



Appeal Decision

Site visit made on 9 December 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/D3640/W/20/3258272

Cortina, Pennypot Lane, Chobham, Woking GU24 8DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Angelo Belli against the decision of Surrey Heath Borough Council.
 - The application Ref 20/0341/PMR, dated 8 April 2020, was approved on 4 June 2020 and planning permission was granted subject to conditions.
 - The development permitted is erection of a front boundary wall and gates to a maximum height of 1.8m; Variation of Conditions 2 and 3 of 19/0371 (front boundary wall and gates) to allow for amendment to landscaping specification and to increase implementation period to nine months.
 - The condition in dispute is No 1 which states that: Within 9 months of the date of the 19/0371 approval (i.e. by 13 November 2020), the current wall shall be amended and reduced in height to 1270 mm as shown on drawing no. 01 Rev. C2.
 - The reason given for the condition is: In the interests of the openness of the Green Belt and the character of the street scene in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.
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Decision

1. The appeal is allowed and the planning permission Ref 20/0341/PMR for erection of a front boundary wall and gates to a maximum height of 1.8m at Cortina, Pennypot Lane, Chobham, Woking GU24 8DQ granted on 4 June 2020 by Surrey Heath Borough Council, is varied by deleting conditions 1 and 2 and substituting for them the following condition:
 - 1) Within the first planting season following the date of this decision, the planting as shown on the 19/0371 drawing no. 01 Rev C2 shall consist of either: Pyracantha 'Orange Glow'; Pyracantha 'Saphyr Rouge', or; Pyracantha 'Dart's Red', and be planted and thereafter be retained and maintained for a period of 10 years. If any plants die, become seriously damaged or defective, or are removed, then they shall be replaced as soon as practicable, and within the next available planting season, with others of similar size and species.

Background

2. The appeal relates to a front boundary wall and gates to a dwellinghouse. These were constructed without a grant of planning permission, but a retrospective planning application (19/0371) was subsequently approved subject to conditions. Condition 2 required the wall to be amended and reduced in height within 3 months of the date of the decision, whilst Condition 3 required implementation of an approved landscape scheme.

3. The appellant submitted a second application (20/0341/PMR) to obtain a longer implementation period for the reduction to the wall arising from labour shortages due to the Covid-19 situation and for a revised landscaping scheme. This was approved subject to conditions affording additional time to alter the wall and requiring implementation of the revised landscape scheme. The appeal seeks the removal of condition 1 to allow the wall as constructed to be retained unchanged.

Main Issue

4. The main issue is the effect that removing the condition would have on the openness of the Green Belt and on the character of the street scene.

Reasons

5. The change between the wall as constructed and as approved would be the removal of three brick courses, reducing the height from about 1500mm to 1270mm. This would be for a distance of some 19m across 3 lengths of wall between 4 supporting piers. The Council's report on the reduction commented, *"Whilst the proposed reduced height of the wall is very much on the limits of acceptability it is considered that, on balance, the combination of planting and lowering in height would sufficiently improve the appearance of the wall"*.
6. Cortina is a detached dwelling on a wide plot in a row of dwellings on the eastern side of the road. It occupies a pivotal position in the row as dwellings to the south tend to be sited close to the road within narrow plots whereas to the north dwellings are set back from the road and are generally within wider plots. To the south there is a mixture of low front boundary enclosures with some high hedges and a few plots dominated by openings for vehicle parking. To the north front boundary enclosures are formed by either close boarded fences, comparable in height to the existing wall at Cortina, or trimmed hedges generally at a greater height.
7. On the western side of Pennypot Lane are a wide grass verge, a tree belt and open countryside. The site and surrounding area are within the Green Belt. Directly behind the existing wall is a continuous beech hedge at a height of about 2m, clearly seen over the wall in views from the lane. The removal of three brick courses from the wall would not result in a material change in the mass of the overall front boundary enclosure on the openness of the Green Belt as the piers and gates would be retained at their present heights, greater than that of the wall, and the beech hedge behind the wall would also be retained.
8. The wall as constructed is not unattractive in its design, but its appearance is unusual in the context of the lane. Its height contrasts with lower enclosures to the south whilst the extensive area of masonry contrast with the fences and hedges to the north. The originally approved and revised landscape schemes are designed to soften the appearance of the wall, to help it assimilate into the character and appearance of the street scene. The reduction in the height of the wall would have a negligible effect on this objective provided the approved landscape measures are implemented. The Pyracantha plants specified can be allowed to grow to 2m or more in height. This would extend over the band of difference of about 230mm between the height of the wall as approved and as currently exists. The suggested 10 year period for retention of the landscape measures would be appropriate given the sensitivity of the wall's appearance.

9. Policy DM9 of the Surrey Heath Core Strategy & Development Management Policies (2012) states that development will be acceptable subject to design criteria including respecting and enhancing the local, natural or historic character of the environment in urban and rural settings, paying particular regard to scale, materials and massing. Subject to implementation of the previously approved landscape measures, the wall would satisfy the requirements of Policy DM9 without the previously approved reduction in height. The measures would address the Council's concern about the urbanising effect of the wall's appearance.
10. The Council contend that the existing wall is inappropriate development in the Green Belt in that it does not satisfy the exceptions listed under Paragraphs 145 and 146 of the National Planning Policy Framework. Their report on the original application noted that a solid wall and gates at a height of 1 metre could still be erected under permitted development rights without any requirement for landscaping. As such, the Council reasoned that a condition requiring a landscape scheme to be retained for 10 years rather than the typical 5 year period would amount to the very special circumstances to justify approval of the development in the Green Belt. In my judgement, the same reasoning can be applied to the wall as constructed having regard to the extent to which the landscape measures would cover the front face of the wall.
11. I have noted the objection to the proposal from Chobham Parish Council but for the reasons specified I consider the reduction in the height of the wall to be unnecessary. I have also noted the several representations from residents in favour of retention of the wall at its present height.

Conditions

12. Condition 2 to permission 20/0341/PMR requires the landscape measures to be undertaken "*Within the first planting season after the date of the implementation of Condition 1*". As condition 1 would be deleted, it is necessary to also delete condition 2 and substitute it with a condition requiring implementation of the landscape measures within the first planting season following the date of the appeal decision. The appellant considers a 5L planting size to be appropriate for effective coverage of the wall rather than a larger container, but as no planting size was specified in the original condition, inclusion of this as a requirement is not necessary.
13. The Council have suggested inclusion of condition 1, the plans list, to the original permission 19/0371. This is not necessary as the variation of conditions in this appeal decision should be read in association with that permission. The landscape plan is specified in the included condition.

Conclusion

14. The removal of condition 1 to permission 20/0341/PMR would not have an adverse effect on either the openness of the Green Belt or on the character of the street scene subject to inclusion of an updated condition requiring implementation of the recommended landscape measures. For the reasons given and having regard to all other issues raised the appeal should be allowed.

Rory MacLeod

INSPECTOR