



Appeal Decision

Site visit made on 20 January 2025

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/Y3615/W/24/3346267

Aurora Poppyfield School, Lower Road, Effingham, Leatherhead KT24 5JP

- 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 Mr Joe Bennett (Archway Building Consultancy) against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01290.
 - The development proposed is retention of anti-climb fencing to existing frontage of the site.
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Decision

1. The appeal is allowed and planning permission is granted for retention of anti-climb fencing to existing frontage of the site at Aurora Poppyfield School, Lower Road, Effingham, Leatherhead KT24 5JP in accordance with the terms of the application, Ref 23/P/01290, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos P-000 Rev 00, P-003 Rev 02, P-004 Rev 01, and P-005 Rev 01.

Background and Preliminary Matters

2. The evidence indicates that the description of the development was changed with the appellant's agreement. The description in the banner heading is therefore taken from the decision notice. The site address is taken from the decision notice and the appeal form as it more accurately describes the site than the address given on the application form.
3. Planning permission 20/P/02022 was granted at the site on 15 July 2021 for "*part change of use of a Royal British Legion Hall to include a SEN educational facility (F2 to F1) with parking to both the front and rear of the site along with alterations made to the site's fenestration, New proposed palisade fencing to replace the existing perimeters of the site. Retention of social facilities for the 'Royal British Legion' (RBL) by its relocation to both the existing flat roofed extension and the storage container structure to the rear of the main building*". Annotations on the approved drawings state that the palisade fencing would be screened by freestanding planters. The approved development was subsequently implemented at the site. However, the fencing that has been erected does not reflect the design and materials shown on the approved plans and no planters have been installed within the site boundary.
4. The appeal scheme seeks the retention of the fencing that has been erected at the site, along with some minor alterations to the fence alignment. I have based my assessment of the appeal on my observations of the development at the time of my site visit as well as the submitted evidence.

5. The National Planning Policy Framework (the Framework) was revised in December 2024. Because the changes do not materially affect the main issues in this case, no prejudice is caused in me deciding the appeal without reverting to the parties for further comment.

Main Issues

6. The main issues are:
 - the effect of the development on the character and appearance of Lower Road and the Effingham Conservation Area (CA); and,
 - the effect of the development on the settings of the Grade II listed The Red House and the non-designated heritage assets (NDHA) known as The Church of Our Lady of Sorrows and Lych Gate.

Reasons

Character and appearance

7. The Effingham CA covers a large area of the village, mainly to the north of Guildford Road. It comprises the key north-south roads through the historic core of the village, including The Street and Church Street, as well as the fields, allotments, and playing fields either side of those routes. Lower Road is sited near to the northern boundary of the CA, with the appeal site at the north-easterly extent of the designated area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. I have not been provided with a formal designation statement or character appraisal for the CA, but the evidence suggests its significance lies in the rich stock of buildings and spaces that reflect the evolution of the village over time. I observed a mix of frontage treatments throughout the CA. Roadside hedging is prevalent along this part of Lower Road, along with a mix of low walls and railings. When combined with the mature street trees and landscaped front gardens in the area, the hedged boundaries contribute a degree of verdancy along this busy road.
9. The school building, with its buff brick exterior and flat roofed projection to the front has a markedly different character to the prevailing red-brick and flint materiality of other buildings in the CA. Moreover, the wide and deep car park by the roadside has a notably urban appearance that differs from the leafy character of other frontage developments along Lower Road and in the CA. Consequently, the appeal site offers a limited contribution to the significance of the CA.
10. There is no evidence before me to suggest that the site used to have a landscaped or other border that concealed the building and car park from view. However, the Council has accepted the principle of a 1.8m high palisade fence on a similar alignment to the appeal scheme. Whilst a railed structure could be closer in design to other school fences in Effingham than the appeal scheme, as well as at other schools operated elsewhere by the appellant, it would nonetheless have a utilitarian appearance due to its height, materials and the width of the metal railings, even if planters were installed to the rear.
11. The fencing that has been erected has a similar height and alignment to the adjacent hedgerow that fronts the Church of our Lady of Sorrow, and its green

colour is broadly similar in shade. This allows for a degree of continuity along the street frontage. Moreover, due to its lightweight material and visual permeability, the fence has a discrete presence in longer views along the street such that it does not detract from the roadside greenery which remains a prominent frontage feature in the locality. The proposal therefore has a neutral effect on the character and appearance of Lower Road and the CA.

12. The Council has suggested that a condition could secure planters to the rear of the fence. However, the car parking area, which extends right up to the public footway, is tightly constrained with limited space for vehicles to manoeuvre between marked bays. Therefore, there is inadequate space for landscaping to be carried out without impeding the safe movement of cars and pedestrians. Consequently, the suggested condition would be unreasonable, and it would fail the tests for conditions set out in the Framework.
13. Taking all of the above into account, I conclude that the development preserves the character and appearance of Lower Road and the Effingham CA. It follows that, in respect of this main issue, there would be no conflict with Policies D1 and D3 of the Guildford Borough Local Plan: Strategy and Sites (2015-2034) (Adopted 25 April 2019) (LPSS), Policies D4 and D20 of the Guildford Borough Local Plan: Development Management Policies (Adopted 22 March 2023) (DMP), and Policy ENP-G2 of the Effingham Neighbourhood Plan 2016-2030 (April 2018) insofar as they expect development to respond to and maintain local character and distinctiveness, and to protect against harm to the CA.

Listed building and NDHAs

14. The site lies within the setting of the Grade II listed building, known as The Red House. I have a statutory duty under Section 66(1) of the Act to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The listing description describes that The Red House was built in 1893 by Sir Edwin Lutyens. It is a two-storey red brick house on stone plinth with Bargate stone dressings. Amongst other features, the building has a notable half H-shape plan with projecting end bays, large chimney stacks, and an arched door with stone chamfered surround to match the windows. From the evidence, the historical significance of the building is derived primarily from its architecture.
15. As part of the wider village, the appeal site forms part of the setting of The Red House. However, it is of neutral value to its significance given the difference in its age and outward appearance. Due to the distance between the site and the listed building, and the large extent of the intervening built form, the setting and significance of The Red House has been preserved.
16. The Church of Our Lady of Sorrows and its Lych Gate, which lie adjacent to the site, are NDHAs. The church is a striking building, owing in part to its flint tower with decorative stone dressings, and its mix of pyramidal and catslide roofs. The timber Lych Gate, with its tiled roof and low flint walls provides an attractive gateway to the church grounds. The evidence indicates that the historical significance of the NDHAs lies principally in their architecture and stature within the wider street scene. There is no functional link between the appeal site and the NDHAs, and the school building has a distinctly different architectural style. Consequently, the appeal site is of neutral value to the significance of the NDHAs.

17. Given the relatively modest height and width of the development, the fencing does not detract from the stature of the large and tall church and its gate, which are prominent structures in this part of the village. Moreover, due to its visual permeability, height, and alignment, the fence does not obstruct views of the church and the gate from Lower Road. Consequently, there is no harm caused to the setting and significance of each of the NDHAs.
18. Overall, I conclude that the setting of the nearby listed building and the NDHAs is preserved. Consequently, in respect of this main issue, there would be no conflict with Policies D3 of the LPSS, D18 and D23 of the DMP, and the Framework, which seek to preserve and enhance the historic environment including the significance of designated and non-designated heritage assets.

Other Matters

19. I note the concerns raised by third parties that the fence fails to meet the required standards for schools and that it could fail to provide the necessary security. However, I have not been provided with substantive evidence to be certain about the required standards which, in any event, would fall beyond the scope of this planning appeal.
20. The site lies within the 5-7 kilometre buffer zone of the Thames Basin Heaths Special Protection Area (SPA), which is designated for its network of heathland sites that provides habitat for the internationally important bird species of woodlark, nightjar, and the Dartford warbler. The integrity of the SPA is at risk from the recreational pressure and urbanisation associated with residential development, including cat predation and dog walking. Given that the development has not led to an increase in the number of households in the area, it is unlikely it would have increased recreational pressure on the SPA either alone or in-combination with other plans or projects. Therefore, it would not undermine the conservation objectives of the SPA and an appropriate assessment is not required.

Conditions

21. I have included a condition to define the plans, to provide certainty over the development permitted. However, I have not included a condition for a landscaping scheme for the reasons set out earlier in this decision. No other conditions are necessary to make the development acceptable in planning terms.

Conclusion

22. For the reasons given above the appeal should be allowed.

E Catcheside

INSPECTOR