The Planning Inspectorate

Appeal Decision

Site visit made on 1 March 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10th April 2019

Appeal Ref: APP/X1925/W/18/3205353
1 Half Acre, Hitchin, SG5 2XL

- 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 Mrs Clara Odularu against the decision of North Hertfordshire District Council.
- The application Ref 18/00273/FP, dated 25 January 2018, was refused by notice dated 20 April 2018.
- The development proposed is erection of private road security gates and garden wall around the perimeter of 1 Half Acre, Hitchin, SG5 2XL.

Decision

1. The appeal is dismissed and planning permission is refused insofar as it relates to the erection of private road security gates. The appeal is allowed and planning permission is granted insofar as it relates to the garden wall around the perimeter of 1 Half Acre, Hitchin, SG5 2XL in accordance with the terms of the application, Ref 18/00273/FP, dated 25 January 2018, so far as relevant to that part of the development hereby permitted and 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: Location Plan (17-101-00/A-01 Rev P1); Proposed Plan (17-101-00/A-20 Rev P2); Proposed Elevations (17-101-00/A-25 Rev P2).

    3) The materials to be used in the construction of the wall hereby permitted shall match those used in the existing walls surrounding 1 Half Acre.

Preliminary Matters

2. The development plan comprises the saved policies of the North Hertfordshire District Local Plan No.2 with Alterations, first adopted in 1996 ('NHDLP'). It is intended that this plan will be replaced by the emerging North Hertfordshire Local Plan 2011-2031 ('ELP'). At the time of my decision, the emerging plan was at the Main Modifications stage. In light of the advanced stage that this document has reached, I afford it significant weight.

3. The Council have not submitted a separate statement of case, preferring to rely on the officer's report.

Main Issues

4. The effect of the proposal on the character and appearance of the area and community cohesion.

Reasons

Character and Appearance

5. Half Acre is a suburban residential development of 11 detached dwellings on the south western edge of the town of Hitchin. It is situated on a hillside with a single vehicular and pedestrian point of access, directly off the A505, known as Moormead Hill.

6. The entrance to Half Acre comprises a wide bellmouth, flanked by footways. The street itself is surfaced with block paving and it splits into two smaller cul-de-sacs a short distance into the development where there is a generous turning area. Overall the area has a spacious, open character.

7. There are two aspects to the proposals: one being a new perimeter garden wall for 1 Half Acre, and the other being the installation of a set of electric security gates for vehicles and pedestrians.

8. There is already an existing wall running partly along the side of 1 Half Acre which fronts onto Moormead Hill, as well as a wall on the other side of the main entrance. The proposed wall would therefore echo this, albeit on a smaller scale. The Council considers that the proposed garden wall would be acceptable, causing no harm to visual amenity. I concur that the proposed wall would not look incongruous within the street scene.

9. The proposed private drive security gates would be situated just before the driveway into 1 Half Acre and would cover the entire width of the road and both pedestrian footways into the cul-de-sac itself. A pedestrian gate and vehicular gate would operate independently of one another.

10. The proposed security gates would be a significant addition to the street scene, which is clearly domestic and strongly suburban in nature. The gates would appear divisive and at odds with the open and generous character of the street and that of the neighbouring streets. At their highest point, the gates would be higher than the eaves of the detached garage serving 1 Half Acre. This would appear dominant and incongruous in the street scene.

11. In summary, I conclude that the proposed garden wall would be acceptable complying with paragraph 91 of the Framework and Policies SP9 (Design and Sustainability) and D1 (Sustainable Design) of the ELP. These policies seek to achieve high quality sustainable and inclusive design that responds well to its context and enhances the public realm. In contrast, the proposed security gates would harm the character and appearance of the area contrary to the above policies.

Community Cohesion

12. The proposals would result in Half Acre becoming 'gated', making it a private and exclusive development that would effectively turn its back on the community within which it is located.

13. The appellants have not provided sufficient evidence that the gates are necessary, and I am not persuaded that they are aligned to the relevant parts of the Framework, where crime and the fear of crime or antisocial behaviour should not undermine the quality of life or community cohesion and resilience.

14. The proposed security gates would therefore be contrary to Policy SP10 of the ELP, which seeks to secure healthy and cohesive communities and paragraph 127 of the Framework which supports developments that are safe, inclusive and accessible.

Other Matters

15. Whilst not a reason for refusal, the appellant's case for the security gates is, in part, as a result of their experiences with traffic accessing Half Acre to turn and in some cases park. The appellant cites concerns over the safety of children that are resident in the street, in terms of potential conflict with traffic not destined for any of the addresses within the street.

16. At the site visit, I noticed a sign within the junction bellmouth stating that parking and turning was prohibited and that Half Acre is a private development. I also witnessed a commercial luton-type van access the bellmouth to turn although it did not need to gain access to the turning area within the street itself as there was already sufficient space to safely perform the manoeuvre. I am therefore satisfied that it is entirely possible that the issue claimed by the appellant will not be solved by the introduction of gates.

17. I appreciate that there may be some nuisance from vehicles turning within Half Acre, but the appellant has not provided evidence to suggest that Half Acre, nor the junction with Moormead Hill has been subject to accidents or significant pedestrian/vehicular conflict, nor is there evidence to demonstrate to me that vehicles regularly access the large internal turning area within the street to an unacceptable degree.

18. It is possible that a planning condition could be used to an ensure emergency vehicle access was in place at all times, although this is not particularly desirable, given that it is unnecessary at the present time. I note that the Police response to the application was that the proposed private gates would *'not solve the problem'* of abandoned vehicles and that they had concerns about whether emergency vehicles could access Half Acre.

19. In any case, I do not consider that the private gates would prevent vehicles from being abandoned, nor would they prevent vehicles from turning within the bellmouth.

20. Whilst I have had regard to the support for the gates from local residents, I consider there is very little weight in the appellant's case that the proposed security gates are justified, in light of the evidence before me.

Conclusions

21. I have found material harm to character and appearance with respect to the proposed security gates but have found that the proposed perimeter wall would be acceptable. As the two elements of the scheme are clearly physically and functionally severable, I consider it appropriate to issue a split decision as set out above.

22. In relation to the perimeter wall, I have imposed a standard condition which limits the lifespan of the planning permission and I have specified the approved plans, for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is necessary to ensure that the appearance of the new wall would be satisfactory.

23. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the perimeter wall but dismissed insofar as it relates to the private road security gates.

Sian Griffiths

INSPECTOR