



Appeal Decision

Site visit made on 22 November 2023

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 8th January 2024

Appeal Ref: APP/K2230/D/23/3317316

371 Singlewell Road, Gravesend DA11 7RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Sangherra against the decision of Gravesham Borough Council.
 - The application Ref 20221242, dated 18 November 2022, was refused by notice dated 7 February 2023.
 - The development proposed is retention of vehicle entrance gates and railings to existing boundary walls.
-

Decision

1. The appeal is allowed and planning permission is granted for retention of vehicle entrance gates and railings to existing boundary walls in accordance with the terms of the application, Ref 20221242, dated 18 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: 22/155-01 and 22/155-02.
 - 2) A remote control gate operating system shall be retained permanently and maintained so that it is fully operable at all times the gates are in use.

Preliminary Matters

2. At the time of my site visit, the railings had an artificial hedge sheeting attached to them which did not form part of the application. For the avoidance of doubt I have reached my decision based on the submitted application plans.

Main Issues

3. The main issues are: the effect of the gates and railings on the character and appearance of the area; whether the gates and railings are detrimental to highway safety.

Reasons

Character and appearance

4. The appeal property comprises a large detached house located on the western side of Singlewell Road almost opposite its junction with Broadwood. It has a

- large hard paved forecourt to accommodate vehicle parking with two wide access points at either end. The appeal documents show that both accesses together with a front boundary wall up to 1 metre in height existed prior to the development which is the subject of this appeal. That development comprises railings above the wall on the road frontage, together with the two side returns and two large metal gates which are curved in appearance and operated by remote control. The Council advises that the height of the walls/railings varies between 1.8 metres and 2.2 metres and that each access is 4.5 metres wide.
5. The Council considers that the area surrounding the site is characterised by low walls and vegetation and that the railings and gates as installed are harsh and incongruous compared to other boundary treatments. In particular, whilst it acknowledges that there are other gates and railings in the area, albeit apparently without planning permission, these tend to be more delicate in appearance.
 6. At my site visit I took the opportunity to walk up and down Singlewell Road in both directions. Whilst I agree that there are a number of frontages comprising low walls with hedges above, there are also a number of examples of differing front boundary treatments, particularly to the south of the site where there are open frontages on the eastern side, and relatively open frontages on the western side enclosed only by low walls and open wooden fences. At best therefore, I consider that the character of frontages is mixed. There are also examples of other gates and railings such as the property adjoining at No 369 and also No 377 on the corner of Singlewell Road where there is an extensive frontage of railings and gates.
 7. Notwithstanding the Council's view, I consider the actual railings on the appeal property are similar to other examples and it is only the gates themselves which are heavier in appearance because of their size and means of operation. However, the fact that they are curved and largely see through, lessens their visual impact. Additionally, the height of them is no greater than the hedges on the frontages of properties on either side, and indeed other hedges in the vicinity. Together with the variety of front boundary treatments nearby, they are not therefore particularly obtrusive in the streetscene in my view.
 8. Drawing the above together, I find that the gates and railings, although having some impact in the streetscene, are not particularly harsh or incongruous as the Council suggests and that consequently there is no harm to the character and appearance of the area.

Highway Safety

9. The Council refers to the Highway Authority advice which states that gates should be a minimum distance of 5.5m from the highway edge in order to ensure vehicles do not obstruct the public highway when accessing the property. Clearly the gates are in conflict with that advice. However, they are operated by remote control so that they are in the open position when a vehicle approaches the site. In such circumstances there is no need for a vehicle to wait on the highway. Such a system depends of course on the remote system being operational. However, given the size and weight of the gates it seems to me that would inevitably have to be the case and therefore the risk of it being non operational in the closed position, is low. Subject to a condition to ensure the system remains operational and is maintained, as the Council suggests, I consider the arrangement is satisfactory.

10. In terms of visibility, the Council appears more concerned with regard to pedestrian visibility than conflict with other vehicles. However, in relation to the latter and having stood in the entrance and noted the width of the access points, width of the footway and also the main carriageway, I am satisfied that sufficient visibility exists for vehicles emerging from either access point in a safe manner.
11. From a pedestrian visibility perspective, the highway authority guidance is that there should be no obstruction over a height of 0.9 metres above footway level. I acknowledge that the height of the gates and railings obstructs some intervisibility but I noted that unlike a solid barrier such as a hedge or wall, some visibility of pedestrians walking along the footway is possible. During my site visit the gates were opened and closed whilst I was there. I noted that there is a significant audible noise in operation and that they move slowly. In my view, any pedestrian using the footpath would be well aware that the access would shortly be in use if they were approaching the gates. Additionally, both access points are significantly wider than a vehicle width at 4.5m and therefore when opened I am satisfied that sufficient visibility exists for either driver or pedestrian to be well aware of each other.
12. I find on this issue therefore that there is no adverse effect on highway safety for either vehicles or pedestrians.

Conclusion

13. Having regard to the above, the development complies with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (LP), in that it is visually attractive, fit for purpose and conserves the character of the built environment. It is also compliant in part with the Council's Householder Extensions/Alterations Design Guide 2021 in that it is consistent with the height of other enclosures in the road. Guidance in other respects does not require strict adherence in this instance for the reasons given.
14. In terms of highway matters, the development complies with Policy CS11 of the LP and Saved Policy T5 of the Gravesham Local Plan First Review 1994 (LP First Review) in that no danger arises to vehicle or pedestrian users of the highway network as a result of the gates and railings, and that in this instance there are good reasons to set aside standard highway advice as explained above. Although the Council also refers to conflict with Policy T1 of the LP First Review, that does not seem to be particularly relevant in this case as it appears to relate to wider impacts on the transport system and environment.
15. Conditions for the development to be retained in accordance with the approved plans is necessary in the interests of certainty. A condition requiring that the remote control system for the gates remains operational at all times, is necessary in the interests of highway safety.
16. Accordingly, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR