



J BUTTERWORTH PLANNING LIMITED

71-75 Shelton Street
London, WC2H 9JQ

t: 07803 588 479
e: jeremy@jbutterworthplanning.co.uk

Development Management
Wokingham Borough Council
Civic Offices
Shute End
Wokingham
RG40 1BN

Submission via Planning Portal – Ref: PP- 14014659

13 May 2025

My Ref: 24023

Dear Sir / Madam

Town and Country Planning Act 1990 (As Amended)

Application for Minor-Material Amendment (s73A) to planning permission 241290 for householder application for proposed erection of new fences, patio, pergola and water features along with changes in ground level at rear garden (part retrospective) at 10 Pigott Road, Wokingham, RG40 1PY to allow amendment to the pergola design

This letter is submitted to accompany the application for a Minor-Material Amendment (s73A) to planning permission 241290 for householder application for proposed erection of new fences, patio, pergola and water features along with changes in ground level at rear garden (part retrospective) at 10 Pigott Road, Wokingham, RG40 1PY to allow amendment to the pergola design.

The original decision was issued on 3rd July 2024.

Site Location and Description

The application site comprises one of a pair of semi-detached properties located on the western side of Pigott Road.

The property is located on a residential street comprising of similar semi-detached or linked-terraced residential dwellings, with gardens to the rear and generally dating from the 1950s / 1960s and finished with facing brick, tiles to roof and tile hanging to the first-floor elevations.

The building is not within a Conservation Area and is not a listed building. There are no Article 4 Directions which apply to the property.

It is noted that an outbuilding lies within the garden. The Council have noted requested an application for this element and it is therefore assumed that this was constructed under permitted development rights.

Nevertheless, the outbuilding was in situ in 2017 and therefore would be immune from Enforcement Action.



Property in street scene

Planning History

The most recent planning application approvals can be summarised as follows:

1. 171506 – Householder application for erection of single storey rear extension, first floor side extension over garage and part conversion of existing garage to provide habitable accommodation | Granted 13th July 2017

In this respect, it is clear that the property is a single dwellinghouse and has previously been granted permission for extension.

This permission has been implemented and is currently under construction. A Certificate of Lawful Development was granted on 10th May 2024 (Ref: 240895) which confirmed that a material operation was undertaken before the expiration of the planning permission.

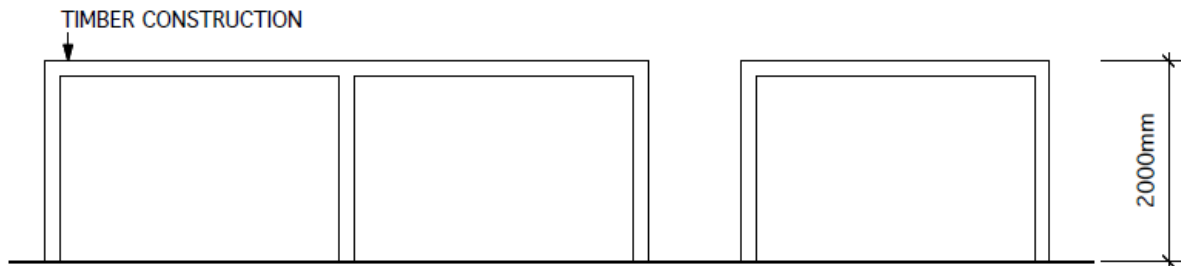
A non-material amendment (Ref: 241296) was granted on 24th May 2024 for amendments to the fenestration.

A householder application for proposed erection of new fences, patio, pergola and water features along with changes in ground level at rear garden (part retrospective) (Ref: 241290) was granted on 3rd July 2024.

Proposed Amendment

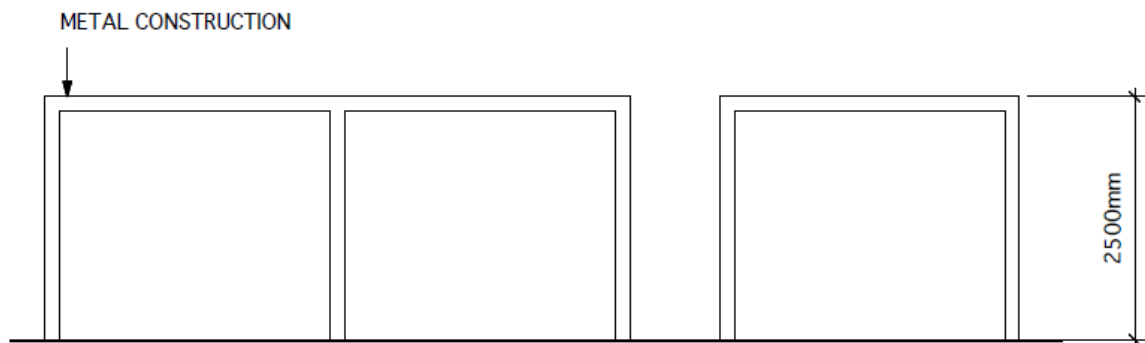
The approved householder application was for the proposed erection of new fences, patio, pergola and water features along with changes in ground level at rear garden (part retrospective)

The proposed amendment seeks a change in the size and materials of the pergola, as shown below:



PROPOSED PERGOLA ELEVATIONS
SCALE 1:50 @ A1

Approved Pergola



PROPOSED PERGOLA ELEVATIONS
SCALE 1:50 @ A1

Proposed (Amended) Pergola

In this regard, the amendments are:

- Change of height from 2m to 2.5m
- Change of materials from timber to metal

In this respect, please find enclosed drawing MA218-001 Rev A which shows the amended plans.

Condition 1 of the approved permission (241290) states:

1. Approved details - This permission is in respect of the submitted application plans and drawings numbered Location Plan Ref. PP- 13081567v1; MA218-003 & MA218-001 received by the local planning authority on 21/05/2024. The development shall be carried out in accordance with the

approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

It is therefore proposed to amend this to (amendments in **bold**):

*1. Approved details - This permission is in respect of the submitted application plans and drawings numbered Location Plan Ref. PP- 13081567v1; MA218-003 received by the local planning authority on 21/05/2024 & **MA218-001 Rev A received by the local planning authority on 13/05/2025**. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.*

Planning Assessment

This application has been submitted under Section 73A of the Town and Country Planning Act 1990 (as amended). Section 73A permits the submission of an application for development that has already been carried out and where there is no planning permission or development is not in accordance with a planning permission or where a development does not comply with some conditions subject to which planning permission was granted.

In this case planning permission was granted for householder application for proposed erection of new fences, patio, pergola and water features along with changes in ground level at rear garden (part retrospective).

The pergola design is, however, is slightly different to that approved. The height has been increased by 50cm and the material is different.

The application seeks to resolve the breach of planning permission through an amendment to condition 1 to allow an amendment to the approved plan to allow the amended design.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. This represents the starting point for assessing the development prospects for a particular site or property.

The Development Plan context in Wokingham is provided by the Wokingham Core Strategy (2010), and the Managing Development Delivery Local Plan (2014) as well as the Proposals Map.

In this respect the relevant Development Plan policies are considered to be as follows:

- CP3 – General Principles for development
- CP7 - Biodiversity
- CC04 – Sustainable Design and Construction
- CC09 – Development and Flood Risk
- CC10 – Sustainable Drainage

The main planning issues in the determination of the application are considered to be as follows:

- Principle of development

- Design and impact on the character of the area
- Impact on neighbouring amenity
- Impact on flooding and drainage
- Biodiversity
- Other Matters

These key issues are considered against the test of reasonableness in planning term, planning policy compliance and any other material considerations where relevant.

However, it is clear that the principle of development has already been established through the first permission.

In addition, the revised pergola design will have no impact on flooding, drainage or biodiversity.

In relation to the character of the area the Planning Officer's Report for the original permission stated:

Given the location of all these structures within the rear garden of the host dwelling and single storey nature of the pergola and water features, views from and to it would be very limited from the public realm and mainly blocked by the existing dwelling and boundary fences of adjoining properties. Furthermore, these are all typical garden structures and would not have an unacceptable detrimental impact on visual amenity or local character, in accordance with Core Strategy policy CP3 and the Borough Design Guide recommendations.

In this regard, the additional height is not sufficient to materially change the above analysis. The proposed height of 2.5m is consistent with many features which could be constructed under permitted development rights and in most gardens, it is usual for sheds and other features to be higher than the boundary fence (with most features being 2.5m high within 2m of a boundary fence – most boundary fences are usually between 1.8-2m in the height).

In this regard, the amended height and material will not have any impact on the character of the area.

In relation to amenity impacts, the Planning Officer's Report stated:

The objection received from the occupants of no. 14 Pigott Road that the new fence is too high, intrusive and blocks their light and outlook is acknowledged. In this respect, the new closeboard fence has a maximum height of 1.95m measured from the raised patio, so that the total height from the original ground level is 2.45m. Whilst its height is considerably higher than other side boundary fences typically measuring 1.8m in height, the fence is adjoins to bottom of no. 14's rear garden; aerial views from the Council's mapping system confirms that this part of no. 14's garden is predominantly covered with vegetation and it is not their primary rear amenity space, therefore it is considered that the new fence does not result in any significant loss of light or overbearing impact upon this neighbouring private rear amenity area to the extent of justifying a refusal on these grounds.

In this context, the increased height of the pergola will not have any discernible impact on the neighbouring property.

Conclusion

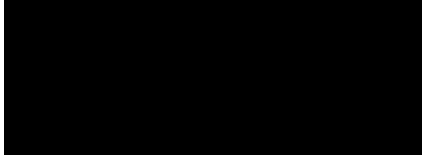
In conclusion, the proposed development is considered compliant with the relevant provisions of the development plan. Planning law dictates that this justifies a grant of planning permission. Assessment against the policies contained within the Framework, which is a material consideration, further



confirms that the development can be considered to be a form of sustainable development and therefore benefit from the presumption in favour of sustainable development which is a golden thread running through decision-taking.

I trust that this application can be progressed on the basis of this submission. If there are any queries or further information is required, please do not hesitate to contact me.

Yours sincerely



Jeremy Butterworth BSc (Hons) MA MRTPI
Director / Planning Consultant
jeremy@jbutterworthplanning.co.uk

Enc