



Appeal Decision

Site visit made on 16 June 2021

by **Cullum J A Parker BA(Hons) MA MRTPI MCMi IHBC**

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

Decision date: 18 June 2021.

Appeal Ref: APP/V2255/D/21/3270795

68 London Road, Faversham, ME13 8SN

- 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 Antony Hook against the decision of Swale Borough Council.
 - The application Ref 20/505265, dated 7 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is described as '*erection of driveway gates. Double gate. Total length 3m. Height 1.2m. Timber.*'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of driveway gates at 68 London Road, Faversham, ME13 8SN in accordance with the terms of the application, Ref 20/505265, dated 7 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: existing block plan, proposed block plan, proposed gate plan and site location plan.

Main Issue

2. The effect of the proposed development on highway safety.

Reasons

3. The appeal site comprises a detached two storey house facing onto the A2/London Road. The street scene comprises a mixture of building styles, with open front drives and parking areas prevalent. At present, fronting London Road at No 68 is a high yew hedge set behind a low brick wall with an opening for vehicular and pedestrian access. As shown on the submitted drawings, the appeal scheme seeks the erection of gates of approximately 1.2 metres in height with a width of around 3 metres.
4. The comments from Kent County Council, as the local highways authority, raise concerns in terms of vehicle users stopping on the highway to open and close gates. This is considered to be exacerbated by the lack of adequate off-road space (of about 5 metres as indicated in their letter of 8 January 2021) whilst such activities are carried out, to the detriment of other road users.

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5. However, as pointed out by the Appellant, there are no obvious stopping or parking restrictions along this part of London Road which would prevent this from occurring. This is activity which could occur regardless of whether there were gates at the appeal site or not. Indeed, whilst not what is applied for, the Appellant has pointed out that there is the potential that gates of one metre in height being erected under permitted development rights. Whilst the Council disputes the likelihood of this occurring in practice, the fact remains that gates within any permitted development thresholds would likely still result in vehicles temporarily stopping on the public highway. Moreover, the height of the gates is not an issue in terms of their aesthetics. Rather it is the fact of their placement on the appeal site.
6. In this respect, the gates are sought to prevent younger occupants of the appeal site from accidentally venturing onto the public highway. I agree that there is the potential minor inconvenience of vehicles stopping for a short period to open or close the gates (if that is how they are to be used in the future, which I would stress the Appellant makes clear they would not). Nonetheless, balanced against the potential injury or worse to children or vulnerable persons, the highway safety reasons for installing the gates weigh greater than a few minutes of a stationary vehicle on the public highway in an area without parking restrictions.
7. Accordingly, I find that the proposal would accord with Policy DM14 of the *Bearing Fruits 2031: The Swale Borough Local Plan 2017*. Amongst other aims, this seeks to ensure that all development proposals will, as appropriate: Achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists. It would also accord with Paragraph 109 of the *National Planning Policy Framework* (the Framework) which indicates that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety...'

Conditions

8. Conditions relating to a time limit for implementation and to be in accordance with the submitted drawings are necessary and reasonable to provide certainty. These would accord with Paragraph 55 of the Framework and the guidance set out in the national Planning Practice Guidance and the use of planning conditions.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR