

Caroline Tranter - Case Officer
The Planning Inspectorate, Room 3/10
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Temple Quay House,
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Bristol
BS1 6PN.

**Monks Orchard Residents'
Association
Planning**

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chairman@mo-ra.co
hello@mo-ra.co

9th January 2023

TOWN AND COUNTRY PLANNING ACT 1990
Appeal (W) under Section 78
Location: Hanbury Mews, Orchard Avenue
Application: Retention of gates to Hanbury Mews
LPA Application Ref: 21/05976/FUL
Appeal Ref: APP/L5240/W/22/3307138
Written Representation Close: 17 Jan 2023

Dear Caroline Tranter - Case Officer

Please accept this representation from the Monks Orchard Residents' Association as a request for this Appeal to be **Dismissed** on the grounds as follows. We fully support the Local Planning Authority (LPA) Case Officer's Report for a refusal and provide the following analysis to support the Delegate Committee decision for a refusal. Our Chairman, Sony Nair, objected to the proposal on behalf of local residents to the LPA of which you should have received a copy.

A copy is available at **Appendix A**.

1 Appeal Submission

- 1.1 This Appeal is against the refusal of Planning Application Ref: 21/05976/FUL for Retention of gates to Hanbury Mews as proposed by the Applicant.
- 1.2 However, the Appellant is including material modifications to the Application proposal as placed before the LPA to include electronic control of the gates, which was not mentioned or included in the proposed Application submitted to the LPA and therefore the Appellant's Appeal materially changes the proposal and is therefore inappropriate as the appeal is only relevant to the refused application as submitted and not the application as modified by the material change to the methodology of electronic control of the Gates within specific times of day.
- 1.3 The original Application did NOT indicate any specific method of control of the proposed Gates in any submitted documentation or covering letter¹ and therefore the Appeal against its refusal is based upon the Application as formally presented to the LPA for determination which were presumed to be manually controlled gates.

¹ <https://publicaccess3.croydon.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R3FFLAJLGOZ00>



- 1.4 The appropriate procedure would be for the Applicant to re-apply for retrospective Planning Permission for the Gates as modified by electronic control during the hours depicted in the "Grounds of Appeal" Document. It is not appropriate for the Planning Inspectorate to evaluate the modified application as that is NOT the Planning Application which was refused on the basis of the provided documentation and NOT for what is basically a retrospective Planning Application for electronically controlled gates.
- 1.5 There is no statement within the Appeal to define the timing control mechanism and whether the controls can be overridden or cancelled.
- 1.6 The application nor the Appellant defines the mechanisms to change times of opening from Daylight Saving Hours to GMT.
- 1.7 The application nor the Appellant indicates how the Gates are actually opened and closed electronically, probably by sensors detecting a requirement to access, or how these sensors differentiate the requirement to access from passing vehicles or pedestrians.
- 1.8 The application nor the Appellant indicates how emergency vehicles gain access during periods when the Gates are closed or how Delivery Vehicles or visitors gain Access when the Gates are closed.
- 1.9 The application nor the Appellant indicate how the mechanism handles a situation when a vehicle is entering or leaving the site at the instant the gates are closing.

2 Conclusions

- 2.1 This appeal should be dismissed as the Application has been "materially" modified from that Refused by the LPA and therefore is inappropriate for determination by the Planning Inspectorate.
- 2.2 The appellant should reapply for Planning Permission to the Local Planning Authority with a new modified proposal to include the "electronic timing of Gate operation" with operational information to establish if the viability and acceptability of the proposal is within the Policy definitions of acceptability for further assessment.
- 2.3 If the Planning Inspectorate makes a recommendation or grants permission, there should NOT be any costs awarded against the Local Planning Authority as the Application has been materially modified from that refused.

Kind Regards

Derek

Derek C. Ritson I. Eng. M.I.E.T.
Monks Orchard Residents' Association
Executive Committee – Planning
Email: planning@mo-ra.co

Sony Nair
Chairman MORA
Monks Orchard Residents' Association.
Email: chairman@mo-ra.co

Appendix A - Objection Submission to the LPA

Ms Sera Elobisi - Case Officer
Development Management
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Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

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**Monks Orchard
Residents' Association
Planning**

25th January 2022

Emails: planning@mo-ra.co
chairman@mo-ra.co
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Reference:	21/05976/FUL
Application Received:	Wed 01 Dec 2021
Application Validated:	Thu 23 Dec 2021
Address:	Hanbury Mews Croydon Croydon CR0 7DW
Proposal:	Retention of gates to Hanbury Mews
Status:	Awaiting decision
Consultation Expiry:	Sat 29 Jan 2022
Determination:	Thu 17 Dec 2022
Case Officer:	Sera Elobisi

Dear Ms Elobisi,
Please accept this letter as a formal objection to **Application Ref: 21/05976/FUL** for Retention of gates to Hanbury Mews.

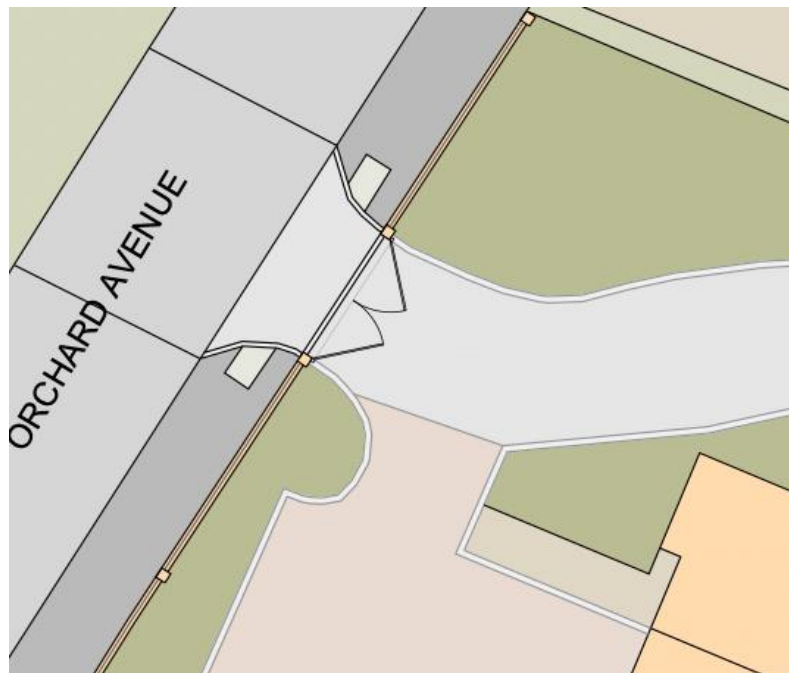


Illustration of gates at Hanbury Mews

**Representing, supporting and working with the local residents
for a better community**

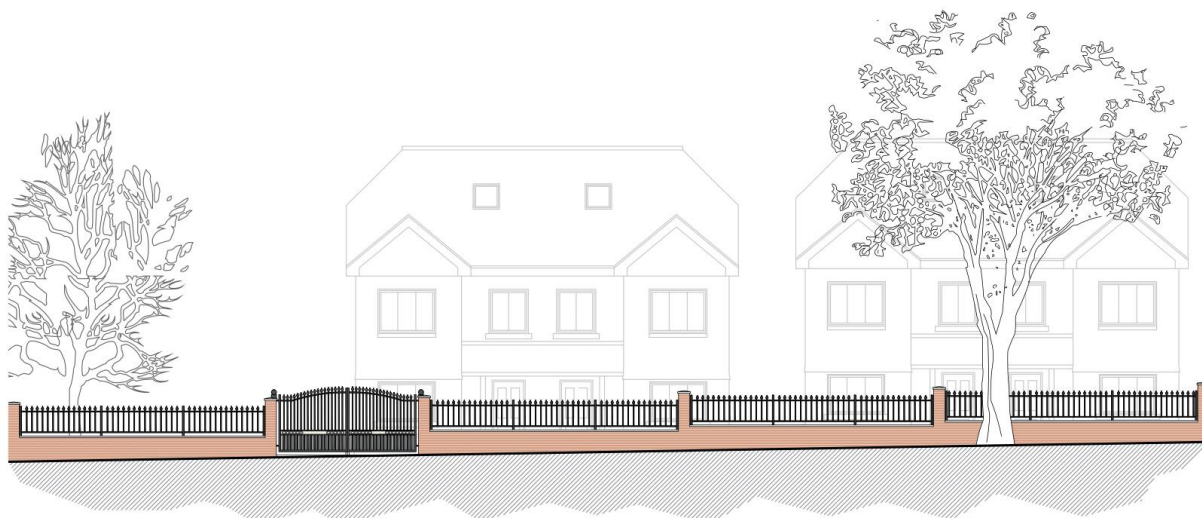


Illustration of gates at Hanbury Mews as viewed from Orchard Avenue.

1 Application Background:

- 1.1 The application site is situated on the east side of Orchard Avenue in Shirley, Croydon. The site comprises the recent development known as Hanbury Mews, consisting of 9 dwellings including 6 x four-bedroom semi-detached houses, 2 x four bedroom detached houses and 1 x five bedroom detached house with associated vehicular access and parking (LPA Ref: 16/01838/P).
- 1.2 No prior application for erection of gates can be found.
- 1.3 This application is the result of a complaint raised to Development Management Planning Enforcement due to the erection of gates without prior approval (LPA Ref: 20/00623/NBI 23rd September 2020).

2 Suburban Design Guide SPD2:

2.29 Driveways, entrances and new routes

2.29.1 *Driveways, entrances and new routes should be designed to prioritise pedestrian flow and safety. This will generally mean limiting the number of vehicular access points to control vehicle flow and prioritising pedestrian and cyclist focussed designs.*

2.29.3 **Gated developments will not be acceptable.**

4.29 Front garden design, including parking

4.29.2 **Should not include gates.** *Where gates already exist, they must not open outwards and should allow enough space for them to be opened inwardly (if relevant) whilst a car is parked in the forecourt. Gates should enable a pedestrian on the footway to have clear visibility of any vehicle exiting (i.e. they should be railings or have some form of transparency) and should not be of a height that blocks visibility of passing pedestrians and should enable visibility from the footway.*

3 London Plan Policy 2021

Policy 3.9 Mixed and balanced communities

Policy

- A) *Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.*
- B) *A more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.*

Supporting text

3.60 Policy 3.5 requires the design of new development to help **create a more socially inclusive London**. The Housing SPG provides guidance on implementing this policy including support for boroughs to **resist forms of development which might compromise it, such as gated communities**.

4 Croydon Local Plan (2018)

- 4.1 Policy SP4 and DM10 of the Croydon Local Plan 2018 requires all development to be of a high quality, which respects and enhances Croydon's varied local character.

5 Parking

- 5.1 There is a problem of parking of delivery/visitor vehicles while the driver and/or passenger gets out to either open the gates or call for the gates to be opened.
- 5.2 Parking in that position in Orchard Avenue could be a danger to other road users and would also cause an obstruction on the highway or to pedestrians on the footpath.

6 Similar proposals

- 6.1 There was a recent nearby application at Potters Close, a very short distance from the site, for erection of gates for the similar purposes of security. This was refused by the LPA and the appeal also dismissed by the inspectorate.
- 6.2 19/04138/FUL - Land At Potters Close, Croydon, CR0 7LS
Erection of motor operated gates at the entrance of Potters Close and associated button
Status: Permission Refused
- 6.3 Appeal Ref: APP/L5240/W/20/3252676
Decision and Outcome: Dismissed

7 Summary & Conclusions

- 7.1 Some properties within the surrounding area feature gates to restrict access to private property. However, as most are at the boundary of single dwellings, they have a wholly different relationship with the public realm and do not have the same visual effect in terms of segregating one part of the community from another.
- 7.2 The gates create a barrier within Hanbury Mews that, by their nature, dominate the approach to the dwellings of that road and segregate those dwellings and their access route from the public domain of the surrounding area.
- 7.3 The applicant has indicated that the gates help to provide additional security to the dwellings in Hanbury Mews. These benefits to the residents of Hanbury Mews would not compensate or mitigate the harm to social cohesion caused by the division by the gates.
- 7.4 The separation of the street from its surroundings would cause a harmful segregation of the community that would not accord with The Council's Suburban Design Guide 2019 (The SDG) which states that gated developments will not be acceptable.
- 7.5 The main issue is the effect of the development on the character and appearance of the area including the effect on social cohesion.
- 7.6 Retention would NOT comply with guidance and NO applications were submitted prior to commencement of erection of the gates.

9 Recommendation

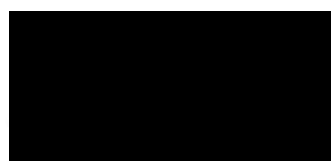
- 9.1 The assessment is therefore that this application should be refused.

Kind regards

Sony



Sony Nair
Chairman MORA
Monks Orchard Residents' Association.
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Derek C. Ritson I. Eng. M.I.E.T.
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Cc:

Sarah Jones MP
Nicola Townsend
Cllr. Sue Bennett
Cllr. Gareth Streeter
Cllr. Richard Chatterjee

Croydon Central
Head of Development Management
Shirley North Ward
Shirley North Ward
Shirley North Ward

Bcc:

MORA Executive Committee, Local affected Residents & Interested Parties