

6f PLAN/2022/0882

WARD: Mount Hermon

LOCATION: Turners, The Ridge. Woking. Surrey. GU22 7EF

PROPOSAL: Erection of fencing along front and side boundary. (Retrospective)

APPLICANT: Mrs J Scott

OFFICER: Errol Reid

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 2.19m high boundary fence which was erected along the front and side boundaries without planning permission.

PLANNING STATUS

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

RECOMMENDATION

Refuse planning permission and authorise formal enforcement proceedings.

SITE DESCRIPTION

The application site relates to a detached family dwelling which is located on the northeast side of The Ridge opposite the properties of East House and Maybury Wood. At its rear to the northeast of the dwelling, is Maybury House and to the northwest is Kenwood. The front boundary to the property, which also bounds the properties garden to the southwest was originally defined by a tall mature hedgerow and trees, but now has a 2.19m high close boarded wooden fence along part of the front and side boundary abutting the highway. The surrounding locality is residential in character, comprising a mix of detached properties and flat developments. There are a mix of boundary treatments in the area including open frontages, hedging, fencing and walls.

RELEVANT PLANNING HISTORY

PLAN/1987/1215 – Erection of detached bungalow – APPROVED (12th March 1988)

PLAN/2010/0562 – Extensions to roof comprising two new gables to front and rear elevations and erection of dormer windows to side and rear to allow accommodation at first floor level. Re-organisation of existing drive – REFUSED (25th August 2010)

PLAN/2011/0769 – Proposed conversion of existing garage into habitable accommodation, two storey front extension, first floor extension and formation of five dormers – APPROVED (13th October 2011)

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PLAN/2012/0385 – Erection of a single garage and modifications to existing drive – APPROVED (8th June 2012)

CONSULTATIONS

- Not Required.

REPRESENTATIONS

1x letter of objection was received the nature of the objections are outlined below;

- Stark contrast and incongruous with street scene
- Highway Reasons – Parking
- Loss of trees to site
- Out of character
- Boundary treatment should be no higher than 1m
- The original hedge reduced visibility, the current fence blocks visibility.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (2019):

- Section 12 - Achieving well-designed places

Woking Core Strategy (2012):

- CS21 – Design
- CS24 – Woking's Landscape and Townscape

Woking Development Management Policies DPD (2016):

- Policy DM2- Trees and Landscaping

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*

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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”.

3. 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 2.19m high close boarded timber fencing as existing would therefore need to respect the character of the surrounding area in order to be considered acceptable under these policies.
4. The Ridge consists of detached properties of varying styles and designs on both sides of the road. The host property sits on what is viewed to be a blind bend in The Ridge. The properties on The Ridge are generally large and separated from each other by hedges and trees. A large number of the properties have front boundaries which are formed by trees/hedges and punctuated by access drives. Thus, the road has a pleasant almost semi-rural and sylvan character. Some of the properties on this stretch have no fencing to their frontages and where there is fencing, it is set back from the public highway with low level planting in front to soften its impact within the street scene.
5. 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.
6. The application site as highlighted, is located on a blind bend in the road which curves around in a horseshoe fashion. The host property is slightly set back from the road, as are some of the other properties at this section of the road.
7. The host property’s garden is located mainly to the southeast of the property rather than to its rear to the northeast. The southwest section of the site is currently devoted mainly to car parking. There is a large tree located in this part of the site which would appear to have been left mainly untouched. Unfortunately, the well-established border hedge has been drastically cut back in order to accommodate the existing close boarded fence, for which planning permission was not obtained.
8. 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, because of the positioning of the garden the host site has a much wider frontage than many of the other properties on the street and is located on a prominent bend, so the new fencing is highly visible within the street scene. The fencing is approximately 22 metres in length along most of the property’s frontage, with no footpath at this section of The Ridge and no set-in it therefore abuts the carriageway on this blind bend.
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.
10. The retention of the 2.19m high close boarded 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 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.

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11. The fence has a materially harmful effect on the character and appearance of the area which conflicts with Policy CS21 (design). The fence also conflicts with Paragraph 130 of the NPPA in the same regard. There is also a failure to accord with the Woking Design SPD which emphasizes the impact of appropriate boundary treatments.
12. It is therefore concluded that the retention of the 2.19m 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:

13. The application site is situated at the apex of a blind bend, its neighbouring dwellings are Kenwood to the northwest and Maybury House containing 17 flats to the northeast at its rear. The fencing is situated on the front boundary and therefore not deemed to infringe on the amenities enjoyed by the adjoining neighbours, given that the adjoining neighbours are detached properties, that benefit from reasonable sized gardens which mean that the neighbouring properties are located at a 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:

14. The application site is located on the inside curvature of a blind bend in The Ridge. However, given that the location of the boundary fence to the property abuts the carriageway, it is not considered to present a situation which would be more detrimental to the safety of highway users as opposed to the previous situation created by the former large established hedgerow that spanned the whole front boundary at that point.

Expediency of Enforcement Action

15. 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

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

CONCLUSION

17. 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, Policy DM2 of the Woking Development Management Policies DPD (2016), Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' 2008 and 'Design' 2015 and is accordingly recommended for refusal.

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18. For the above reasons the fence constitutes a breach of planning control and it is considered expedient to take enforcement action against the unauthorised development and issue an Enforcement Notice.
19. It is therefore recommended that planning permission is refused and enforcement proceedings authorised
20. Section 59 of the National Planning Policy Framework (NPPF) states 'effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control'. It is considered that enforcement action is proportionate for the reasons listed above.

BACKGROUND PAPERS

1. Site photographs.

RECOMMENDATION

Refuse planning permission for the following reasons:

01. The fencing, by reason of its size and scale, incongruous and harsh appearance adversely affects 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, Policy DM2 of the Woking Development Management Policies DPD (2016), 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 Director of Legal and Democratic Services be instructed to issue an Enforcement Notice under Section 172 of The Town & Country Planning Act 1990 (as amended) and officers be authorised in the event of non-compliance to prosecute under Section 179 of the Act, or appropriate power, and/or take direct action under Section 178 in the event of non-compliance with the Notice.
- b) Enforcement action be authorised to issue an Enforcement Notice in respect of the above land requiring the following within three months of the notice taking effect:
 - i) Permanently remove from the land those parts of the fence panels and posts erected along the front and side boundary that are in excess of 1 metre in height measured from the adjacent ground level, and
 - ii) Remove from the land all material, rubble, debris and paraphernalia arising from compliance with the above.

Informatives

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

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P-601-001 – Site Plan and Fence (received by the Local Planning Authority on 20th September 2022).

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) (2021). The application is retrospective in nature, seeking to remedy a breach of planning control.