



Appeal Decisions

Site visit made on 8 October 2024

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Appeal A Ref: APP/A3655/C/23/3324458

Land at Turners, The Ridge, Woking, Surrey GU22 7EF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mrs Julie Scott against an enforcement notice issued by Woking Borough Council.
 - The notice was issued on 9 June 2023.
 - The breach of planning control as alleged in the notice is the erection of a fence in excess of 1 metre in height adjacent to a highway comprising close boarded fencing, concrete posts and concrete gravel boards measuring approximately 2.19 metres in height located at the front and side of the Land as shown in the approximate position marked black on the attached plan.
 - The requirements of the notice are to:
 - (i) Permanently remove from the Land those parts of the close boarded timber fence, concrete posts and gravel boards described at paragraph 3 above that are in excess of 1 metre in height measured from the adjacent ground level; and
 - (ii) Remove from the Land all materials, rubble, debris and paraphernalia associated with and arising from compliance with requirement (i) above
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/A3655/W/23/3322155

Turners, The Ridge, Woking, Surrey GU22 7EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs J Scott against the decision of Woking Borough Council.
 - The application Ref is PLAN/2022/0882.
 - The development proposed is the retrospective approval of close-board fence to the front boundary of the property.
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Decisions

Appeal A

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

2. The appeal is dismissed.

Appeals A and B

Main Issue

3. The enforcement notice (subject to Appeal A) and the planning application (subject to Appeal B) relate to the same development and the main reasons for issuing the former and refusing the latter are essentially the same.
4. Therefore, the main issue for both Appeals A and B is the effect of the fencing on the character and appearance of the area.

Reasons

5. The fencing has been erected along part of the roadside boundary of a detached residential dwelling known as Turners, positioned on the bend of a private road (The Ridge) serving predominantly detached residential properties of varying scale, design, orientation and layout in relation to the road. The boundary treatment comprises concrete gravel boards and close boarded timber between concrete posts, positioned atop a low brick wall.
6. Whilst along the horseshoe alignment of The Ridge there is a mix of front boundary treatments positioned adjacent to the road - including hedges, timber fencing, brick and rendered walls, the vast majority of the frontages approaching the appeal site from the east are made up from a combination of hedging, trees and shrubs. That concentration and consistency, in combination with the narrowness of the road and the absence of footways, creates an attractive verdant character and setting to the houses.
7. In stark contrast to that prevailing character, the appeal fencing appears harsh and overtly urban. Because of its significant height, length and design, it has an undue and very obvious visual presence, marking an abrupt end to the flow of hedging, particularly from the east, thereby detracting from the verdant setting to the dwellings along this part of The Ridgeway. Being positioned on the inside of the bend does not materially lessen those impacts and whilst there are other boundary treatments which are higher, those are characteristic hedge type enclosures.
8. In support of her appeal, the appellant has drawn my attention to photographed examples of other boundary treatments in the locality. The fencing shown as Lynwood appears to be the side boundary to Deerhaddnn, which runs at right angles away and down from The Ridgeway, rather than directly fronting onto it at a slightly higher level. It therefore has a much lesser visual presence. Moreover, the associated frontage of that property to The Ridgeway is characteristic hedging.
9. The context of the stretch on the other side of the road, which includes East House, Maybury Wood, Maybury Wood Cottage and Maybury Knowle, is materially different, because the buildings and walled enclosures are seen together in a less verdant stretch.
10. The closest comparison is that of Tiverton but the timber fencing there appears to be lower and more recessive, and in any case does not justify allowing the additional and greater degree of harm arising from the fencing subject to the appeals.

11. Therefore, even if neighbours directly facing the site have not objected, I find that the fencing appears as a dominant and incongruous feature which unacceptably detracts from the character and appearance of the area, contrary to Policy CS21 of the Woking Core Strategy 2012, Policy DM2 of the Development Management Policies Development Plan Document 2016, Woking Design Supplementary Planning Document, and paragraph 135 of the National Planning Policy Framework. Those state, amongst other things, that proposals for new development should meet criteria including that they should respect and make a positive contribution to the street scene and the character of the area in which they are situated.

Other Matters

12. The appellant has drawn my attention to an email from the Council following its refusal of the planning application subject to Appeal B, which sets out a number of options for her consideration. Option 3 appears to suggest repositioning the fence line by half a metre and planting between the fence and the road. Whilst I share the appellant's concern over the likely success of any planting in such a narrow band, the acceptability of that option is not a matter for these appeals.
13. I appreciate that the fencing provides a degree of security to the appellant but it is not explained why that could not be addressed by other measures, which would avoid the harm I have described.

Conclusions

Appeal A

14. For the reasons given above, I conclude that the fencing is contrary to the development plan as a whole and material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. The ground (a) appeal should not therefore succeed. I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

Appeal B

15. For the reasons given above, and having considered all other matters raised, I conclude that the fencing is contrary to the development plan as a whole and material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. The appeal should be dismissed.

Richard S Jones

INSPECTOR