



Appeal Decision

Site visit made on 17 February 2026

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 03 MARCH 2026

Appeal Ref: APP/A1910/D/25/3371123

26 Hempstead Lane, Potten End, HP4 2SD

- 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 Jaipaul Vilku against the decision of Dacorum Borough Council.
 - The application Ref is 25/01071/RET.
 - The development proposed is front wall and gates.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have deleted the term “retrospective” from the description above as this is not an act of development. Nonetheless, the proposed development was in place at the time of my site visit. I have determined this appeal on the basis of the plans before me and what I saw on site. At the time of my site visit the gates were open and concealed by the wall. However, I was able to observe their height without entering the site and assess their visual effect from the drawings and photographs submitted.

Main Issues

3. The main issues in this appeal are the effect of the development on: -
 - The character and appearance of the site and the surrounding area; and: -
 - The safe and efficient operation of the local highway network.

Reasons

Character and appearance

4. The appeal site fronts onto Hempstead Lane within the village of Potten End. The Metropolitan Green Belt washes over the village. Hempstead Lane has a narrow carriageway and a footway on one side only, that opposite the appeal site. It is predominantly bounded by mature hedging, some of considerable height, often set back behind a verge of varying width through which dwellings gain access. The accesses are often wide and whilst many have gates, these vary in height and material and are often well set back and/or of open construction giving views into the plot behind. Overall, these features contribute to giving the area a verdant, open feel, with the informal character of a village street.

5. In contrast, at the appeal site, the gates and wall either side present a hard, high, visually impermeable feature, interrupting the soft verdancy predominating the area and increasing the enclosure of the street. This is emphasised by the dark colour of the gates. The design is distinctly ordered and urban in appearance and undermines the general informality of the street scene and those features that I have identified above which contribute positively to the character and appearance of the area.
6. This undermining of the area's soft verdancy and open, spacious views into the back land harmfully undermines the street's village character.
7. My attention has been drawn by the appellant to various other gates¹ of comparable height along Hempstead Lane. Whilst some have a solid appearance and are accompanied by substantial walls, they are often set further back from the carriageway and are more visually permeable. Further, whilst contributing to the overall character of the area, they do not predominate nor define the positive features of the locality as I have identified them above.
8. I therefore find that the proposal has a harmful effect on the character and appearance of the site and the surrounding area. This would be contrary to the aims of Policies CS6, CS11 and CS12 of the Dacorum Borough Council Core Strategy (2013) (the Core Strategy) and Saved Appendix 7 of the Dacorum Borough Local Plan (2004) in as much as these, together, seek, amongst other things, to ensure that development integrates with the local streetscape character and is sympathetic to its surroundings in terms of local character, design, scale, landscaping and visual impact; and, retains and protect features essential to the character and appearance of the village.

Highway network

9. Hempstead Lane is a single carriageway subject to a 30 MPH speed limit. The proposed gates are set back a short distance from the running edge of the carriageway. The carriageway is sufficient for two cars to pass but constrained for the passage of a car and larger vehicle. A parked vehicle, or other significant obstruction at the edge of the carriageway would require opposing drivers on the carriageway of Hempstead Lane to give way in order to pass safely.
10. The gates and the wall within which they are set are flanked by mature hedging, roughly matching in height to the pillars of the wall. The appellant identifies that this hedge has existed for some time and there has been no change to visibility for the driver of an emerging vehicle. I have no reason to dispute this.
11. However, it is clear from the Officer's Report that the Council's concerns relate, not to visibility from emerging vehicles, but to the ability of a vehicle to stand clear of the carriageway whilst entering or leaving the site. In this regard the space available for a vehicle to wait whilst the gates open or close is, for most vehicles, significantly less than the vehicle length. Thus, when waiting to enter or leave, with the gates closed, most vehicles would project into the running carriageway.
12. The site lies within a 30MPH speed limit on a stretch of road where drivers would be aware of development with frontage access. Due to the alignment of the street, it is likely that an approaching driver would be aware of a vehicle about to enter, or

¹ 16, 24, 37, 60, 61 and 75 Hempstead Lane

projecting into, the carriageway as they approached and would have the opportunity to react appropriately to avoid a collision.

13. However, a following driver would have limited warning of a vehicle stopping unexpectedly as it enters the site, should the gate be closed, as this may be unexpected. If a vehicle is approaching from the opposite direction, the vehicle would not be able to safely pull out to pass and may be unable to avoid a collision.
14. Thus, by virtue of the inadequacy of setback of the gates from the carriageway there is an increased risk of collision, with consequent potential for injury and vehicle damage. On this basis, there would be material detriment to the safe and efficient operation of the highway.
15. Even were the gates to be fitted with devices to open and close by remote control, there is no certainty that the mechanism would never fail. Were such to be the case, the entering vehicle would be less likely to expect obstruction at the entrance and so there would remain an unacceptable increase in the risk of accident.
16. Whilst the Council has not provided evidence of any significant accident history at the access, accidents are, by their very nature, rare occurrences, often dependent on a number of coinciding factors. I have considered the development on its potential to affect the ongoing risk of accident.
17. Some of the examples of existing gates cited above by the appellant have a similar setback to that of the appeal scheme. However, the development would, of itself, provide an increased risk of harm to highway users. The existence of similar situations elsewhere on the network does not justify poor design in this case.
18. The development results in detriment to the safe and efficient operation of the local highway network and this would be contrary to the aims of Policy CS12 of the Dacorum Borough Council Core Strategy 2006-2031 (2013) (the Core Strategy) in as much as this seeks, amongst other things, to ensure that all development provides safe and satisfactory means of access for all users.
19. For similar reasons, the development fails to accord with the advice provided in Part 4 of Chapter 6 of the Place & Movement Planning and Design Guidance for Hertfordshire, which has been drawn up to achieve similar outcomes.

Other Matters

20. The appellant identifies that there was no objection to their development by the Parish Council and neighbours did not object either. However, whilst there are no objections from local persons, this is not determinative in regard to whether, or not, a development is acceptable in planning terms.
21. The appellant has a Lawful Development Certificate (LDC)² confirming that a wall and gate up to one metre in height would be permitted development. I accept that such a gate and wall could be built as an alternative to the development before me and that it would have no more harmful effect on highway safety than the development that has been constructed. However, whilst the lower gate may also be solid in appearance, the development as-built is significantly taller than and, by virtue of its height and form, has a more enclosing visual effect than that of the lower option.

² Council Ref: 24/02755/LDP

22. The proposal before me is, therefore, more visually harmful than the identified fallback and so that fallback does not justify the acceptance of the development that has been constructed.
23. The gate provides a secure boundary to the plot. However, there is nothing before me to demonstrate that a similar enhancement of security could not be achieved by a more open gate design that would not have the same harmful visual effect on the site and the surrounding area. Similarly, it has not been demonstrated that a cate gate providing a similar level of security could not be set further back into the site, avoiding the need for vehicles entering or leaving to obstruct the highway.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is, therefore, dismissed.

I A Dyer

INSPECTOR