



Appeal Decision

Site visit made on 30 January 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2024

Appeal Ref: APP/A3655/W/23/3324818

15 Ovington Court, Woking, Surrey GU21 3RE

- 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 Glen Cookman against the decision of Woking Borough Council.
 - The application Ref PLAN/2022/1175, dated 22 December 2022, was refused by notice dated 17 April 2023.
 - The development proposed is change of use from amenity land to residential garden and to erect a 1.8 m close board fence.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Glen Cookman against Woking Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the description of development from the decision notice as it is indicated that a change from that on the application form was agreed.
4. The appellant suggests planting in place of the fence could be secured by condition. However, no such details are before me, and this would fundamentally alter the scheme from that determined by the Council and upon which consultation took place. Moreover, it would not be in line with the description of development. Therefore, I have determined the appeal on the submitted plans.
5. Where comments have been received in relation to the latest National Planning Policy Framework (Framework), I have taken them into account in my reasoning.

Main Issues

6. The main issues of the appeal are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The provision of open space.

Reasons

7. There are many examples of fences of a similar appearance and height to that proposed. There are also ones that are located close, and immediately adjacent

to, footways. Nevertheless, while there is variation in the area, the path behind the appeal site is wider than many nearby with a strip of vegetation. As such, despite seeing some litter within the vegetation, there is a more pleasant verdant and open feel along the path to the rear of the appeal site which contributes positively to the character and appearance of the area.

8. Although extending beyond the adjacent ones, the existing rear boundary fence at the appeal site broadly follows the same line along the path. The additional area of fencing would be of the same design. However, it would extend across the whole of the currently open grassed area. This would erode the sense of openness and softness that the site contributes to along with the other vegetation on this side of the path. It would be replaced with a hard boundary feature that would incongruously jut out considerably further than the others along this path.
9. Although this would not be overly noticeable on the approach from Ovington Court, the discordance of the scheme would be obvious in views along the path to the rear itself and the more open approach from Weasdale Court.
10. Therefore, the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policy CS21 of the Woking Core Strategy (Core Strategy) where it states developments should respect and make a positive contribution to the streetscene and character of the area.
11. It would also fail to accord with Supplementary Planning Documents 'Outlook, Amenity, Privacy and Daylight' and 'Design' where they seek to protect the quality of the public realm. Finally, it would be contrary to the Framework where it states developments should be sympathetic to local character.

Open Space

12. Policy CS17 of the Core Strategy states that development involving the loss of open space will not be permitted unless alternative and equivalent or better provision is made in the vicinity, or the development is directly related to the enhancement of open space. This element of the policy does not specify that it must be publicly owned or managed.
13. There are other areas of open space nearby and the extent of the area that would be lost is small. However, there would be some loss without alternative provision being made and it would not relate to an enhancement.
14. While the harm would be minor, the proposal would harmfully reduce the provision of open space and be contrary to Policy CS17 of the Core Strategy.

Other Matters

15. The examples in the wider area that my attention has been drawn to relate to fences and boundary treatments that are not directly comparable to the one before me. They would not be seen with the appeal scheme, relate to different paths, with many still leaving space for some grassed area or vegetation or did not have the same enclosing effect given the width of the spaces they were adjacent to.
16. The proposal would create additional private outdoor space for the appellants family. However, this private benefit must be weighed against the harm that the scheme would cause.

17. The conduct of the Council is not a matter that affects my findings on the main issues. The requirements of any sale agreement are outside the scope of this appeal.

Conclusion

18. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

19. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR