer to the house than the existing piers, the photographs provide no indication that a car could not be parked on the garden thus enclosed, particularly if the upper part of the garden were not shortened as shown on the drawings.
14. The application form has been completed indicating that no new or altered vehicle or pedestrian access is proposed. However, installing a gate of the width and in the location proposed would effectively create both. Whilst the appellant does not intend to use the gate for vehicular access, a future occupier may choose to.
15. The Council's highways officer states that the estate was laid out to minimise the number of accesses on to Crossway, and that the brick piers and adjoining fences would not provide adequate pedestrian visibility splays for a vehicle rejoining the public highway. The Council includes the location adjacent to the waterway access in the reasons for which it would have refused.

16. Adjoining tall fences would prevent pedestrians being seen by drivers of vehicles emerging from the gate until they were very close. A reversing driver would have a poorer view. The angle of the waterway access with respect to the proposed gate, would mean pedestrians emerging from the access would be obscured until even closer. The appellant offers no expert evidence in respect of highway safety.
17. A condition prohibiting vehicles parking in the rear garden has been suggested by the Council and agreed by the appellant. Whilst this may reduce the frequency of vehicular movements, it would not eliminate them as they may cross the footway to deliver. As the highways officer identifies the proposal as inherently unsafe, I do not consider the condition sufficient. It would also be difficult to enforce.
18. Therefore, the proposal would have an unacceptable impact on highway safety, contrary to Policy T4 of the London Plan (2021) and Policies SP10 and DP24 of the Bexley Plan (2023), which state that proposals should not increase road danger and the highway network should be managed to promote safety. I attach significant weight to these conflicts with the development plan.

Other Matters

19. Whilst some natural surveillance may be expected from use of the gate, there is no evidence that intrusion or unauthorised access are currently problems. I am also unconvinced that the proposed gate would provide better security than a fence such as those to the boundary of neighbouring gardens with Crossway.
20. I saw on site the height difference between Crossway, with which the upper block-paved area is level, and the ground floor of the house. I am not convinced that the proposal is the optimal way to effect level access or deliveries while prioritising pedestrian movements, so attach only modest weight to these benefits.
21. I have insufficient information about the lifecycle costs of the composite boards to be sure that their use would better represent sustainable construction than the use of treated timber and I therefore attach only modest weight to this.

Conclusion

22. The proposed development is contrary to the development plan as a whole and this is not outweighed by the considerations put forward by the appellant in support of it. I therefore conclude that the appeal should be dismissed.

S Simms

INSPECTOR