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PLAN/2021/0347

WARD: MH

**LOCATION:** Broadoaks, Ivy Lane, Woking, GU22 7BY

**PROPOSAL:** Retrospective application to erect 1.8m high boundary fencing

**APPLICANT:** Ross Lindsay

**OFFICER:** Gillian Fensome

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**REASON FOR REFERRAL TO COMMITTEE:**

The decision on whether to issue an Enforcement Notice falls outside the Management Arrangements and Scheme of Delegations.

**SUMMARY OF PROPOSED DEVELOPMENT**

This is a householder planning application which sought retrospective planning permission to retain the 1.8 metre high boundary fence which was erected along the front and side boundaries without planning permission. A car port was also erected without planning permission however it appears to be permitted development.

**PLANNING STATUS**

- Thames Basin Heaths SPA Zone B (400m-5km)
- Tree Preservation Order Area
- Urban Area

**RECOMMENDATION**

Refuse planning permission and authorise formal enforcement proceedings.

**SITE DESCRIPTION**

The application site comprises a single storey chalet style detached residential property within the urban area finished with wood cladding under a tile roof. Positioned on the western side of Ivy Lane, which is a private road. The surrounding locality is residential in character, comprising a mix of styles. Boundary treatments along this stretch of the road are to a minimum but properties that do include treatments such as low rise vegetation and a small number have inobtrusive fencing.

**RELEVANT PLANNING HISTORY**

76/0182 - The demolition of any existing buildings, the execution of site works and the erection of a detached dwelling and car port on land adjoining Oaklea, Hockering Gardens, Woking (Reserved Matters).

Permitted subject to conditions (01.06.1976)

31405 - The demolition of existing garage, the execution of site works, the erection of a detached dwelling at Oaklea, Hockering Gardens, Woking (Outline).

Permitted subject to conditions (28.09.1973)

**CONSULTATIONS**

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WBC Aboricultural Officer: no objection.

### **REPRESENTATIONS**

None received.

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework (2019):

- Section 12 - Achieving well-designed places

Woking Core Strategy (2012):

- CS21 - Design

Supplementary Planning Documents:

- Woking Design (2015)
- Outlook, Amenity, Privacy and Daylight (2008)

### **PLANNING ISSUES**

1. The main planning issues to consider in determining this application are:

- Impact upon design and character
- Impact upon neighbouring amenity
- Impact on highway safety

having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Impact on Design and Character:

2. The Woking Core Strategy (2012) Policy CS21 requires development proposals to “respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land”. Paragraph 130 of the National Planning Policy Framework (2019) states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” and requires proposals to be “sympathetic to local character and history, including the surrounding built environment and landscape setting” (paragraph 127). The proposal to retain the 1.8 metre high slatted timber fencing as existing would therefore need to respect the character of the surrounding area in order to be considered acceptable under these policies.
3. Ivy Lane consists of detached properties of varying styles and designs on both sides of this private road. The host property sits just short of a bend in the road, after which the road becomes much narrower. The properties on this road are generally large and separated from each other by hedges and trees. A large number of the properties on the first stretch of this private road which leads to the host property have front boundaries which are formed by trees/hedges and punctuated by access drives. Thus the lane has a pleasant, almost semi-rural and sylvan character. Most of the properties on this stretch have no fencing to their frontages.

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4. It is considered the area in which the host property is located comprises a sense of openness with the hedging and trees contributing to this openness making a significant contribution to the attractiveness of properties in the vicinity.
5. The application site is located just before a sharp turn in the road which leads to a narrower section of the lane. The host property is located relatively close to the road, as are some of the other properties at this section of the road, although an electricity sub-station is located between it and the road.
6. The host property's garden is located mainly to the north and south of the property rather than to its rear (west). The north part of the site is currently devoted mainly to car parking. There is a large old oak tree located in this part of the site which has been mainly cut back. As well as the new fencing for which planning permission was not obtained, there is a new garage port which is constructed of the same materials as the fencing. It was not clear until the site visit was made that the car port was also new however it would appear that this is permitted development.
7. The new fencing which has been constructed has a far more urban, hard-landscaped appearance than the boundary treatments of the surrounding properties. In addition, the host site has a much wider frontage than many of the other properties on the street and is located near the street corner, so the new fencing is highly visible on the streetscene. The fencing is approximately 26 metres in length along the property frontage with a slight set-in and an additional section which is approximately 8 metres in length. Therefore the total length along the property frontage is approximately 34 metres.
8. The new fencing appears to be located on the exact boundary of the property. There is mainly only a narrow strip of land between it and the private road, which strip of land appears not to be within the applicant's ownership.
9. The Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2008 advises in section 4, amongst other things, that the amenity of the public realm should be protected and seeks sympathetic treatment of landscaped margins which reflects the characteristic pattern of development in the area. The retention of the 1.8 metre high slatted timber fencing would enclose the majority of the host property's large frontage with a stark and alien appearance within the street-scene and at odds with the prevailing character of the area. Furthermore, given its prominent position close to a sharp bend in the road, views of the timber fencing would be more apparent in the surrounding area. The fence is therefore considered to represent a harsh, incongruous and urbanising feature to an otherwise verdant and open plan area. It is noted the western part of the site is covered in a tree preservation order however the Council's tree officer has raised no objection.
10. It is therefore concluded that the retention of the 1.8 metre high timber fencing will, by reason of its solid and harsh appearance, adversely affect the spacious layout and character of the area, contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015.

### Impact on Neighbouring Amenity:

11. The application dwelling is situated between two neighbouring dwellings, one to its north and the other to its south. There are also further neighbouring dwellings to its rear (west) and front (east). The fencing is not deemed to infringe on the amenities enjoyed by the adjoining neighbours, given that the adjoining neighbours all benefit from reasonable sized gardens which mean that the neighbouring properties are located at a

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sufficient distance from the fencing so as not to significantly harm their neighbouring amenity in terms of loss of light or overbearing nature.

### Impact upon highway safety:

12. The application dwelling is located close to a bend in the road, following which Ivy Lane becomes much narrower. Given its location at the boundary of the property, however, it is not considered to present a situation which would be detrimental to the safety of highway users.

### Expediency of Enforcement Action

13. The new fencing constitutes a breach of planning control and it is considered expedient to issue an Enforcement Notice, having regard to the provisions of the Development Plan, and to any other material considerations, because the fencing gives rise to an adverse impact upon the design and character of the surrounding area.

## **LOCAL FINANCE CONSIDERATIONS**

14. The proposal is not Community Infrastructure Levy (CIL) liable.

## **CONCLUSION**

15. Considering the points discussed above, retention of the boundary timber fencing would impact unacceptably on the open spacious layout and character of the area. Its visual unacceptability, size and positioning in such a wide and prominent location is considered to have a detrimental impact on the visual amenity of the area, character and appearance of the street scene. The development is therefore contrary to the provisions of the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012 and Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015 and is accordingly recommended for refusal.

## **BACKGROUND PAPERS**

1. Site photographs
2. Aboricultural Officer consultee response.

## **RECOMMENDATION**

**Refuse** planning permission for the following reasons:

01. The fencing, by reason of its scale, incongruous and harsh appearance, will adversely affect the spacious layout and character of the area contrary to provisions outlined in the National Planning Policy Framework, Policy CS21 of the Woking Core Strategy 2012, Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015 and is accordingly recommended for refusal.

It is further recommended:

- a) That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of The Town & Country Planning Act 1990 (as amended) in respect of the above land requiring the remedy of the breach of planning control to be achieved through the removal of the boundary fencing along the front boundary and one panel back along either side boundary or reduce those elements of the fence in height so that they do not exceed 1m in height above ground level and

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b) To lawfully remove all resulting materials from the land.

Within three (3) months of the Enforcement Notice taking effect.

### **Informatives**

01. The plans relating to the retrospective planning application hereby refused are numbered/titled:

PA/21/032/001 received by the Local Planning Authority on 25.03.2021.

02. The Council confirms that in assessing this planning application it has as far as possible in a retrospective application worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (NPPF) (2019). The application is retrospective in nature, seeking to remedy a breach of planning control.