



Appeal Decision

Site visit made on 14 July 2023

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/A3655/D/23/3320627

Mounts Ryde, Golf Club Road, Woking, Surrey GU22 0LS

- 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 and Mrs M Alexander against the decision of Woking Borough Council.
 - The application Ref PLAN/2022/0609, dated 23 June 2022, was refused by notice dated 23 February 2023.
 - The development proposed is 'Erection of three sets of gates and supporting pillars and timber post and rail fence across the frontage. (Retrospective).'
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Decision

1. The appeal is allowed and planning permission is granted for 'Erection of three sets of gates and supporting pillars and timber post and rail fence across the frontage. (Retrospective).'
- at Mounts Ryde, Golf Club Road, Woking, Surrey GU22 0LS in accordance with the terms of the application, Ref PLAN/2022/0609, dated 23 June 2022.

Preliminary Matters

2. The appeal scheme seeks retrospective permission for the development, which the Appellants purport they believed to be permitted development. I was able to view the development in situ during my site visit.

Main Issue

3. The main issue for this appeal is the effect of the proposal on the character and appearance of the surrounding area; specifically in relation to the impact of the development on nearby Tree Preservation Order (TPO) trees.

Reasons

Character and appearance

4. The appeal site is a large-detached dwelling situated in a generously sized plot along Golf Club Road. Golf Club Road has a strong semi-rural, verdant, sylvan and enclosed character due to the loose grain of built development, mature trees and hedges within residential plots and due to one side of the road being predominantly undeveloped and heavily treed. The verdant surroundings also create a localised sense of enclosure. The trees on and nearby the appeal site are subject to a TPO which blankets the area.
5. The appeal scheme seeks retrospective permission for a two-bar timber fence, gate piers and large sliding gates. The scheme does create some enclosure of

the appeal site, albeit limited given the type and design of fencing used. The additional sense of enclosure created is in keeping with the prevailing character. There are other gates, walls and fences in the vicinity of the appeal site, including close boarded fences, and as such, the appeal scheme does not appear as a discordant boundary treatment in terms of its design and materials. Indeed, its overall design is of a high-quality and its rough-hewn timber bar fence reinforces the semi-rural character of the area.

6. Indeed, the design and siting of the fence in terms of its direct impact on local character is not a matter in issue between the parties. The Council's objection to the development is specific to the potential damage which has been done to TPO trees, and, that the loss of such trees would adversely affect the character of the area. The trees in the immediate vicinity of the fence are mature oaks which make a significant positive contribution to the sylvan character of the area, as well as being attractive landscape features in themselves as part of the blanket TPO. The appeal scheme does relate to development which has encroached into the Root Protection Area (RPA) of those trees.
7. The Council alleges that there is a lack of proof that the development has not harmed the health and viability of those trees and thus, it may eventually result in the loss of those trees. However, the appeal is supported by photographic evidence that tree protection measures were put in place during the construction, and an arboricultural report which, though light in detail, concludes on the basis of a reasonable assessment that there is no evidence of harm to the health and viability of the trees despite an acknowledgement that the development has impinged on the RPAs.
8. As such, the present situation is that the development has had no adverse impact on the immediate character and appearance of the area; if anything, it has made a slight improvement. In which case, there appears little justification preventing planning permission unless coupled with TPO enforcement which could mitigate any future impact by addressing any harm which has been done to the trees. TPO enforcement is out of the scope of this appeal in any case. It is understood from the Appellant's submissions that the Council have deemed it 'not expedient' to take pursue the matter further which supports the conclusions reached in the arboricultural report. As such and in any case, there is no evidence to suggest that the development will harm that character in the future and the Appellant has demonstrated that the future viability of the trees is likely unaffected.
9. For these reasons, the appeal scheme is in accordance with policy CS21 of the Woking Core Strategy (CS), adopted 2012, and policy DM2 of the Development Management Policies Development Plan Document 2016 (DMP) and policy OS1 of the Hook Health Neighbourhood Plan, made 2015. These policies seek, amongst other things, high quality design which responds to local character, including the retention of any trees of amenity value and other significant landscape features of merit, providing for suitable boundary treatments.

Conditions

10. The Council has requested one condition; a time limit for commencement of development. As development has already commenced, such a condition is unnecessary. The Council's questionnaire also refers to conditions in a LPA statement of case, which was not submitted as part of the appeal.

Conclusions

11. For the reasons given above I conclude that the appeal should be allowed.

Kim Langford Tejrar

INSPECTOR