The Planning Inspectorate

Appeal Decision

Site visit made on 5 July 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2021

Appeal Ref: APP/D3640/D/21/3272238
Graylands, Windlesham Road, Chobham, Woking GU24 8SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Nigel Chapman against the decision of Surrey Heath Borough Council.
- The application Ref 20/0972/FFU, dated 22 October 2020, was refused by notice dated 11 January 2021.
- The development proposed is front wall with gates.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application form indicates that permission is being sought in retrospect for the retention of the front wall and gates. I observed at my visit that an enclosure has been erected along the frontage of the property. Despite what may have taken place on site, I am required to consider the details within drawing numbers 1361-321 and 1361-215 in the event that the boundary that has been erected at the site may not fully accord with those plans that are before me. I have considered the appeal on the basis of these plans.

3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the revised Framework and responses received in reaching my decision.

Main Issues

4. The main issues raised in respect of this appeal are: -

   a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework;

   b) The effect of the proposal on the openness of the Green Belt;

   c) The effect of the proposal on the character and appearance of the area; and

d) Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. If so, would those amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence.

6. The appellant contends that the proposed side extension is a structure associated with the existing host dwelling and the proposed boundary treatment to a dwelling falls within this category of exceptions. As such, the front boundary would not be a stand-alone structure. The description of proposed development provided on the planning application form and reiterated within the banner heading above makes it clear that the proposal relates to the front wall and gates, and not a residential extension to the existing dwelling. As such, the proposed front boundary wall does not fall within the categories of buildings or structures allowed for in the Framework as permissible in the Green Belt.

7. In not complying with the exceptions, the proposal would be inappropriate development in the Green Belt, which paragraph 149 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. The proposal would result in a boundary enclosure of increased size to that of the previous front boundary walls. Therefore, it would reduce openness by virtue of creating increased built development in the Green Belt. Whilst the effects would be moderate, there would be a degree of harm arising from this development, in addition to that arising from the inappropriate nature of the development.

9. Consequently, I find that the proposal does not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt which is an essential characteristic of Green Belts.

Character and appearance

10. Along the northern side of Windlesham Road front boundaries are set back from the highway behind grass verges. The boundaries are generally defined by fences with vegetation behind them. Opposite the appeal site the boundaries are vegetated by trees and soft landscaping. This creates a green and verdant streetscape within the vicinity of the site.

11. Historic photographs provided by the appellant show that there was a previous wall with gate between the dwelling and the site's western boundary. There was also a low brick wall enclosing the front of the dwelling that contained some vegetation within the frontage. Both walls were set back from the road behind grass verges.

12. The new front boundary wall would incorporate two wooden gates and brick piers with the walls between the piers being finished in grey render. The wall

west of the dwelling would be repositioned closer to the highway than that of the previous boundary. The length and height of boundary treatment along the entire frontage of the property would create a substantial structure. This would create a front boundary of formal and prominent appearance that would be visually incongruous within this green and verdant part of the street scene and would be out of keeping with the prevailing character and appearance of the area. Furthermore, the materials would contrast with the existing dwelling and would not visually complement the host property.

13. Consequently, the proposal's urbanising effect would be a visually harmful addition to the street scene and the harm arising from it would be clearly visible in public views from Windlesham Road.

14. Given the limited space between the boundary wall and the highway, there would be limited scope to provide any meaningful landscaping that might soften the appearance of the wall. Whilst I note the appellant's willingness to accept the imposition of a planning condition requiring the provision of a landscape scheme, given the limited scope to provide landscaping, such a condition would serve little purposes as it would not overcome the visual harm that I have identified.

15. For these reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The proposal would, therefore, conflict with Policy DM9 of the Core Strategy and Development Management Policies (CSDMP) 2012 and Principle 9.1 of the Residential Design Guide Supplementary Planning Document (SPD) 2017 These policies and SPD seek, amongst other matters, development to be of high-quality design that reflects surrounding context and to enhance the character of the local environment, be it in an urban or rural setting.

Other considerations

16. I am advised that the existing property was in a poor state of maintenance when the property was purchases in 2019. The front wall was replaced as it also was in a poor state of repair and there were concerns that an accident might result if the wall collapsed. Due to the nature of the occupier's employment safety and security is of significant concern and I understand the wish to prevent accessibility to the property by individuals other than the occupiers.

17. I accept a tall boundary enclosure would provide safety and security for the occupiers, their elderly parents, dogs and any horses stabled at the site. I also acknowledge that one of the dogs sadly died as a result of a speeding driver. Nevertheless, the previous westerly wall and gate was a tall enclosure. I can see from the photographs provided that the wall almost met with the eave height of the dwelling. That wall could potentially have been rebuilt or reinforced. Whilst the appellant seeks to prevent individuals from finding out where the occupiers of the property reside, on the available evidence I do not clearly understand how the proposed frontage would specifically prevent this.

18. Notwithstanding the above, I accept that a tall enclosure along the frontage of the property would improve safety and security, albeit there may be other measures, such as security cameras amongst others, that could potentially assist in achieving this. Improved stability of the front boundary, safety and

security are benefits of the proposal for the appellant and this holds modest weight.

19. The boundary would also reduce traffic noise disturbance from the adjacent busy highway and would prevent water splashing into the front garden making it a more useable outdoor space. These are personal benefits for the appellant and hold moderate weight.

20. The boundary would not cause harm to neighbouring occupiers. This holds no weight as the boundary would have to be acceptable in this respect in planning terms irrespective of the other planning considerations.

Conclusions

21. In conclusion, I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework. Furthermore, the proposal would not preserve the openness of the Green Belt as required by the Framework. In addition, the proposal would conflict with Policy DM9 of the CSDMP and Principle 9.1 of the SPD as the development would have a harmful effect on the character and appearance of the area. Other than the modest weight that I have attributed to improved wall stability, safety and security, the other considerations hold moderate or no weight. I have found that the other considerations advanced in support of the proposal in this case do not clearly outweigh the harm that I have identified which is the test they have to meet. The proposed development would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.

22. Having regard to all matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan and the advice in the Framework. For the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR