

## 12 APRIL 2023 PLANNING COMMITTEE

6f PLAN/2023/0013

WARD: HV

**LOCATION:** April Cottage, 63 Westfield Avenue, Westfield, Woking, Surrey, GU22 9PG

**PROPOSAL:** Erection of 1.8m high fencing, pillars and sliding gate along the front boundary (Part Retrospective).

**APPLICANT:** Mr Alexander Drummond

**OFFICER:** Barry Curran

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### **REASON FOR REFERRAL TO COMMITTEE**

The decision on whether to take enforcement action falls outside the scope of delegated powers.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The application seeks to retain the front fencing which consists of rendered wall and pillars with timber infill panels which measure 1.8 metres in height and allow for the installation of a new electric sliding black metal gate of a similar height.

### **PLANNING STATUS**

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

### **RECOMMENDATION**

That planning permission be REFUSED and authorise formal enforcement proceedings.

### **SITE DESCRIPTION**

Westfield Avenue is residential in character with detached bungalows and chalet bungalow dwellings along this road. Low level walling or hedging typify the area with the highway including generous tree lined verges contributing to the spacious and mildly verdant suburban character. The application site is located on the eastern side of Westfield Avenue along a relatively linear grain of development. The dwelling on the application site consists of a hipped roof bungalow with a single storey flat roofed garage adjoining the northern elevation.

### **PLANNING HISTORY**

PLAN/2021/0955 - Demolition of existing detached garage. Erection of side and rear extensions, 5no. dormer windows, and insertion of 4no. rooflights to form chalet bungalow with a rendered finish. Formation of vehicular crossover and associated change of use of amenity land – Permitted 28.10.2021

PLAN/2021/0661 - Erection of side and rear extensions, 5no. dormer windows, and insertion of 4no. rooflights to form chalet bungalow. Formation of vehicular crossover and associated change of use of amenity land - Permitted 18.08.2021

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PLAN/2008/0901 - Rear extension and loft conversion - Permitted 02.10.2008

80/1456 - Single storey extension – Permitted 29.01.1981

### **PROPOSED DEVELOPMENT**

Planning consent is sought to retain the brick-built wall, pillars and timber infill panels which stand at 1.8 metres in height and allow for the installation of a black metal sliding electric gate at a similar height.

### **CONSULTATIONS**

County Highways Authority: No objection subject to condition (21.02.2023)

### **REPRESENTATIONS**

None received

### **RELEVANT PLANNING POLICIES**

National Planning Policy Framework:

Section 12

Section 16

Woking Borough Core Strategy:

CS21 – Design

CS24 – Woking’s landscape and townscape

Supplementary Planning Documents:

SPD – Design 2015

SPD – Outlook, Amenity, Privacy and Daylight 2022

### **PLANNING ISSUES**

1. The planning issues that need to be addressed in the determination of this application are; whether the existing boundary treatment has an acceptable impact on the character of the area, impact on residential amenity and impact on highway safety.

#### Impact on Character of the Area

2. Policy CS12 of The Woking Core Strategy 2012 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 134 of the National Planning Policy Framework 2021 states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”*. Paragraph 130 goes on to call for planning decision to ensure that developments; *“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

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*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting*" (Emphasis added)

3. Policy CS24 of the Woking Core Strategy 2012 states that *"development will be expected to...respect the setting of, and relationship between, settlements and individual buildings within the landscape' and to 'conserve, and where possible, enhance townscape character"*. The proposal to retain the 1.8-metre-high wall, fencing and pillars along with the installation of a 1.8-metre-high metal sliding gate would therefore need to respect the character of the surrounding area in order to be considered acceptable under these policies.
4. Westfield Avenue is a through route and characterised by residential properties set back from the street on primarily rectangular plots behind a mixture of open frontages, low boundary walls and fences, and hedges of various heights. Overall, it is fair to say that the area comprises a sense of openness interspersed with hedging, miniature walls and trees therefore making a significant contribution to the attractiveness of properties in the vicinity and open character.
5. The application site forms one of the plots towards the northern end of Westfield Avenue and therefore represents one of the foremost site at this end and could be argued sets the preface for the character described above. From previous site visit photographs and reviewing 'Google Street View' prior to 2021, it is clear that the site previously had lush hedging along the front boundary which correlated with the spacious and soft edges of Westfield Avenue.
6. This hedging has subsequently been removed and it is now sought to retain 1.8-metre-high wall, pillars and fencing along the front boundary of No. 63 Westfield Avenue along with the proposed installation of a 1.8-metre-high sliding metal gate which together spread across the entirety of the front boundary. For the avoidance of doubt, it is confirmed that what has been built and what is proposed would not be permitted under Class A (Gates, Fences, Walls etc.) of Part 2 (Minor Operations), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This provisions state that a gate/fence/wall or means of enclosure constructed adjacent to a highway would not require planning permission if the height does not exceed 1 metre from ground level. This provision is in place in a bid to protect spacious open characters and visual amenity of areas in the public domain. The Council's Supplementary Planning Document 'Design' 2015 supports this, noting, amongst other things, that *"open frontages will not be permitted in streets where enclosed front boundaries prevail and vice versa"*.
7. Frontages of neighbouring properties are devoid of boundary treatments with others including brick-built walls under 1 metre in height and hedging of varying heights. Directly opposite the site, is an incongruous example of 2-metre-high close timber fencing which appears to be legacy development in place for 15+ years. There is, however, no history of permission being granted for this fencing. In any event, it consists wholly of an untreated timber material which does not result in the harshness that can be associated with rendered walls and black timber proposed for retention on the application site.

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Aside from this example, the neighbouring boundary treatments all contribute to the open character typical with frontages in such locations. It is, therefore not considered to be a comparable enclosing and built-up appearance to the application site.

8. Further to this, it is acknowledged that there is a similar example of a front boundary treatment of walls, pillars and timber infill at No.27 Westfield Avenue which is intended to offer substantiation and support for retaining this unauthorised development as set out in the accompanying 'Planning Statement'. This boundary treatment, similar to the development subject to this application, however, does not benefit from planning permission and has recently been referred to Planning Enforcement (ENF/2023/00012). Notwithstanding this, it is considered that this development, similar to that proposed to be retained, serves as an example as to how harmful poorly conceived and incongruous designs can significantly and detrimentally affect an area and further enforces the rationale behind resisting such development.
9. The Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' 2022 advises in section 3, 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 wall, pillars and infill fencing along with a 1.8-metre-high metal sliding gate would enclose the entirety of the application site with a stark and alien appearance within the street-scene and at odds with the prevailing character of the area.
10. The boundary treatment is a prominent feature in the street scene owing to its location and starkness in scale and indeed materials of white render and black stained timber. These materials, whilst similar to the dwelling, bear no adherence to the low-level red brick walling or varying heights of hedging evident along Westfield Avenue. The boundary treatment results in an uncharacteristic hard edge against the highway boundary that would separate the application property from the street in a manner not seen elsewhere on Westfield Avenue (notwithstanding the unauthorised fencing at No.27 Westfield Avenue). The resulting enclosure and separation detract from the openness of the area and would be harmful to the spacious character of Westfield Avenue.
11. The boundary treatment sought to be retained has been addressed in detail and found to be a wholly discordant and uncharacteristic feature for the area and would undermine any future argument the Local Planning Authority may have in preventing such uncharacteristic and harmful boundary treatments. Each application must be treated on its individual merits, however, approval of this proposal could be used in support of potential future schemes to erect similar front boundary treatments. It is not considered that this is a generalised fear of precedent, but a realistic and specific concern considering the emulating nature of sites in the vicinity. Given the similar characteristics of the application site to these neighbouring sites, allowing such a development would make it more difficult for the Local Planning Authority to resist potential further planning applications for similar developments which would completely erode the established spacious character of the area. Where similar forms of development have occurred in the Borough, these have to be evaluated against the character in the area where they are positioned which may be completely different to the character of Westfield Avenue.

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12. It is concluded that the existing boundary wall, pillar and infill timber along with the proposed metal sliding gate have and would have a materially detrimental effect on the spacious character and appearance of Westfield Avenue and the surrounding area. In consequence, it would conflict with the National Planning Policy Framework, Policies CS21 and CS24 of the Woking Core Strategy 2012, and guidance contained in adopted Supplementary Planning Documents 'Design' 2015" and "Outlook, Amenity, Privacy and Daylight" 2022. When taken together, these policies and guidance expect new development to create attractive places, to respect and make a positive contribution to the street scene and the character of the area, including through appropriate boundary treatments which are noted to include low level walling, fencing and soft vegetation in the vicinity of the application site. In particular, regard should be paid to, amongst other things, scale, height and materials which the proposed development conflicts directly with. Accordingly, the development is 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' 2022 and 'Design' 2015.

### Impact on Residential Amenities

13. The application dwelling along with neighbour dwellings along this section of Westfield Avenue typically extend up along one or both of the shared side boundaries along set along a linear grain of development. The boundary treatment is not deemed to infringe on the amenities enjoyed by the adjoining No.63a to the North and No.61 to the South given the siting of the boundary along the front limitation of the site.
14. While the proposal would have an acceptable impact on surrounding neighbours, this does not outweigh the significant harm the development poses to the character of the area as outlined in the previous section.

### Impact on Highway Safety

15. The application site is located along a straight stretch of the highway with a pedestrian footpath between the boundary and highway. Given its location and relationship with the adjacent highway, it is not considered to present a situation which would be detrimental to the safety of highway users. The County Highways Authority have been consulted on this application and raise no objection subject to condition.
16. Similar to the impact on neighbours, while the proposal would have an acceptable impact on highway safety, this does not outweigh the significant harm the development poses to the character of the area.

### Conclusion

17. To conclude, considering the points discussed above, retention of the front boundary wall, pillars and timber infill panels along with the proposed installation of a 1.8-metre-high metal sliding gate have and would have an unacceptable impact on the open spacious layout and character of the area. The development conflicts with Policies CS21 and CS24 of the Woking Borough Core Strategy 2012 which requires that new development makes a positive contribution to the character of the area. There is conflict also with paragraph 130 of the Revised Framework in the same regard and failure to

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accord also with the Council's Supplementary Planning Documents 'Design' 2015 as well as 'Outlook, Amenity, Privacy and Daylight' 2022 which emphasis the importance of appropriate boundary treatments. Planning permission is accordingly recommended for refusal for the reasons listed below.

18. It is further considered that it would be expedient to take enforcement action against the unauthorized development and it is recommended that enforcement action be authorized to ensure that the unauthorized wall, pillars and timber infill panels are removed. It is further recommended that the boundary treatment be restored to its original condition prior to the construction of the wall and fencing and the removal of any paraphernalia from the site associated with complying with this notice.

### **BACKGROUND PAPERS**

1. Site visit photographs.
2. Response from County Highways Authority (21.02.2023)

### **RECOMMENDATION**

It is recommended that planning permission be REFUSED for the following reason:-

1. The existing wall, pillars and infill fencing and proposed metal sliding gate are and would be a discordant feature within the street scene which fail to respect the spacious character and appearance of Westfield Avenue which is typified by low level walling and soft landscaping. The rendered wall and pillars result in a harsh frontage to the street scene with materials which are incongruous with surrounding front boundary treatments. The proposal is, therefore, contrary to Policies CS21 and CS24 of the Woking Core Strategy 2012, Section 12 of the National Planning Policy Framework 2021 and the Council's Supplementary Planning Documents 'Design' 2015 and 'Outlook, Amenity, Privacy and Daylight' 2022.

It is further recommended that:-

The Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and 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.

Planning Enforcement Issue an Enforcement Notice in respect of the above land requiring the following within Six months of the notice taking effect;

- (i) Permanently remove from the land those parts of the wall, pillars and timber fence panels erected along the front boundary that are in excess of 1 metre in height measured from the adjacent ground level, and
- (ii) Removal of any paraphernalia from the site associated with complying with this notice.

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### Informatives:

1. The plans/particulars relating to the development hereby refused are numbered / titled:
  - Site/Block Plan (Received by the LPA 17.01.2023)
  - Plans and Elevations – New Gate Drawing No. 3111-01 Issue A (Received by the LPA 07.02.2023)
2. Officer Note: Submitted Drawing No. 3111-01 Issue A does not accurately reflect the 'Existing Street View Elevation' which illustrates hedging. This hedging has already been removed and replaced with the wall, pillars and infill timber panels sought for retention. This view should be correctly annotated as 'Pre-Existing Street View Elevation'.