SYSTEMS LTD
SOUTHPORT U.K
LONDON OFFICE

APPLICATION NO:
F/2001/3319

LOCATION:
49 Simons Lane, Wokingham.

APPLICANT:
Mr J Hemsley C/O Colin Dawson And Associates

PROPOSAL:
Proposed erection of detached double garage.

EARLIEST DATE FOR DECISION: **09/03/2001**

APPLICATION WILL HAVE EXPIRED ON:
03/04/2001

CASE OFFICER: **Natalie Brown**

(NAB)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr J Hemsley
C/O Colin Dawson And Associates
1 Malvern Way
Twyford
Berkshire
RG10 PY

Application Number: F/2001/3319

Parish: **WOKINGHAM**

Location: **49, Simons Lane, Wokingham.**

Proposal: **Proposed erection of detached double garage.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reason for which is specified hereunder.

Reason

1. The proposed development by virtue of its scale, form and siting is considered to create an incongruous feature to the detriment of the character of the street scene, and would set an unfortunate precedent for this stretch of Simons Lane. As such, the proposed development is considered to be contrary to policy EN1 of the Berkshire Structure Plan, policies SBE1and SBE2 of the South East Area Local Plan and to policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft).

Informative

1. You are advised, in compliance with The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000, that the following policies and/or proposals in the development plan are relevant to this decision:

Berkshire Structure Plan Policy EN1.
South East Area Local Plan Policies SBE1, SBE2 and STV1.
Deposit Draft Wokingham District Local Plan Policies WOS3 and WBE1.

John Mitchell
Development Control Manager
Date: 16/03/2001

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

Appeal Decision

Site visit made on 10 September 2001

by GRAHAM C CUNDALE BA(Hons) MSc MRTPI MIEEM
an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

20 SEP 2001

Appeal Ref: APP/X0360/A/01/1066388
49 Simons Lane, Wokingham, Berkshire

- 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 J Hemsley against the decision of Wokingham District Council.
- The application (Ref. F/2001/3319), dated 30 January 2001, was refused by notice dated 16 March 2001.
- The development proposed is the erection of a detached double garage.

Summary of Decision: the appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Main Issues

1. I consider that the main issues in the appeal are whether or not the proposal would cause unacceptable harm to (a) the streetscene, and (b) the outlook of the neighbours at No 51 Simons Lane.

Planning Policy

2. The development plan comprises the Berkshire Structure Plan 1991-2006 incorporating Alterations adopted in August 1997 ('BSP'), and the South East Area Local Plan adopted in 1994 ('SEALP'). BSP policy EN1 seeks to protect and enhance the character and quality of the environment in built up areas. It requires that development be appropriate to its location in terms of scale, form, impact, character and siting. It should embody a high standard of design, layout and landscaping, and help maintain and, where possible, enhance the character of its surroundings. Similar aims are reflected in SEALP policies SBE1 and SBE2, with the former requiring new development to make a positive contribution to its setting and the character of the area.

3. I have given some weight to relevant policies in the Wokingham District Local Plan Deposit Draft (including Proposed Amendments) dated February 2000 ('WDLP'), commensurate with the stage it has reached in the plan making process. Policies WOS3 and WBE1 cover similar ground to the development plan policies already referred to. In addition policy WOS3 requires development to be integrated into its local context without detriment to the amenities of adjoining land uses and occupiers.

Reasons

The streetscene

4. It appears that the main objection to the proposal is to its size and its siting in the front garden of No 49. I found No 49 to be a mature and fairly substantial property in which a detached double garage of the size proposed would not look at all out of place. The front garden is sufficiently spacious to accommodate the proposal while leaving an adequate open area of front garden to maintain the character of the locality.

5. The Council is concerned that the proposed garage would be only some 3.8 m from the front garden boundary. However, it would be sited to one side, away from the access, and would not face on to the street. I would not see it as over-dominant. It is also necessary to take into account the Appellant's planting proposals, which would fill the existing gap in the frontage hedge and soften the visual impact from the street. Together with a sympathetic design for the building, this would in my assessment enable a positive contribution to the character of the area.

6. The Council states that the proposal would be the only development of its kind on this stretch of Simons Lane, and it fears the consequences of setting a precedent. I do not accept this argument for the following reasons. First, the Council appears to be unjustifiably selective in choosing this particular stretch of Simons Lane. The Lane contains a variety of residential properties with different layouts and boundary treatments and I would not regard this stretch (to the south west of Walter Road) as notably distinctive. Secondly there are other examples of garages to the front of dwellings, both on this stretch of the Lane and on the stretch to the other side of Walter Road. That those on this stretch may not be detached is not a particularly significant point in my opinion. Thirdly, due to the variation in plot layouts and front garden sizes there is a need to consider proposals in the light of individual circumstances. For example I noted that the size of the front garden at No 49 is rather larger, and its boundary vegetation rather better developed, than those of some nearby properties in Simons Lane to the north east. Therefore, to allow the appeal proposal need not weaken the Council's ability to resist proposals at other properties where they may be visually unacceptable.

7. I conclude that the proposal would accord with the development plan policies referred to and that it would not cause unacceptable harm to the streetscene.

The outlook of neighbours

8. There is a substantial and fairly high hedge along the boundary between Nos. 49 and 51. This would provide considerable screening. Moreover, the orientation and design of the dwelling at No 51 mean that the outlook of its occupiers would not be detrimentally affected by the proposal in my assessment. I note that the Council has not expressed concern about such an effect.

9. The sketched site plan is a little misleading in that it indicates greater encroachment on the hedge than is intended and than is shown on the floor plan and elevations. Although close to the hedge, the proposal overlies the existing vehicular drive and I am inclined to accept that significant damage to the hedge would be avoided. It could also be mistakenly inferred from the sketch that the gable end of the proposed building would directly face No 51, whereas the plans show that its roof would slope down towards the hedge, thereby

mitigating any visual impact on neighbours. That is not to say that the building would not be seen from No 51; but then the planning system does not exist to protect the quality of private views.

10. While appreciating the concern of the neighbours at No 51, I conclude that the proposal would not cause unacceptable harm to their outlook and that it would be in accordance with WDLP policy WOS3.

Overall Conclusion

11. I conclude that the appeal proposal is not unacceptable in respect of either of the main issues and that it is in accordance with all the development plan policies and emerging policies referred to. I have taken into account all the other matters raised in the written representations but find nothing to outweigh the considerations that lead me to my decision to allow the appeal.

Conditions

12. In the event that the appeal is allowed the Council has suggested that a planning permission be subject to 8 conditions, the first of which is standard. The Council's second condition would help ensure a harmonious external appearance of the development and I include a preferable form of this condition as No 2 below. I consider that its third and fifth conditions are necessary for adequate visual amenity as well as road safety (see Nos. 3 and 4 below). The Council's fourth condition appears to be redundant and its sixth and seventh conditions are also unnecessary in my view. The Council's last condition is necessary for road safety but I accept the Appellant's view that a bonded surface need only extend a minimum of 3 m from the carriageway edge for this purpose (see No 5 below).

13. In the interest of visual amenity one further condition is required, to secure satisfactory planting on the front boundary across the existing access. I have already mentioned this and believe it is necessary to achieve the positive contribution and high standard of landscaping sought in development plan policies. Because such planting is referred to on the application plans and in the Appellant's appeal submissions the condition should come as no surprise to the parties. I add it as No 6 below.

Formal Decision

14. In exercise of the powers transferred to me, I hereby allow the appeal and grant planning permission for the erection of a detached double garage at 49 Simons Lane, Wokingham, Berkshire in accordance with the terms of the application (ref. F/2001/3319) dated 30 January 2001 and the plans submitted therewith, subject to the following conditions.

    1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

    2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

    3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the garage hereby permitted shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business or as habitable space.

4) The garage hereby permitted shall not be occupied until turning space has been provided within the front garden to enable vehicles to enter and leave the site in a forward gear; and this space shall be retained for this purpose at all times.

5) The garage hereby permitted shall not be occupied until the vehicular access has been surfaced with a bonded material across the entire width of the access for a distance of 3 m measured from the carriageway edge.

6) The garage hereby permitted shall not be occupied until planting has been undertaken to establish a continuation of the front boundary hedge across the present access to the site.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

16. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

G. Cundale

GRAHAM C CUNDALE
Inspector

ADDITIONAL NEIGHBOUR CONSULTATION SHEET

APPLICATION NUMBER: F/2001/3319
CASE OFFICER: Natalie Brown

ADDRESS OF ADDITIONAL NEIGHBOUR CONSULTATION	NUMBER OF DAYS FOR RESPONSE	DATE LETTER ISSUED (for Admin use)

(1)

ADDRESS 21 COTHAM SIMONS LANE

PLOT No. 4

PARISH WOKINGHAM

BUILDER

ORD. SHEET No. SU. 7968 68

Plan No.	Applicant	Description of Development	Date of Decision	Decision
TP 961	Mr. R. WELLSTEAD	O/APP. RES DEV	14.7.55	C/A
TP 1050	"	ACCESS FOR ABOVE	11.5.55	C/A
TP 1062 3950	MR. R D WOOLF	DET. BUNGALOW & GARAGE	8.12.55	APP C/A
5490	MR S D SMITH	EXTENSION TO KITCHEN	14.2.63	APP
16075	H. J Freeman	O/L 2 det chalet house garage to land at rear of 21-23	22.11.79	N/A C/A
16998	" (44 WALKER RD [illegible])			
BP 19214	MR. A. MILLS	S/STOREY EXTENSION	11.3.82	N/A C/A
31647			18.8.82	APP. N/A
ARA 5846	"		4.11.88	REF
32316	"	GARAGE TO RES / NEW GARAGE	26.4.88	APP
		S/ST. EXT.	24.2.89	C/A

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS TPO 818/96

DRAINAGE

091074 TP/93/1403

40747 " S/ST. EXT. ~~20.4.93 APP~~ 25.3.93 C/A

FENTON

ADDRESS 19 SIMONS LANE

PARISH DOKINGHAM

PLOT No. 3

ORD. SHEET No. SU.7968 68

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
TP 961	MR. R. WELLSTEAD	C/APP RES. DEV.	16.7.55	C/A
TP 1030	"	ACCESS BOR ABOVE	11.5.55	C/A
TP 1062 3450	MR R A. WOOFF	DET. BUNGALOW & GARAGE	8.12.55	APP C/A
5759	MR. J.R SIBLEY	ENLARGE KITCHEN		
BR 3257	MR. MORAN	S/STOREY EXTENSION	3.4.78	APP N/A
32427	MR. UNDERWOOD	GARAGE TO RES/NEW GARAGE/ S/ST EXT.	24.2.89	[illegible]
33405			8.9.89	C/A
BRA 7158	"	GARAGE/S/ST. EXT/H. GARAGE TO RES.	16.5.89	APP

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE

091074

**********FILE COPY**********

Tel: (0118) 974 6492

Date: **14 February 2001**

My ref: F/2001/3319

CONFIDENTIAL

Councillor Marinos
10 Wildcroft Drive
Wokingham
RG40 3NY

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Councillor

Application Number: F/2001/3319
49, Simons Lane, , Wokingham.
Proposed erection of detached double garage.

I write to let you know that the above mentioned house holder application has been received

At this stage a recommendation has not yet been made. This form should only be returned if it is likely that you may wish the application to be listed for consideration by the Development Control Sub-Committee. This form must be received no later than 28 days from the date of this letter.

If you have any questions please do not hesitate to contact **Natalie Brown** on **(0118) 974 6492**.

Yours faithfully,

John Mitchell

John Mitchell
Development Control Manager

LISTING FORM

Case officer: **Natalie Brown** Application Number: **F/2001/3319**
49, Simons Lane, , Wokingham.
Proposed erection of detached double garage.
I wish this application to be listed should the officers recommendation be for_____
and my reason(s) are_____
_____
_____

Signed: _____ Date: _____
Councillor Marinos

**********FILE COPY**********

**********FILE COPY**********

Tel: (0118) 974 6492

Date: **14 February 2001**

My ref: F/2001/3319

CONFIDENTIAL

Councillor Morgan
Valois Farm
Range Road
Wokingham
RG40 3NR

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
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Yours faithfully,

John Mitchell

John Mitchell
Development Control Manager

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49, Simons Lane, , Wokingham.
Proposed erection of detached double garage.
I wish this application to be listed should the officers recommendation be for_____
and my reason(s) are_____
_____
_____

Signed: _____ Date: _____
Councillor Morgan

**********FILE COPY**********

**********FILE COPY**********

Tel: (0118) 974 6492

Date: **14 February 2001**

My ref: F/2001/3319

CONFIDENTIAL

Councillor Hudson
4 Sapphire Close
Wokingham
RG41 3DU

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
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John Mitchell

John Mitchell
Development Control Manager

LISTING FORM

Case officer: **Natalie Brown** Application Number: **F/2001/3319**
49, Simons Lane, , Wokingham.
Proposed erection of detached double garage.
I wish this application to be listed should the officers recommendation be for_____
and my reason(s) are_____

_____

_____

Signed: _____ Date: _____
Councillor Hudson

**********FILE COPY**********

Received by Wokingham District Council

Application No: F/2001/3319

Proposal:
Proposed erection of detached double garage.

Location:
49, Simons Lane, , Wokingham.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY (9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday. closed all day Wednesday). If you intend to view this application at Woodley Library (see details above) please allow 4 days from the date of this notice for delivery of plans.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Natalie Brown P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 09/03/2001. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not normally be possible for an individual reply to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Head Planning and Transportation

14 February 2001

Revised

DEVELOPMENT CONTROL/BUILDING CONTROL CHECKLIST

CHECKLIST WHEN A BUILDING REGULATION APPLICATION HAS BEEN RECEIVED.

SITE DETAILS — **CASE OFFICER**

PLANNING APPLICATION NUMBER	3319 NB
BUILDING CONTROL NUMBER	FP 2002/2736 North
~~APPLICANT~~/AGENT	Colin Dawson + Associates
ADDRESS OF SITE	49 Simons Lane CROYDON CR0 KAM.
DESCRIPTION OF PROPOSED WORK	detached double garage

DRAWING NUMBERS	BC	DC
BLOCK PLAN	D555-02A	D555-02
ELEVATIONS	"	"
FLOOR PLANS	"	"

CHECKLIST	1ST CHECK	2ND CHECK
PERMITTED DEVELOPMENT		
APPLIC NECESSARY-NOT RECEIVED		
APPLIC RECEIVED & APPROVED	on Appeal 20/9/01	
APPLIC RECEIVED-NO DECISION		
APPLIC REFUSED		
DIFFERENCES BETWEEN DC/BC DRAWINGS	None	
IF YES, WHAT ARE THE DIFFERENCES ?		
DATE	21/2/02	

PROBLEMS	REQUESTED	RECEIVED	REMINDER
PLANNING PERMISSION NEEDED			
REVISED PLANS NEEDED			
PLANNING APPLIC REFUSED			
WAIT FOR PLANNING DECISION			

COMMENCED ON SITE	
NO PLANNING DECISION	
NO PLANNING APPLICATION	

WORK SHEET FOR : Natalie Brown

Application Number : F/2001/3319

Applicant : Mr J Hemsley C/O Colin Dawson And Associates.

Location : 49, Simons Lane, , Wokingham.
Proposal : Proposed erection of detached double garage.

Site Notice Displayed ? :

YES	NO	DATE
✓		2/3

Date of Neighbour Notifications : .....

Date of Site Visit : .....2/3.....

Date Registered : 06/02/2001

Earliest Date for Decision : 09/03/2001

Latest Consultation Date/Site Notice Expiry Date : 09/03/2001

This application will have expired on: 03/04/2001. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses :

WOK TC :

Highways: 16/2. approval with conditions.

Adj. Parish (winnersh): none received.

Letters of representation: 28/2 : Nº 49 - concerns re: setting of a precedent etc
14/3 : Nº 49 - confirming comments made @ site meeting
13/3 : letter from applicant.

Planning Issues : (10'd sett)

Application Number: F/2001/3319

Appraisal :

see attached sheet

Recomendation : Approval: ☒ **Refusal:** ☐
(tick appropriate box)

Application Number F/2001/3319
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal
			The proposed development by virtue of its scale, form and siting is considered to create an incongruous feature to the detriment of the character of the street scene, and would set an unfortunate precedent for this stretch of Simons Lane. As such, the proposed development is considered to be contrary to the following policies:
			RSP: ENV
			WDLP(DD): WOS3, WBE1
			SDLP: SBE1, SBE2

RECORD OF SITE VISIT

SITE ADDRESS: 49 Simons Lane Wokingham.

APPLICATION NUMBER: F/2001/3319

OFFICER: Natalie Brown

DATE OF SITE VISIT: 2/3

1 SITE/STATUTORY NOTICE DISPLAYED ? Yes on green elec(?) junction box outside of property.

2. DESCRIPTION OF SURROUNDINGS
Established residential. Similar style but variance due to extns etc.
Wooded area opposite → greengap / Wildlife heritage site / TPO's.
No other garages fwd of b'line along this part of rd.



3. DESCRIPTION OF SITE/BUILDING
lawn area with borders + driveway.

4. RELATIONSHIP TO ADJOINING PROPERTIES
Detached see plan. (same style of dwelling on either side).

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING Existing gravel driveway + side integral garage.

LEVELS

BOUNDARY TREATMENT Fencing at side with 47.

OTHERS Shrubs @ front.
Shrubs/small trees with No 51

Application Number: F/2001/3319

Appraisal:

Development
For a detached double garage with pyramid style roof. The site lies on the edge on the identified settlement of Wokingham, in an established residential area comprising detached properties set back from the road. The site lies opposite a wooded area classified as green gap and wildlife heritage site.

1) Impact upon neighbouring properties
One letter of objection was received from No.50. The letter expressed concern over a structure forward of the building line and damage to the boundary hedging. A telephone conversation with No. 50 also expressed concern over impact upon their amenity.

The proposed garage would be along the boundary with No.50. The floor plan shows this to be 0.7m. The garage would be approximately 3m forward from No.50, with the main dwelling of No. 50 being approximately 4m from the boundary. Due to the location of the proposed development in relation to No. 50, it is not considered that there would be any overbearing effects. In any case, this area is a front garden/parking area with the main amenity area being at the rear of the property.

2) Impact upon the character of the streetscene
There is a general dislike of any structures forward of the front building line of a dwelling or a street. The proposed garage would be the only of its kind in the stretch of road along Simons Lane after Walter Road. Although there is some staggering of the front building lines of the properties, the proposed garage would still be forward of this line and be 4m from the pavement edge. Due to the size and positioning of the detached garage, it is considered that the garage would create an incongruous feature to the detriment of the character of the street scene, and represent a form of development that would set an unfortunate precedent for this stretch of road.

A letter from the applicant was received saying that there are already garages in the front gardens of 19, 21 and 25 Simons Lane which are closer to the public highway and more visible than his proposal.

The garage at No. 19 was approved under consent 33405 in 1989, and the garage at No. 21 was approved under consent 32316 in 1989 and the garage at No. 25 was approved under consent 36667 in 1990. These garages were approved more than 10 years ago and are situated the other side of Walter Road (Reading Road side). Due to the fact that they are located within a different stretch of the road compared to No. 51 and were given consent in

1989/90, it is considered that they can not be directly compared to the current proposal.

3) Impact upon highway safety (parking provision)
Subject to the inclusion of conditions with regard to stopping up of the existing access, garaging, parking and turning remaining, no development occurring before the new access is constructed, and this access being surfaced with a bonded material, the Highways department have no objection to the proposed development. It is therefore considered that there would be no adverse effect upon highway safety.

~~**Approval:**~~ **Refusal: ✓**

WOKINGHAM D.C. DEVELOPMENT CONTROL

Start date:	06 FEB 2001
Officer: NAB	Application No. F/2001/3319

Map No. 68 Site O.S.

Easting: ..... Flood Pln .....

Northing: ..... Mineral .....

Level: ☐ **Sub Committee** ☑ **Delegated** ☐ **Sec. State**

☐ **Incorrect Fee** ☐ **Invalid** ☐ **PD**

Description:
(F.) PROPOSED ERECTION OF DETACHED DOUBLE GARAGE

Location: 49 SIMONS LANE

Parish: WOKINGHAM Ward: Evendons

Applicant: MR J HEMSLEY

Fee Received 95-00 Required ..... Additional ..... Refund .....

Enforcement Section (9) to be notified ☐ tick if required

Additional information required for validation

		Reason	Requested	Received
1	1:2500 OS location plan showing property edged in blue/red			
2	1:500 block plan showing existing & proposed dev. + adj. Properties			
3	Forms unsigned			
4	Correct S 66 certificate			
5	Elevation plans			
6	Floor plans			
7	Metric scale disclaimer			
8	Encroachment letter			
9	Miscellaneous			

APPLN NO. _____

ACTION REQUIRED BY DEVELOPMENT CONTROL

Conservation Area .....

Listed Building 1 2 2*

Advertisement Required .....

Date Site Notice Sent : ..... Parish Council Informed - YES / NO

INTERNAL CONSULTATIONS

Building Control : .....
Landscape .....
Trees .....
Conservation Officer .....
Environmental Health .....
Housing .....
Leisure & Cultural services .....
Public Rights of Way .....
Property .....
District Secretary (only if called in by SOS) .....
Policy & Plans .....
Strategic Planning (JSPU) .....
Minerals (INTERNAL) .....
Archaeological Site (BABTIE) : .....
Education .....
Social Services .....
Highways .....

EXTERNAL CONSULTATIONS

Adjacent D P A : .....
Adjacent Parish : Wramore
Southern Electricity Board .....
British Gas .....
PSA Oil Pipeline .....
Transco : .....
Environment Agency .....

Rail Track .....
Police Arch. Liaison Officer .....

HERITAGE BODIES

The Georgian Group .....
Ancient Monuments Society .....
Council for British Arch. .....
RCHME .....
Telecommunications (NRPB) : .....
Sport England : .....

OTHERS:

.....
.....
No pre-apps

NEIGHBOURS:

S/N + see map.

WOODCROFT, 51 SIMONS LANE
WOKINGHAM, RG41. 3HG
0118 9783822

14 MAR 2001
COPIES TO: ACK: FILE:

Dear Mr Mitchell NB - 9 March 01

Natalie Brown F/2001/3319.

Following the invitation in the final paragraph of your letter of the 14th Feb I was most grateful to have the opportunity to discuss the above application with Natalie Brown. While it was made clear to me that the matter was still under consideration & that no indication could be given as to the outcome, I think it sensible to put on record the gist of my comments, even though I gather that I might well have the opportunity to speak to the Committee at a later stage if the application looks likely to succeed.

(1) From my front garden, one can glance in either direction towards Walter Rd or Camellia Ave and see nothing but trees, shrubs and other vegetation, unbroken by any man made structure or brickwork.

(2) From the frontage a series of tidy well kept gardens, broken only by driveways serving garages nestling between detached dwellings leaving no space for further building. Where infilling has taken place during the last twenty years or so, there are double garages - otherwise, about 14 are single & no possibility of enlargement. Maybe half of the latter are occupied by retired folk who might well be satisfied with a single garage but this will not always be so, and up to now I am not aware that anyone has regarded the building line as anything less than sacrosanct.

(3) The current application is just about the most recent new-comer to this (APPLICANT) part of Simons Lane and soon after moving in sought & obtained approval to substantially rebuild & extend the building at No 49 - including a double garage adjacent to mine. Representations were made concerning the tall side wall of and above the garage & the application was only approved subject to the roof being "hipped" so as to reduce the intrusive visual effect. Additionally, it was stipulated that the gap between the garages was to be 3 metres - I think it turned out to be rather less.

(4) When I received your letter, I did in fact ask the applicant

what it was all about and he produced a copy of the plan. At a glance I could see that the proposed garage was to be sited adjacent to the common boundary (and NOT as I had visualised to the rear of No 49 on the other side and served by the original driveway which then served the old garage - this might have been feasible!) and most worrying, in front of the building line which had been maintained for many years. He seemed to dismiss my comment as irrelevant - perhaps confident that his professional expertise in the property world would enable him to outwit any objection from the Planning Authorities no matter what the consequences for anyone else.

(5) It remains to be said that if the current application happened to succeed eventually, there would be no valid grounds for refusing, maybe over the course of years, similar applications from any owners of the 14 or so single garages. This of course would not concern the present applicant who does not appear to be a particular gardener & who would have long since enjoyed his extra double garage parking area.

(6) One is left to consider the immediate effect if in principle, albeit reluctantly, the Planning Authority is swayed to concede that the application might be approved in spite of the long standing defence of the building line, leaving precise details to be negotiated. At this stage, to make the best of a bad deal perhaps I might suggest

(a) that the garage be sited at least 5 feet further away from the common boundary so as to allow the existing laurel hedge & additional shrubs to screen the end wall up to say 9 feet (and also allow pedestrian access, cyclists etc to the front door of No 49) and

(b) a "hipped" roof above that end wall.

No doubt you will keep me informed as to progress. I hope my contribution will be useful!

Yours sincerely

C.A.F. NEWSOM

PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	NAB
CS	
28 FEB 2001	
COPIES TO:	ACK: ✓
	FILE:

OBS

0118 9783822

GH13HG

Feb-01

Dear Mrs B

Yourref F/2001/3319

I refer to your letter of the 14th Feb and my call at your office on Thurs last.

Firstly I must say that I already have one double garage on my boundary as part of the re-building of No 49 as in your approval application No 40498/EG/93. in March 1993 and do not particularly want another. You will be aware that on Binns Lane, this side of Walter Rd there is no permitted development in front of the building line and it has long since been my understanding that it was council policy not to allow a precedent. I recall being told this some years ago when considering a car port in front of my own garage and trust that you will adhere to this now. Of course, you can do nothing about the two old farm cottages which were erected long before the planning policy was formulated.

If however you feel forced to give way

on this occasion perhaps it should be considered whether the building should be sited on the other side, although I suspect that it would not be welcome there either! And to keep both neighbours quiet (with tongue in cheek) how would the applicant like his garage directly in front of his house?

I suspect that the "hedge" which I recall is shown in the plan, is intended to screen the proposed garage. At a trimmed height of no more than 9" it could perhaps (partly) screen a flat-roofed building at ground level, but as most of it comprises a motley collection of forsythia stems, wild bramble, wild roses, bracken & the odd silver birch, holly & hawthorn seedling - some 28' in length from the pavement, it would not be very effective. Only 9' or so in the centre as laurel & some 5' in thickness and if this had to be cut back to 2' so as to provide for foundations, room for clipping & bricklaying, the roots would probably be killed & the rest would have a precarious existence! I'm sorry to be such a prophet of gloom.

I did suggest to your colleague that perhaps you could call to discuss the matter when you next visit the site. Hence this letter!

Yours sincerely

[illegible] Newson (A.F. NEWSON)

HIGHWAYS CONSULTATION SHEET

From: Natalie Brown **Date:** 14 February 2001

Application Number: F/2001/3319

Proposal: Proposed erection of detached double garage.

Parish: WOKINGHAM TOWN

Site Address:
49, Simons Lane, , Wokingham.

Applicant:
Mr J Hemsley C/O Colin Dawson And Associates.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

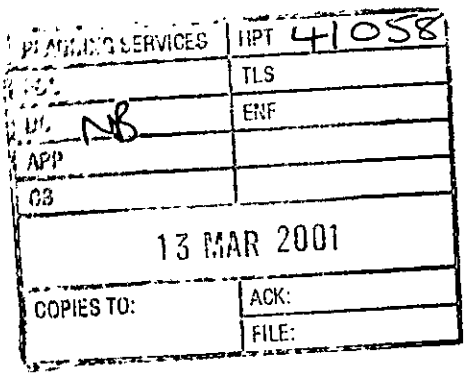
1) ☐ Recommend refusal for the reason(s) **stated below**;
2) ☑ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☐ Recommend approval with **no** condition(s) or reason(s).

C049, R049. - garaging
C122, R122. - parking + turning
C138, R138. - forward gear
C131, R131. - no dev before access
C135, R135. - exist access stopped
C140(INSERT:5), R140. - bonded access.

NO7.

Signed: _____ **Print name:** Adam Coggins. 16/02/01

Rosetta
49 Simons Lane
Wokingham
Berkshire
RG41 3HG



12th March, 2001

Ms N Brown
Planning Officer
Wokingham District Council
Shute End
Wokingham
RG40 1BN

Dear Madam,

Re: F2001/3319
Property at 49 Simons Lane, Wokingham

Following discussion with my immediate neighbour at No. 51, Mr Arthur Newsome, I think it helpful to write and confirm that the proposed new garage for my property will not in any way interfere with the existing and substantial hedge between our two properties as I have no desire to remove any of the natural screening that exists between us.

The impact of my proposal on No. 51 is further limited by the differing height of our respect plots (mine being the lower by approximately 300mm).

When considering my application, I would ask you also to bear in mind that there are already garages in the front garden to Nos. 19, 21 and 25 Simons Lane and in each case the garage is closer to the public highway than my proposal and more visible simply because each front garden to the other property is shallower and narrower than mine.

In the circumstances, I hope you will find no difficulty in approving my application.

Yours faithfully,

John C Hemsley

Tel. (0118) 974 6492

Date: 14 February 2001

received after decision issued.

Your Ref:

My Ref: Natalie Brown / F/2001/3319

DELEGATED

WOKINGHAM DISTRICT COUNCIL

RL

15 FEB 2001

Winnersh Parish Council
Mrs J Harlin
Winnersh Community Centre
New Road
Sindlesham
Wokingham
RG41 5DU

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

PLEASE QUOTE APPLICATION NUMBER WHEN REPLYING

Dear Sir/Madam

ADJOINING PARISH CONSULTATION

Application Number: F/2001/3319

Parish: WOKINGHAM

Site Address: 49, Simons Lane, , Wokingham.

Proposal: Proposed erection of detached double garage..

I enclose details of the above application which is **not** within your parish area but is close to the boundary and would be grateful to receive your observations within **21 days** of the date of this letter. I cannot guarantee that comments received after this date will be taken into account in determining the application.

Please quote reference number **F/2001/3319** in all communications and any response should be addressed to **Natalie Brown** the case officer dealing with this application at the above address.

I look forward to hearing from you.

Yours faithfully,

John Mitchell

John Mitchell
Development Control Manager

No comments

06.03.01

Received 7 March
attached to another sheet

06.FEB.2001 * 3319

COLIN DAWSON & ASSOCIATES

Architectural Design & Building Surveying.

MALVERN HOUSE
1 MALVERN WAY
TWYFORD
READING. BERKSHIRE. RG10 9PY.
Tel: **(0118) 9343322** *Fax:* **(0118)**

The Director of Environmental Services
Wokingham District Council
Council Offices
Shute End
Wokingham
Berks

Ref: CED/BK/555
Tuesday, 30 January 2001

Dear Sir

RE; 49 SIMONS LANE, WOKINGHAM, BERKS

Please find enclosed a formal Planning Application with regards to proposals at the above property and I would be pleased if you could assess the Application under delegated powers or place it before the next Meeting of the Planning Committee for consideration.

I enclose a cheque in the sum of £95.00 for the submission fee. I would appreciate it if a receipt could be forwarded by return.

If you have any concerns with regards to the enclosed Application or require any further information, please do not hesitate to contact me as I would appreciate an opportunity of negotiating amendments if necessary before a refusal is contemplated.

Yours faithfully

Colin Dawson

Encs:

Colin E Dawson. MBIAT. ABEng
Incorporated Architectural Technologist & Building Surveyor

ROSETTA

ADDRESS 49 SIMONS LANE PARISH WOU

PLOT No. ORD. SHEET No. 68

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
3389	MR. G. J. COLE	GARAGE & FUEL STORE	30.10.52	APP.
40498	MR. S. HEMSLEY	2 + 2/ST. EXTS	10.3.93	UA
H93/1255A	"	2/ST EXT /INT. ALTS	6.7.93	APP

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE

091074

Environmental Services

For office use only.
Application number: 06.FEB.2001* 3519

Householder planning application form

Please answer all questions in CAPITAL letters.
If any question does not apply to you, put N/A in the space.
Please send six copies of the filled in form and your plans to the address on the front of the folder.
We provide guidance notes to help you fill in the form. If you have any questions, please call Planning Support on 0118 974 6428 or 0118 974 6429.

1	Your name Address and postcode Phone number	Mr J Hemsley 49 Simons Lane Wokingham, Berks
2	Agent's Name Address and postcode Phone number	Colin Dawson & Associates 1 Malvern Way Twyford, Reading, Berks RG10 9PY 0118 9343322
3	Site We need you to send in six copies of the 1:2500 scale location plan and six copies of the 1:500 scale block plan, with the site outlined in red. You can buy these maps from the Environmental Services reception or order them by phoning 0118 974 6485.	49 Simons Lane Wokingham, Berks
4	Give brief details of the proposal for example, two storey side extension. About the application	Erection of detached double garage

5	Are there any trees on the site? If Yes, please show their positions, spread and species of the trees on the plans. Say which trees you plan to cut down.	Yes ☐	No ☑
6	Please list the external materials you will use for example, red brick to match any existing bricks and dark stained timber.	Red plain tiles to match existing house roof, white render above red facing brick walls to match existing house	
7	Will the proposal change the pedestrian or vehicle access to the site? Please show details of the existing access and any proposed changes on the plans.	Yes ☑	No ☐
8	Will the car parking provision at the site be changed? If Yes, please show details of any changes on the plans.	Yes ☑	No ☐

3544 Crystal Mark
Clarity approved by Plain English Campaign

Please turn over

9	How many bedrooms does the property have?	Existing: 4	Proposed: 4
10	Does a public right of way touch the site? If yes, please show the route and any proposed alternative on the plans.	Yes ☐	No ☑
11	Checklist. Please make sure that you enclose the following.		
	a Six copies of this form signed and dated.		
	b The fee (We have attached a current scale of fees). If you do not have to pay a fee, please say why below.		
	c Six copies of each set of plans and drawings listed below.		
	• 1:2500 scale location plan with the site outlined in red.		
	• 1:500 scale site layout plan.		
	• 1:100 or 1:200 scale floor plans and elevations.		

12 Certificate of ownership (Section 66 Town & Country Planning Act 1990)
Please delete either certificate A or certificate B. If neither apply, you must fill in a full certificate which you can get from Environmental Services.

(Owner means a person with a freehold interest, or someone who is a leasehold tenant with at least seven years left on their agreement)

Certificate A

I certify that

- At the beginning of the period of 21 days ending with the date of the application nobody, except the applicant, owned any part of the land which the application relates to.
- None of the land forms part of an agricultural holding.

Certificate B

I certify that

- I or the applicant has given the necessary notice to everyone else who (at the beginning of the period of 21 days ending with the date of the application) owned any part of the land which the application relates to as listed below.

Owner's name	Address at which the notice was served	Date on which the notice was served

None of the land forms part of an agricultural holding.

Your signature: [signature]

on behalf of: Mr J Hemsley

Date: 30/01/01

Please tick this box if you or your husband, wife or partner are employed by Wokingham District Council ☐

REFUSAL OF PLANNING
PERMISSION

D
EG

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: MR UNDERWOOD
C/O D C BAVERSTOCK
38 BROOKSEY ROAD
READING
RG3 6LY

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No. 32427 (F)

Proposal:
CONVERSION OF EXISTING INTEGRAL GARAGE TO DINING ROOM AND UTILITY ROOM. SINGLE STOREY REAR EXTENSION TO ENLARGE BEDROOMS AND SINGLE STOREY SIDE EXTENSION TO PROVIDE NEW BEDROOM AND ENTRANCE HALL. NEW DOUBLE GARAGE
19 SIMONS LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby REFUSE to grant planning permission in respect of the above development as described in the application and the accompanying plans submitted by you to the Council, for the following reasons:

01 The proposed garage is considered to be unsatisfactory by reason of its projection forward of the main front wall of the existing dwelling to an excessive degree thereby constituting an obtrusive element in the street scene which will detract from the visual amenity of the area.(R34)

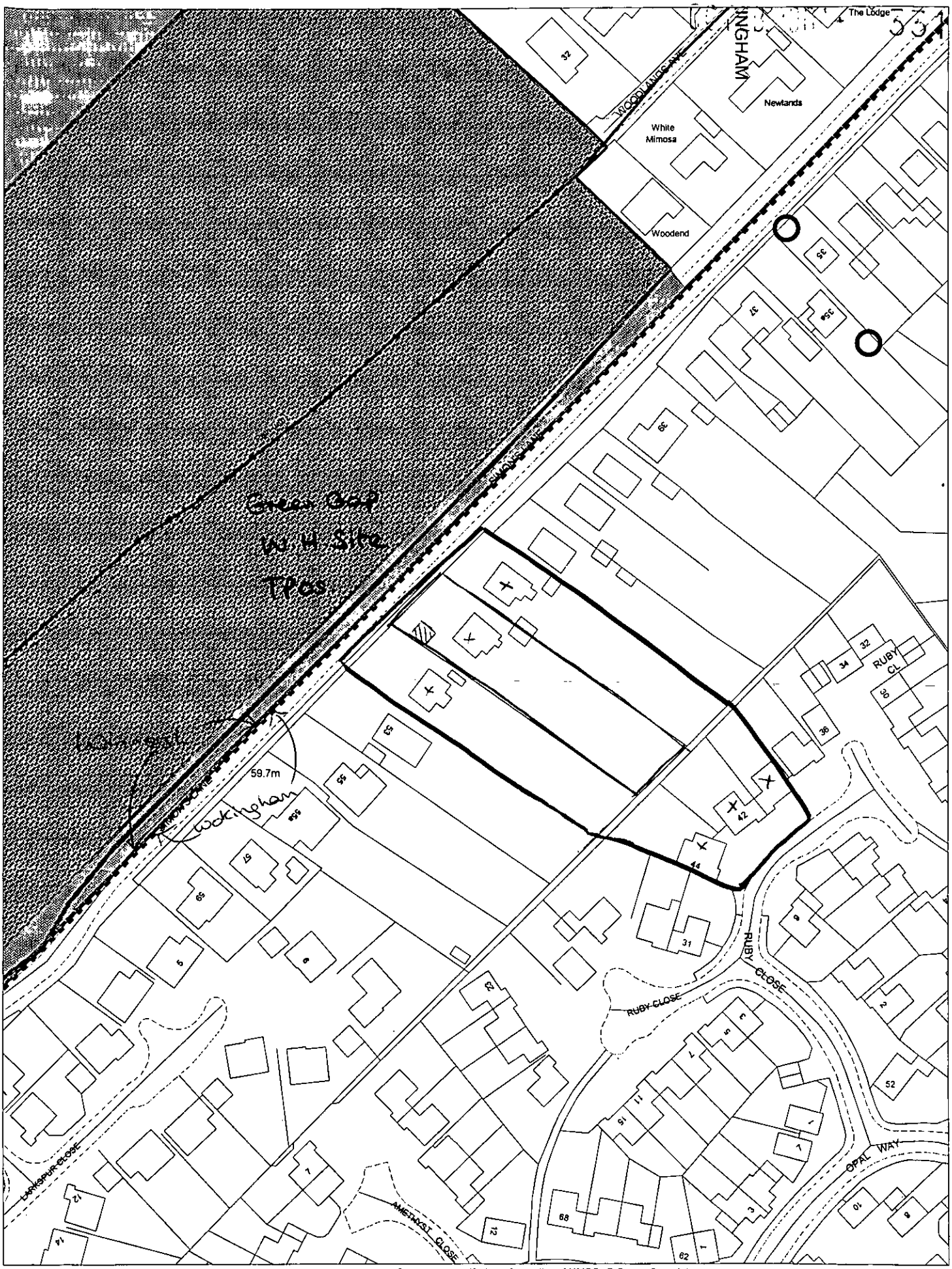
02 The proposal will result in the loss of trees on the site which the District Planning Authority consider should be retained and which at present enhance the visual amenity of the area.(R42)

Date.....

20 FEB 1989

.....
Planning Officer

N.B. A statement of the applicant's rights is attached



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Development Control Section, Environmental Services, Wokingham District Council.

9 February 2001

Scale: 1 : 1250

SOUTHPORT U.K
LONDON OFFICE
SYSTEMS LTD

APPLICATION NO.3319

Name of appellant:
J Hemsley

Site address:
49 Simons Lane

Proposal:Proposed erection of detached double garage

Case Officer:NAB

Allowed
20/09/01

Appeal Decision

Site visit made on 10 September 2001

by GRAHAM C CUNDALE BA(Hons) MSc MRTPI MIEEM
an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

20 SEP 2001

Appeal Ref: APP/X0360/A/01/1066388
49 Simons Lane, Wokingham, Berkshire

- 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 J Hemsley against the decision of Wokingham District Council.
- The application (Ref. F/2001/3319), dated 30 January 2001, was refused by notice dated 16 March 2001.
- The development proposed is the erection of a detached double garage.

Summary of Decision: the appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Main Issues

1. I consider that the main issues in the appeal are whether or not the proposal would cause unacceptable harm to (a) the streetscene, and (b) the outlook of the neighbours at No 51 Simons Lane.

Planning Policy

2. The development plan comprises the Berkshire Structure Plan 1991-2006 incorporating Alterations adopted in August 1997 ('BSP'), and the South East Area Local Plan adopted in 1994 ('SEALP'). BSP policy EN1 seeks to protect and enhance the character and quality of the environment in built up areas. It requires that development be appropriate to its location in terms of scale, form, impact, character and siting. It should embody a high standard of design, layout and landscaping, and help maintain and, where possible, enhance the character of its surroundings. Similar aims are reflected in SEALP policies SBE1 and SBE2, with the former requiring new development to make a positive contribution to its setting and the character of the area.

3. I have given some weight to relevant policies in the Wokingham District Local Plan Deposit Draft (including Proposed Amendments) dated February 2000 ('WDLP'), commensurate with the stage it has reached in the plan making process. Policies WOS3 and WBE1 cover similar ground to the development plan policies already referred to. In addition policy WOS3 requires development to be integrated into its local context without detriment to the amenities of adjoining land uses and occupiers.

Reasons

The streetscene

4. It appears that the main objection to the proposal is to its size and its siting in the front garden of No 49. I found No 49 to be a mature and fairly substantial property in which a detached double garage of the size proposed would not look at all out of place. The front garden is sufficiently spacious to accommodate the proposal while leaving an adequate open area of front garden to maintain the character of the locality.

5. The Council is concerned that the proposed garage would be only some 3.8 m from the front garden boundary. However, it would be sited to one side, away from the access, and would not face on to the street. I would not see it as over-dominant. It is also necessary to take into account the Appellant's planting proposals, which would fill the existing gap in the frontage hedge and soften the visual impact from the street. Together with a sympathetic design for the building, this would in my assessment enable a positive contribution to the character of the area.

6. The Council states that the proposal would be the only development of its kind on this stretch of Simons Lane, and it fears the consequences of setting a precedent. I do not accept this argument for the following reasons. First, the Council appears to be unjustifiably selective in choosing this particular stretch of Simons Lane. The Lane contains a variety of residential properties with different layouts and boundary treatments and I would not regard this stretch (to the south west of Walter Road) as notably distinctive. Secondly there are other examples of garages to the front of dwellings, both on this stretch of the Lane and on the stretch to the other side of Walter Road. That those on this stretch may not be detached is not a particularly significant point in my opinion. Thirdly, due to the variation in plot layouts and front garden sizes there is a need to consider proposals in the light of individual circumstances. For example I noted that the size of the front garden at No 49 is rather larger, and its boundary vegetation rather better developed, than those of some nearby properties in Simons Lane to the north east. Therefore, to allow the appeal proposal need not weaken the Council's ability to resist proposals at other properties where they may be visually unacceptable.

7. I conclude that the proposal would accord with the development plan policies referred to and that it would not cause unacceptable harm to the streetscene.

The outlook of neighbours

8. There is a substantial and fairly high hedge along the boundary between Nos. 49 and 51. This would provide considerable screening. Moreover, the orientation and design of the dwelling at No 51 mean that the outlook of its occupiers would not be detrimentally affected by the proposal in my assessment. I note that the Council has not expressed concern about such an effect.

9. The sketched site plan is a little misleading in that it indicates greater encroachment on the hedge than is intended and than is shown on the floor plan and elevations. Although close to the hedge, the proposal overlies the existing vehicular drive and I am inclined to accept that significant damage to the hedge would be avoided. It could also be mistakenly inferred from the sketch that the gable end of the proposed building would directly face No 51, whereas the plans show that its roof would slope down towards the hedge, thereby

mitigating any visual impact on neighbours. That is not to say that the building would not be seen from No 51; but then the planning system does not exist to protect the quality of private views.

10. While appreciating the concern of the neighbours at No 51, I conclude that the proposal would not cause unacceptable harm to their outlook and that it would be in accordance with WDLP policy WOS3.

Overall Conclusion

11. I conclude that the appeal proposal is not unacceptable in respect of either of the main issues and that it is in accordance with all the development plan policies and emerging policies referred to. I have taken into account all the other matters raised in the written representations but find nothing to outweigh the considerations that lead me to my decision to allow the appeal.

Conditions

12. In the event that the appeal is allowed the Council has suggested that a planning permission be subject to 8 conditions, the first of which is standard. The Council's second condition would help ensure a harmonious external appearance of the development and I include a preferable form of this condition as No 2 below. I consider that its third and fifth conditions are necessary for adequate visual amenity as well as road safety (see Nos. 3 and 4 below). The Council's fourth condition appears to be redundant and its sixth and seventh conditions are also unnecessary in my view. The Council's last condition is necessary for road safety but I accept the Appellant's view that a bonded surface need only extend a minimum of 3 m from the carriageway edge for this purpose (see No 5 below).

13. In the interest of visual amenity one further condition is required, to secure satisfactory planting on the front boundary across the existing access. I have already mentioned this and believe it is necessary to achieve the positive contribution and high standard of landscaping sought in development plan policies. Because such planting is referred to on the application plans and in the Appellant's appeal submissions the condition should come as no surprise to the parties. I add it as No 6 below.

Formal Decision

14. In exercise of the powers transferred to me, I hereby allow the appeal and grant planning permission for the erection of a detached double garage at 49 Simons Lane, Wokingham, Berkshire in accordance with the terms of the application (ref. F/2001/3319) dated 30 January 2001 and the plans submitted therewith, subject to the following conditions.

    1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

    2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

    3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the garage hereby permitted shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business or as habitable space.

4) The garage hereby permitted shall not be occupied until turning space has been provided within the front garden to enable vehicles to enter and leave the site in a forward gear; and this space shall be retained for this purpose at all times.

5) The garage hereby permitted shall not be occupied until the vehicular access has been surfaced with a bonded material across the entire width of the access for a distance of 3 m measured from the carriageway edge.

6) The garage hereby permitted shall not be occupied until planting has been undertaken to establish a continuation of the front boundary hedge across the present access to the site.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

16. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

G. Cundale

GRAHAM C CUNDALE
Inspector

16.a. What is the date you told those you notified about the appeal that we must receive any further comments by?		25/07/01
b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application	3	
ii) the planning officer's report to committee		✓
iii) any relevant committee minute		✓
17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY Do you intend to send another statement about this appeal? If NO, please send the following information:-		YES / ~~NO~~
a. In non-determination cases:		
i) what the decision notice would have said;		
ii) how the relevant development plan policies relate to the issues of this appeal.		
b. In all cases:		
i) the relevant planning history;		
ii) any supplementary reasons for the decision on the application;		
iii) matters which you want our Inspector to note at the site visit.		
18. THE MAYOR OF LONDON CASES ONLY		
a. Was it necessary to notify the Mayor of London about the application? If YES please attach a copy of that notification.		YES / NO
a. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.		YES / NO

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: Olynell on behalf of WOKINGHAM DISTRICT Council

Date sent to us and the appellant 26/06/01 OUR REF: F/2001/3319

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The Planning Inspectorate

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QUESTIONNAIRE

To be used for all appeals made on or after August 2000

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/X0360/A/01/1066388 **GRID REF:** SU 7968

APPEAL BY: Mr J. Hemsley

SITE: 49 Simons Lane, WOKINGHAM

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks of the 'starting date' given in our letter. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

NB: PLEASE TELL US OF ANY CHANGES TO THE INFORMATION YOU HAVE GIVEN ON THIS FORM.

1.	Do you agree to the written representations procedure?	YES / ~~NO~~
OR	Do the you wish to be heard by an Inspector at: a. a local inquiry?	~~YES~~ / NO
	or b. a hearing?	~~YES~~ / NO
2. a.	If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?	~~YES~~ / NO
b.	From your knowledge of the issues, would our Inspector need to enter the site for any reason e.g. to view/measure any dimensions from within it?	YES / ~~NO~~
3.	Does the appeal relate to an application for approval of reserved matters?	~~YES~~ / NO
4.	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES / ~~NO~~ / NA
5.	Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	~~YES~~ / NO

6. Is the appeal site within an approved Green Belt or AONB? Please specify which	~~YES~~ / NO
7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)	~~YES~~ / NO
8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.	~~YES~~ / NO
b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.	~~YES~~ / NO
9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	~~YES~~ / NO
10. Does the appeal relate to an application for conservation area consent?	~~YES~~ / NO
11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	~~YES~~ / NO Grade I/II*/II
b. Would the proposed development affect the setting of a listed building?	~~YES~~ / NO
If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)	
12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	~~YES~~ / NO
13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	~~YES~~ / NO
b. If YES, was English Heritage consulted ? Please attach a copy of any comments	YES / NO
14.a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.	~~YES~~ / NO
b. Are any protected species likely to be affected by the proposals? If YES, please give details.	~~YES~~ / NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:			
a Is the development in Schedule 1 or column one of Schedule2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales)	~~YES~~ / NO		
Regulations 1999? If YES, please indicate which Schedule.	Sch 1	Sch 2 col 1	
b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	~~YES~~ / NO		
c. Has a screening opinion been placed on Part 1of the planning register? If YES, please send a copy to us.	~~YES~~ / NO		
	Number of Documents Enclosed	N/A	
d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;	1		
e. Any representations received as a result of an Article 7 (or Regulation 6) notice;		✓	
f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas)Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;		✓	
g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓	
h. Details of any other applications or matters you are currently considering relating to the same site;		✓	
i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*	3		
j. Any supplementary planning guidance, together with its status, that you consider necessary.		✓	
k. A list of any conditions or limitations you would agree to if the appeal were to be allowed;	1		
l. Any other relevant information or correspondence you consider we should be aware of.		✓	

Tel. (0118) 974 6448 (Direct Line)
Date. June 20, 2001
My ref. F/2001/3319
Your ref.

«Name__Address»

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Example

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY: Mr J Hemsley
SITE: 49 Simons Lane, Wokingham
PROPOSAL:Proposed erection of a detached double garage

I am writing to inform you, that this appeal has been lodged with The Planning Inspectorate, and will be dealt with by means of written statements by the appellant and the Council.

Comments already made, following the original application for planning permission, will be forwarded to The Planning Inspectorate and copied to the appellant

As your interests may be affected, you can give your views on the appeal in writing to Miss A Groves The Planning Inspectorate, Room 3 / 03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You should, if possible, send three copies quoting reference APP/X0360/A/01/1066388. Comments received after 25/07/01 will not normally be seen by the Inspector & will be returned.

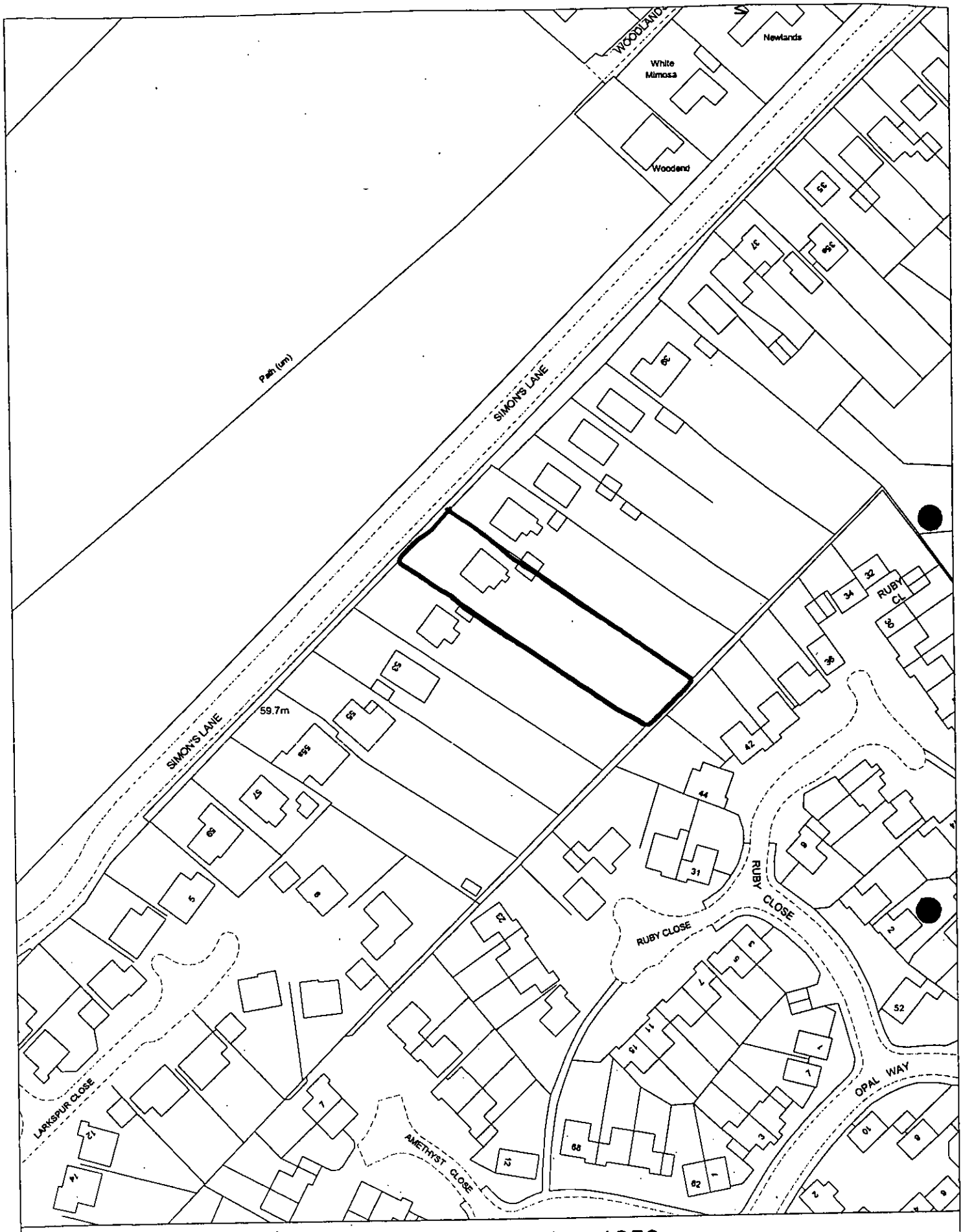
The application, decision notice, and the appellant's grounds of appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (08.30 to 17.00 on Mondays to Thursdays, 16.00 on Fridays).

A free booklet, Guide to taking part in Planning Appeals, is available from this office.

If you wish to be notified of the result of the appeal, you should write to Miss Groves at the Planning Inspectorate requesting a copy of the decision. Please quote reference APP/X0360/A/01/

Yours faithfully

Denise Gumbrell
Appeals Assistant



Site Plan, Scale: 1 to 1250

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Date: 20 June 2001

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SUGGESTED CONDITIONS IN THE EVENT THAT APPEAL IS ALLOWED

(WITHOUT PREJUDICE)

APPEAL REF: APP/X0360/A/01/1066388

APPLICATION NUMBER: F/2001/3319

SITE ADDRESS: 49 Simons Lane, Wokingham

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. All new works and works of making good to the retained fabric shall be finished to resemble in size, colour, texture and profile those of the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the garage accommodation on the site shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.

4. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.

5. The garage shall not be occupied until space has been provided within the front garden for vehicles to enter and leave the site in a forward gear and this space shall be retained for this purpose in perpetuity.

6. No other development of the site shall take place until the access has been constructed in accordance with the approved plans.

7. The existing vehicular access(es) to the site shall be stopped up and abandoned, and footway and/or verge crossings shall be re-instated to the satisfaction of the Local Planning Authority within one month of the completion of the new access.

8. No building shall be occupied until the vehicular access has been surfaced with a bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.

REASONS:

1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.
2. To ensure that the external appearance of the building is satisfactory.
3. To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking.
4. To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.
5. In the interests of highway safety and convenience.
6. In the interests of highway safety and convenience.
7. In the interests of highway safety and convenience.
8. To avoid spillage of loose material onto the carriageway and in the interests of road safety.

INFORMATIVE

The Head of Engineering Services at the Council Offices, Shute End, Wokingham should be contacted for the approval of the access construction details before any work is carried out within the highway. This planning permission does NOT authorise the construction of such an access.

CHERRY TREE COTTAGE

ADDRESS 25 SIMONS LANE

PARISH WOKINGHAM

ORD. SHEET No. SU. 7968 68

PLOT No. 6

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
T.P. 961	MR R WELLSTEAD	C/APP. RES DEV	14.7.55	C/A
T.P. 1050	"	ACCESS	11.8.55	C/A
T.P. 1241 4138	MR R.A WOOLF	DETACHED BUNGALOW & GARAGE	8.11.56	APP. C/A
4570	MR K.M CHAPMAN	STORE SHED	26.5.59	APP.
C/48/63	"	HOUSE AT REAR C/APP.	26.9.63	C/A
36139	MR & MRS J. HOGARTH	LOUNGE/CONSERVATORY/ PORCH/GARAGE	13.7.90	Ref
36667	"	S/ST. HT	12.1.90	C/A
BRA 9810	"	KITCHEN/LOUNGE/GARAGE	30.1.91	APP

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE

091074

PLANNING PERMISSION

E6

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: MR & MRS J HOGARTH
C/O ANDREWS KALIK ASSOCIATES
2 ALEXANDRA ROAD
READING
BERKSHIRE RG1 5DD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.36667 (F)

Proposal:
SINGLE STOREY FRONT AND SIDE EXTENSIONS TO FORM KITCHEN LOUNGE AND GARAGE
25 SIMONS LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

01 REASON This condition is deemed to be attached by virtue of Section 91 of the Town and Country Planning Act, 1990.(3R)

02 All the materials to be used in the elevations of the proposed development shall match those on the existing dwelling to the satisfaction of the District Planning Authority, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(6)

02 REASON To ensure that the materials are in keeping with those existing.(4R)

03 This permission is in respect of the application as amended by the revised drawing dated 25.09.90 and numbered 798/1A . (153)

03 REASON For the sake of clarity and to ensure a more satisfactory development of the site.(138R)

04 The garage hereby permitted shall be used as a domestic garage only and it shall not be used for business purposes nor for any other purpose without the prior written permission of the District Planning Authority.(64)

continued/-

04 REASON In the interests of amenity and to ensure that the garage is retained for use in accordance with the District Planning Authority's parking standards.(64R)

05 Notwithstanding the provisions of the Town and Country Planning General Development Order,1988 (or any order revoking and re-enacting that Order) no additional window shall be constructed in any elevation of the dwelling as extended by this permission without the prior written approval of the District Planning Authority. (172)

05 REASON To help safeguard the privacy and visual amenity of the occupiers of adjacent properties.(170R)

06 The existing boundary screening along the south west boundary of the site shall be retained for a distance sufficient to prevent the overlooking of the adjoining property from within the altered building and shall thereafter be maintained to the satisfaction of the District Planning Authority.

06 REASON To help prevent the overlooking of and loss of privacy to the occupiers of the adjacent property.(14R)

07 Before the development commences, the existing trees and shrubs which are shown to be retained on the site layout hereby approved,shall be protected from damage by the erection of fencing to coincide with the crown spreads to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the site. The natural soil levels shall be maintained over the roots of the trees and shrubs and furthermore, no plant, vehicles, materials or other items shall be parked or deposited under the protected trees and shrubs. If any trenches for services are required within the fenced areas, they shall be excavated and back filled by hand, and any tree roots with a diameter of 25 mm or more shall remain unsevered and undisturbed.(192)

07 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(191R)

08 All the existing trees shown as remaining on the approved drawings shall be retained and shall not be topped, lopped, felled or removed and no other thing shall be done on the land likely to harm or damage the trees unless the District Planning Authority have so agreed in writing. Any tree felled, destroyed or damaged without such approval shall within the next planting season shall be replaced by another healthy, semi-mature tree or shrub as the case may be, of similar species. If within a period of 5 years any replacement tree or shrub dies, is removed or becomes seriously damaged or diseased, it shall be further replaced with another tree or shrub as the case may be, of such size and species as may be agreed with the District Planning Authority.

08 REASON To ensure the satisfactory retention of existing trees and shrubs and in the interests of visual amenity.(190R)

09 The development hereby permitted shall be landscaped and planted.

continued/-

Application 36667 continued

Further details of landscaping in respect of the site frontage onto Simons Lane shall be submitted to and approved in writing by the District Planning Authority before the development of the site commences.

09 REASON In the interests of amenity.(90R)

Date.....12 NOV 1990..... R.F. Wilson

District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

Note: Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a)that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b)that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

continued/-

HIGHWAYS CONSULTATION SHEET

From: Natalie Brown **Date:** 14 February 2001

Application Number: F/2001/3319

Proposal: Proposed erection of detached double garage.

Parish: WOKINGHAM TOWN

Site Address:
49, Simons Lane, , Wokingham.

Applicant:
Mr J Hemsley C/O Colin Dawson And Associates.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below**;
2) ☑ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☐ Recommend approval with **no** condition(s) or reason(s).

C049, R049. - garaging
C122, R122. - parking + turning.
C138, R138. - forward gear
C131, R131. - no dev before access
C135, R135. - exist access stopped
C140(INSERT:5), R140. - bonded access.

NO7.

Signed: _____ **Print name:** Adam Coggins.
16/02/01

Tel. (0118) 974 6448 (Direct Line)
Date. June 20, 2001
My ref. F/2001/3319
Your ref.

«Name__Address»

Example

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY: Mr J Hemsley
SITE: 49 Simons Lane, Wokingham
PROPOSAL:Proposed erection of a detached double garage

I am writing to inform you, that this appeal has been lodged with The Planning Inspectorate, and will be dealt with by means of written statements by the appellant and the Council.

Comments already made, following the original application for planning permission, will be forwarded to The Planning Inspectorate and copied to the appellant

As your interests may be affected, you can give your views on the appeal in writing to Miss A Groves The Planning Inspectorate, Room 3 / 03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You should, if possible, send three copies quoting reference APP/X0360/A/01/1066388. Comments received after 25/07/01 will not normally be seen by the Inspector & will be returned.

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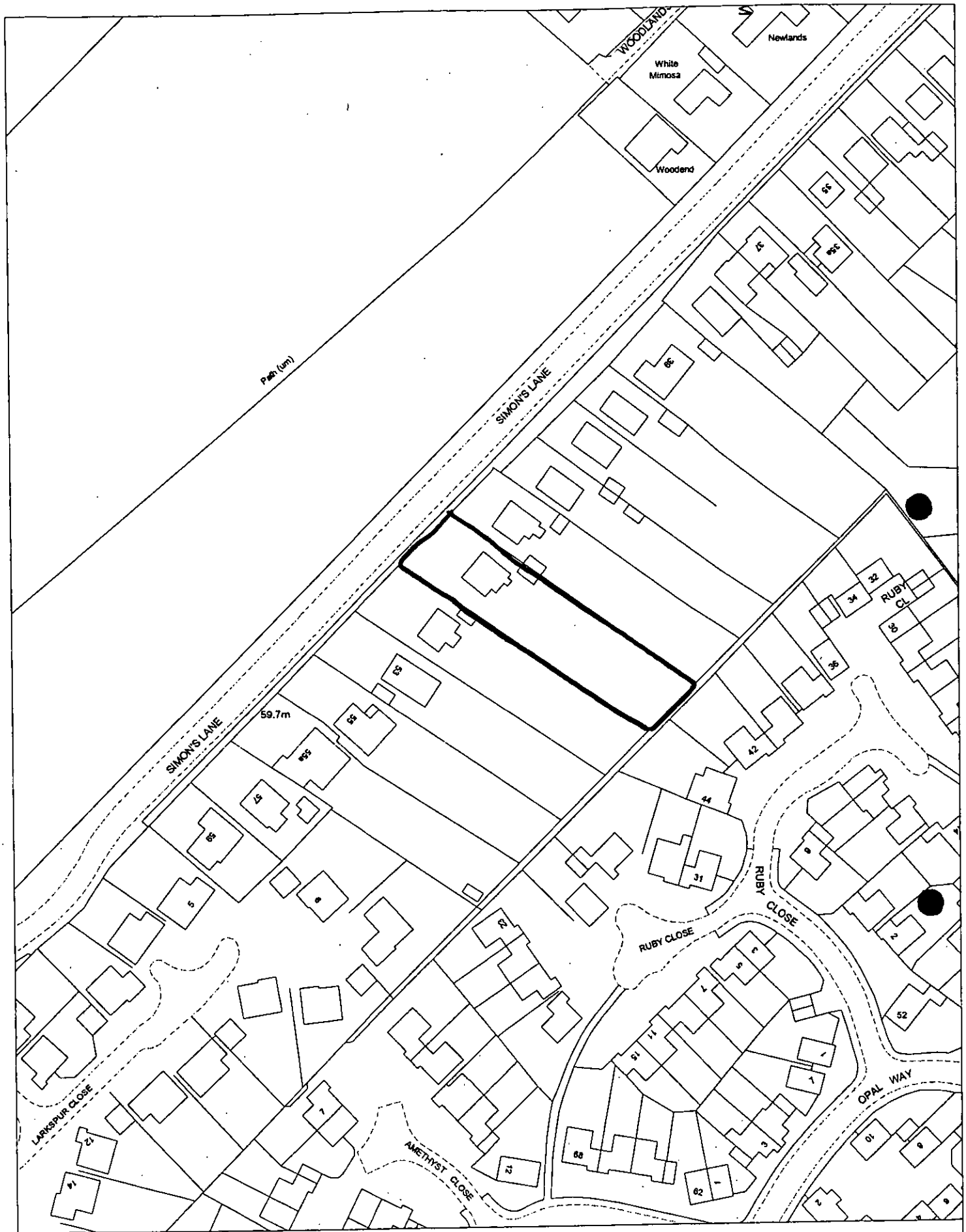
A free booklet, Guide to taking part in Planning Appeals, is available from this office.

If you wish to be notified of the result of the appeal, you should write to Miss Groves at the Planning Inspectorate requesting a copy of the decision. Please quote reference APP/X0360/A/01/

Yours faithfully

Denise Gumbrell
Appeals Assistant



Site Plan, Scale: 1 to 1250

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Date: 20 June 2001

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WOODCROFT, 51 SIMONS LANE
WOKINGHAM, RG41 3AG
0118 9783822

14 MAR 2001
COPIES TO: ACK: FILE:

Dear Mr Mitchell NB 9th March 01

Obs Natalie Brown F/2001/3319.

Following the invitation in the final paragraph of your letter of the 11th Feb I was most grateful to have the opportunity to discuss the above application with Natalie Brown. While it was made clear to me that the matter was still under consideration & that no indication could be given as to the outcome, I think it sensible to put on record the gist of my comments, even though I gather that I might well have the opportunity to speak to the Committee at a later stage if the application looks likely to succeed.

(1) From my front garden, one can glance in either direction towards Walker Rd or Camellia Ave and see nothing but trees, shrubs and other vegetation, unbroken by any man made structure or brickwork.

(2) From the frontage a series of tidy well kept gardens, broken only by driveways serving garages nestling between detached dwellings leaving no space for further building. Where infilling has taken place during the last twenty years or so, there are double garages - otherwise, about 14 are single & no possibility of enlargement. Maybe half of the latter are occupied by retired folk who might well be satisfied with a single garage but this will not always be so, and up to now I am not aware that anyone has regarded the building line as anything less than Jacrosanct.

(3) The current application is just about the most recent new comer to this (APPLICANT) part of Simons Lane and soon after moving in sought & obtained approval to substantially rebuild & extend the building at No 49 - including a double garage adjacent to mine. Representations were made concerning the tall side wall of and above the garage & the application was only approved subject to the roof being "hipped" so as to reduce the intrusive visual effect. Additionally, it was stipulated that the gap between the garages was to be 3 metres - I think it turned out to be rather less.

(4) When I received your letter, I did in fact ask the applicant

what it was all about and he produced a copy of the plan. At a glance I could see that the proposed garage was to be sited adjacent to the common boundary (and NOT as I had visualised to the rear of No 49 on the other side and served by the original driveway which then served the old garage) this might have been feasible! I and most worrying, in front of the building line which had been maintained for many years. He seemed to dismiss my comment as irrelevant — perhaps confident that his professional expertise in the property world would enable him to outwit any objections from the Planning Authorities no matter what the consequences for anyone else.

(5) It remains to be said that if the current application happened to succeed eventually, there would be no valid grounds for refusing, maybe over the course of years, similar applications from any owners of the 14 or so single garages. This of course would not concern the present applicant who does not appear to be a particular garden lover & who would have long since enjoyed his extra double garage parking area.

(6) One is left to consider the immediate effect of intrinsically albeit reluctantly, the Planning Authority is swayed to concede that the application might be approved in spite of the long standing defence of the building line, leaving precise details to be negotiated. At this stage, to make the best of a bad deal perhaps I might suggest

(a) that the garage be sited at least 5 feet further away from the common boundary so as to allow the existing laurel hedge & additional shrubs to screen the end wall of the garage 9 feet (and also allow pedestrian access, cyclists etc to the front door of No 49) and

(b) a "hipped" roof above that end wall.

No doubt you will keep me informed as to progress. I hope my contribution will be useful!

Yours sincerely

PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	NAB
CS	
28 FEB 2001	
COPIES TO:	ACK: ✓
	FILE:

OBS

0118 9783822

RG41 3 11G

26 Feb 01

Dear Miss Brown

Your Ref F/2001/3319

I refer to your letter of the 14th Feb and my call at your office on Thurs last.

Firstly I must say that I already have one double garage on my boundary as part of the re-building of No 49 as in your approval of application No 40498/EG&B. in March 1993, and do not particularly want another. You will be aware that in Simons Lane, this side of Walter Rd there is no permitted development in front of the building line and it has long since been my understanding that it was Council policy not to allow a precedent. I recall being told this some years ago when considering a car port in front of my own garage and trust that you will adhere to this view. Of course, you can do nothing about the two old farm cottages which were erected long before the planning policy was formulated.

If however you feel forced to give way

on this occasion perhaps it should be considered whether the building should be sited on the other side, although I suspect that it would not be welcome there either! And to keep both neighbours quiet (with tongue in cheek) how would the applicant like his garage directly in front of his house?

I suspect that the "hedge" which I recall is shown in the plan, is intended to screen the proposed garage. At a trimmed height of no more than 9" it could perhaps (partly) screen a flat-roofed building at ground level, but as most of it comprises a motley collection of forsythia stems, wild bramble, wild roses, bracken & the odd silver birch holly & hawthorn seedling - some 28' in length from the pavement, it would not be very effective. Only 9' or so in the centre as laurel & some 5' in thickness and if this had to be cut back to 2' so as to provide for foundations, room for clipping & bricklaying, the roots would probably be killed & the rest would have a precarious existence! I'm sorry to be such a prophet of gloom.

I did suggest to your colleague that perhaps you could call to discuss the matter when you next visit the site. Hence this letter!

Yours sincerely
A F Newson (A.F. NEWSON)

Tel. (0118) 974 6492

Date: 14 February 2001

received after decision issued.

Your Ref:

My Ref: Natalie Brown / F/2001/3319

DELEGATED

WOKINGHAM DISTRICT COUNCIL

15 FEB 2001

Winnersh Parish Council
Mrs J Harlin
Winnersh Community Centre
New Road
Sindlesham
Wokingham
RG41 5DU

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

PLEASE QUOTE APPLICATION NUMBER WHEN REPLYING

Dear Sir/Madam

ADJOINING PARISH CONSULTATION

Application Number: F/2001/3319

Parish: WOKINGHAM

Site Address: 49, Simons Lane, , Wokingham.

Proposal: Proposed erection of detached double garage..

I enclose details of the above application which is **not** within your parish area but is close to the boundary and would be grateful to receive your observations within **21 days** of the date of this letter. I cannot guarantee that comments received after this date will be taken into account in determining the application.

Please quote reference number **F/2001/3319** in all communications and any response should be addressed to **Natalie Brown** the case officer dealing with this application at the above address.

I look forward to hearing from you.

Yours faithfully,

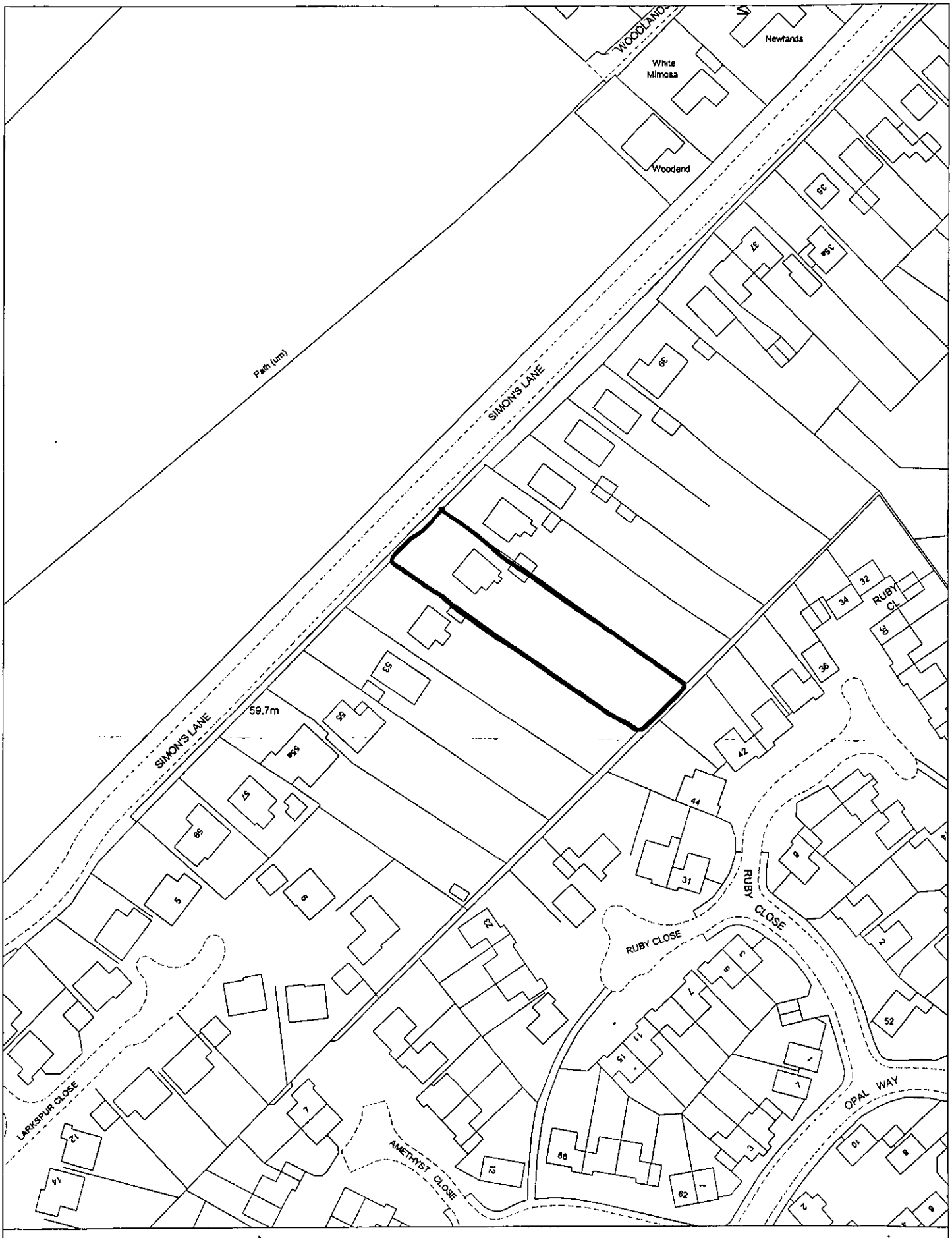
John Mitchell

John Mitchell
Development Control Manager

No comments

06.03.01

Received 7 March
attached to another sheet



Site Plan, Scale: 1 to 1250

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Date: 20 June 2001

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BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





Babtie
Public Services Division

6 ENVIRONMENT AND CONSERVATION

MAINTAINING ENVIRONMENTAL QUALITY

6.1 The quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. These depend partly on care for its environment as a whole, including the countryside (dealt with in Chapter 5) and towns, villages and built-up areas which are considered in this chapter. It also concerns : safeguarding and enhancing a number of specific environmental interests, which together contribute to the character of the County; curbing and controlling a number of specific threats to pleasant living conditions; and the conservation of natural resources.

The Environment of the Built-up Areas

6.2 The density, form and quality of buildings, landscape and other elements of the environment in towns, villages and built-up areas have an important bearing on the overall quality of life in the County, especially as the majority of the population live and work in such areas.

Protection and Enhancement of the Environment of Built-Up Areas

Policy EN1 **The character and quality of the environment in the towns, villages and other built-up areas will be protected and enhanced. Within these areas development must be appropriate in scale, form, impact, character and siting to its location. In particular :**

(i) development should embody a high standard of design, layout and landscaping, and help maintain and, where possible, enhance the character of its surroundings;

(ii) town and village greens and all open land important to the character of settlements will be protected from development and where necessary enhanced;

(iii) the existing tree cover, important areas of vegetation and wildlife habitats will be conserved, and additions to them encouraged;

(iv) special attention will be paid to the maintenance and improvement of the character of town and village centres.

Where appropriate, to achieve optimum use of land and buildings in built-up areas, the re-use of vacant buildings and redevelopment of derelict or genuinely under-used urban land will be supported.

6.3 In order to secure improvements in the environment of built-up areas, local plans will need to include guidelines on a wide range of matters raised in the policy. Particular public concerns have been raised about the quality of design in new development and about increased densities in the built-up areas. While the latter may help reduce the need for travel and minimise the loss of open countryside, it may also lead to problems of congestion, loss of tree cover and open land, and deterioration in environmental quality in established neighbourhoods.

6.4 Policy EN1 is intended positively to encourage appropriate regeneration in line with Government guidance. It is not proposed that appropriate changes of use of buildings should be restricted whether they are currently vacant or not. Derelict land which has been the subject of contamination may be appropriate for redevelopment, but only if there is no danger created for the new use of the site or through the transport and re-deposit of contaminated matter on a site elsewhere.

Environmental Nuisance

6.5 Certain kinds of development can give rise to nuisance which can affect occupiers of buildings, passers-by or those using outdoor space. There is a need to prevent new problems from arising, and to limit or reduce the nuisance from existing sources. The impact of nuisance may in some circumstances be limited by curbing development in areas affected, and this is appropriate where (as is the case for aircraft noise) little can be done to reduce the nuisance in the short term.

Protection from Environmental Nuisance

Policy EN2 **Development should not give rise to unacceptable levels of noise, smell, dust, fumes, light or noxious emissions affecting areas beyond the site boundary, or to unacceptable levels of air or water pollution. In addition, uses sensitive to disturbance such as new houses, schools and hospitals, should not be located in areas already subject to unacceptable levels of these environmental nuisances.**

6.6 In areas affected by high levels of noise, development should be designed to minimise the nuisance caused to future occupants. Unacceptable levels of environmental nuisance will be defined through the local plan process and by building upon studies such as the County Council's State of the Environment Report. The County Council has also recently published environmental noise planning guidelines to assist with the implementation of Policy EN2 and to help co-ordinate a standardised approach across the County.

Flooding

6.7 Most of Berkshire's rivers have an associated floodplain which is essential for both flood flow and storage. Development within the floodplain would reduce the storage capacity and impede the flow of water, thereby increasing the risk of flooding elsewhere. Therefore in areas at risk from flooding new development or the intensification of existing development will be resisted. It is also necessary to ensure that the surface water run-off from any new development does not exacerbate flooding or drainage problems elsewhere.



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Deposit Draft

With Proposed Amendments Highlighted

February 2000

- **Proposed Amendments April 1999**
- **Additional Proposed Amendments September 1999**
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POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

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A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WHICH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHOUT DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

B) ~~RETAIN~~ *HAVE NO SIGNIFICANT DETRIMENTAL IMPACT UPON* (**PA 1/6**) IMPORTANT MAN-MADE, LANDSCAPE AND NATURE CONSERVATION FEATURES AND PROVIDE FOR FURTHER LANDSCAPE TREATMENT WHERE RELEVANT TO THE TYPE OF DEVELOPMENT AND/OR THE PROTECTION OF LOCAL VISUAL AMENITY

C) BE BOTH LOCATED AND DESIGNED SO AS TO REDUCE THE NEED TO TRAVEL AND ENCOURAGE THE USE OF WALKING, CYCLING AND PUBLIC TRANSPORT AS ALTERNATIVES TO THE CAR

D) HAVE NO SIGNIFICANT EFFECT ON ROAD SAFETY OR CAUSE HIGHWAY, TRAFFIC GENERATION OR TRAFFIC RELATED ENVIRONMENTAL PROBLEMS

E) PROVIDE BUILDINGS, FACILITIES AND SPACES THAT ARE CAPABLE OF USE BY PEOPLE WHO HAVE MOBILITY OR SENSORY IMPAIRMENT

F) BE OF HIGH QUALITY OF DESIGN THAT RESPECTS THE LOCAL CONTEXT BY VIRTUE OF SITING, LAYOUT, MASSING, MATERIALS, COLOUR AND TEXTURE.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

1.13 It is a principle of good planning that new development should provide the necessary infrastructure, including services and amenities, needed to support the development. This is a material consideration in considering planning applications (as set out in Circular 1/97, *Planning Obligations*). An explicit assessment must be made of infrastructure requirements arising from the development and how these should be met. Such provision is a key element in the quality of life or new and existing residents. Supplementary planning guidance has been produced setting out the implementation of Policy WOS4 below.

POLICY WOS4: SERVICE, AMENITIES AND INFRASTRUCTURE REQUIREMENTS FOR NEW DEVELOPMENT

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, UNDER THE POLICIES OF THIS PLAN, DEVELOPMENT PROPOSALS WILL BE EXPECTED TO HAVE

Cont.

POLICY FRAMEWORK

National Policy

4.5 Advice on design at the national level is limited. There is no Planning Policy Guidance Note purely on design considerations. Paras 13 - 20 and Annex A (paras A1 - A7) of PPG1 refer specifically to the issue of design. Paras 4 - 7 of Planning Policy Guidance Note 3 (PPG 3) *Housing* look at good design in the context of housing development.

4.6 Comprehensive guidance on heritage issues is given in Planning Policy Guidance Note 15 (PPG 15) *Planning and the Historic Environment*. Planning Policy Guidance Note 16 (PPG 16) *Archaeology and Planning* gives advice on archaeology and planning.

Strategic Policy

4.7 The *Berkshire Structure Plan 1991 - 2006* acknowledges that the quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. The plan recognises that these depend partly on care for the built environment, but that also of importance are the maintenance and improvement of interests that have a bearing on the County's character, the limitation and control of specific threats to pleasant living conditions, and the conservation of natural resources.

Supplementary Planning Guidance

4.8 The environmental policies in this plan are augmented by additional guidance in the form of Planning Guidelines, Development Briefs, Design Guides, and Conservation Area Studies. This additional guidance includes detailed advice that is not appropriate for inclusion in the plan. The policies of the plan take precedence over the supplementary planning guidance, and provide the main thrust for environmental policy in the plan area.

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

4.9 Proposed development should be considered in the context of the surrounding area. This will allow vernacular style and any good features to be interpreted in the new development, helping to contribute to its sense of place.

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

THE COUNCIL WILL REQUIRE GOOD CONTEMPORARY DESIGN THROUGHOUT THE PLAN AREA, WHICH RESPECTS ITS LOCAL CONTEXT. WHEN CONSIDERING ANY APPLICATION FOR DEVELOPMENT THE COUNCIL WILL HAVE REGARD TO THE FOLLOWING CONSIDERATIONS:

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

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d) LANDFORM AND ANY NATURAL FEATURES, INCLUDING LANDSCAPE TREATMENT AND ENVIRONMENTAL WORKS

e) THE LOCAL TOWNSCAPE

f) THE LAYOUT, FORM, SCALE, MASSING, AND MATERIALS OF DEVELOPMENT

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

Implementation: Use of design guidance in the development control process.

Monitoring: Consider quality of development on the ground, including through design awards.

4.10 Not all of the plan area is of the same visual quality. Some parts of it could benefit from environmental improvement, and in some circumstances, this may be achievable through redevelopment opportunities.

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

IN AREAS WHERE THE EXISTING ENVIRONMENT DOES NOT EXHIBIT ESPECIALLY PRONOUNCED OR HISTORIC ARCHITECTURAL STYLES, ANY PROPOSALS FOR INFILL DEVELOPMENT SHOULD BE USED AS AN OPPORTUNITY TO CREATE ADDED VISUAL INTEREST AND RAISE THE AREA'S ARCHITECTURAL QUALITY.

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

4.11 Because of their extent, large developments are likely to have a greater impact on the environment than smaller scale ones. It is therefore particularly important to ensure a high quality of development within such proposals. Large development areas are probably best considered in terms of a series or pattern of smaller areas, each with its own layout and form of development, and hence its own distinctive character. This should lead to the avoidance of extensive areas of characterless development that bear no relationship to features on the ground.

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

ANY PROPOSALS FOR LARGE SCALE DEVELOPMENT SHOULD PROVIDE A CLEAR AND COHERENT LAYOUT THAT CREATES AREAS OF IDENTIFIABLE CHARACTER WITHIN THE DEVELOPMENT. WHERE DEVELOPMENT IS TO BE CARRIED OUT IN PHASES, THE COUNCIL WILL REQUIRE THE SUBMISSION OF A INDICATIVE LAYOUT FOR THE ENTIRE SITE PRIOR TO THE APPROVAL OF ANY

Cont.

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG11 1WR
Telephone: (0734) 786833
Fax: (0734) 778735

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

1.4.01 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the design of new buildings or extensions to existing buildings and the creation of new spaces within that environment, are very important.

1.4.02 The District Council is particularly concerned to promote a high standard of design in new buildings, and to ensure that new buildings are responsive to their location. This means that new buildings need to be appropriate in terms of their function, siting, scale, form, massing, materials, colour and texture in their relationship with adjoining buildings and sites. Accordingly, new buildings will be expected to make an acceptable and positive contribution to the built environment. In addition, developments that incorporate public access should accommodate sculptures or other works of art to provide visual interest, where this is considered appropriate by the local planning authority. For particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers.

1.4.03 In the case of schemes involving more than one building, regard will be paid to the impact of the development over a wider area, involving an assessment of criteria additional to those referred to in paragraph 1.4.02 above. Accordingly, schemes should relate to the "grain" of the area, and take account of their effect on the skyline, pedestrian and vehicular movements in the area, vistas, safety and environmental constraints. Where large sites exist which would significantly affect the urban fabric urban design briefs/appraisals will be prepared/required to establish the wider context within which applications will be considered.

❖ *SBE1 DESIGN OF NEW DEVELOPMENT*

NEW DEVELOPMENT SHALL BE OF A HIGH STANDARD OF DESIGN APPROPRIATE TO THE CHARACTER OF THE AREA IN WHICH IT IS TO BE SITUATED. IT SHOULD:

(A) MAKE A POSITIVE CONTRIBUTION TO ITS SETTING AND THE CHARACTER OF THE AREA,

(B) CONTRIBUTE TO THE CREATION OF A SAFE AND ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE AND WORK,

(C) RETAIN IMPORTANT NATURAL, MAN-MADE OR LANDSCAPE FEATURES OF THE SITE COMPATIBLE WITH GOOD DESIGN.

❖ *SBE2 INAPPROPRIATE DESIGN*

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY

VIRTUE OF ITS SITING, SCALE, FORM, MASSING, MATERIALS, COLOUR OR TEXTURE, WILL NOT NORMALLY BE PERMITTED.

ENVIRONMENTAL IMPROVEMENT

1.4.04 Within the built environment it is important not only to safeguard those buildings, undeveloped areas and special features which contribute to the character and attractive qualities of the area but to seek opportunities to enhance the quality of the built environment.

1.4.05 Often the more attractive and successful urban environments have evolved organically over a period of many years and incorporate a variety of architectural styles. In more recent years development in some parts of the District has taken place more comprehensively with little variety in design. In other areas particularly since the war and up to the early 1970's some development has been inserted into an existing area to the detriment of the older urban fabric.

1.4.06 In some areas, local shopping centres in particular, where comprehensive development has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.



❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

ENCOURAGEMENT WILL BE GIVEN TO THE REFURBISHMENT OR PARTIAL REDEVELOPMENT OF AREAS OR INDIVIDUAL SCHEMES WHERE A SIGNIFICANT ENVIRONMENTAL ENHANCEMENT WILL RESULT TO THE BENEFIT OF THE COMMUNITY.

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

ENVIRONMENTAL ENHANCEMENT SCHEMES WILL BE ENCOURAGED WITHIN THE PLAN AREA AS OPPORTUNITIES ARISE AND WILL INCLUDE THE AREAS AS SHOWN ON THE PROPOSALS MAP AND AS SET OUT IN PART TWO OF THE PLAN.

SUNLIGHT, DAYLIGHT AND NOISE

1.4.07 Daylight penetration into new buildings, and existing buildings affected by new development, is an important amenity consideration as is sunlight penetration of spaces outside windows. In this respect it should always be the intention to maximise penetration of new development and minimise the impact of new development on old as far as is possible. The orientation of rooms, gardens and both public and private spaces is therefore critical since together the two aspects can provide warmth, comfort and pleasant living and working conditions. They can also have some impact on energy consumption by reducing the dependence on artificial lighting and heating. Further guidance on this matter can be found in the District Council's Development Control Guidelines.

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND

form of narrow leisure plots of considerable depth which penetrated into the open countryside. As land prices have increased with demand for land, the level of development in these areas has intensified. In some instances this has led to tandem development which often detracts from the rural character of the area and results in a loss of privacy. Apart from development on individual plots the area south of Wokingham has also experienced larger scale housing development, reinforced in more recent times by the Secretary of State's requirement, in approving the Structure Plan in 1980, to build an additional 8000 houses in Central Berkshire. Some development that has occurred during the post war period has failed to recognise the importance of retaining tree cover and has not been incorporated into the landscape in a sensitive manner. The policies contained in this plan are aimed at tackling these problems and preventing such damage occurring in the future.

DEFINITION OF IDENTIFIED SETTLEMENTS

1.1.04 The definition of rural areas is dependent on the definition of settlements and vice versa. The South East area is dominated by Wokingham which is surrounded by a number of smaller settlements and areas of ribbon or frontage development. All vary greatly in terms of size, form and character. Some areas of sporadic development involve very few properties and/or are dominated by areas of undeveloped rural land either between or to the rear and in front of properties causing them to be characterised by a loose settlement pattern or to form a narrow strip of development in what is still a distinctly rural area. Such areas may possess a number of basic services, such as a school or church but these are rarely confined to serving the population residing in the immediate vicinity. The open nature of these areas presents many opportunities for further intensification. However, it is considered that if



such development were to occur, the existing special character of these areas or the surrounding countryside would be detrimentally affected. For the purposes of this plan, such areas of development are not synonymous with an identified settlement, the latter being used to define an area where particular planning policies are appropriate. There will therefore be cases where areas of development have not been included within the identified settlement. One example is small groups of development bounded by countryside on the far side of a road that marks the boundary of the main built up area . In order to be consistent in the treatment of settlements having common characteristics, it has been necessary to draw up a definition of the classification of settlements as used in the policies and proposals contained in this Plan and as shown on the proposals map.

1.1.05 An 'identified' settlement or built-up area must possess all the following characteristics:-

(i) a sizeable amount of development in a compact form, (if development is dominated by, or interspersed with, areas of land which are characteristically rural or open, this will not come within this criterion);

(ii) possess a range of basic services, such as a school, shop and community facilities, providing a forum for social contact;

(iii) be physically and socially cohesive.

On this basis the following policy is put forward.

❖ STV1 'IDENTIFIED SETTLEMENTS'

WITHIN THE IDENTIFIED SETTLEMENTS AS LISTED BELOW AND AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL NORMALLY BE ALLOWED, SUBJECT TO THE PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN. THE 'IDENTIFIED' SETTLEMENTS ARE:-

WOKINGHAM
FINCHAMPSTEAD NORTH
PINEWOOD
FINCHAMPSTEAD
BARKHAM HILL

LIMITING THE SPREAD OF DEVELOPMENT

1.1.06 The District Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside the boundaries of identified settlements is retained. Accordingly it is intended to limit development outside identified settlements to that which is appropriate to the countryside or has a special reason to locate there. Although these uses are acceptable in principle, they must also be acceptable in practice. This is particularly important in the case of small scale housing and employment development on the edge of settlements which is dealt with in more detail in policies SH1 and SE2 of this plan.

❖ STV2 DEVELOPMENT IN RURAL AREAS

ALL LAND OUTSIDE THE IDENTIFIED SETTLEMENTS, AS SHOWN ON THE PROPOSALS MAP IS CONSIDERED TO BE RURAL AREA WITHIN WHICH DEVELOPMENT WILL NOT NORMALLY BE ALLOWED. IN ACCORDANCE WITH THE REPLACEMENT STRUCTURE PLAN EXCEPTIONS MAY BE MADE FOR DEVELOPMENT IN THE FOLLOWING CATEGORIES WHICH ARE NOT SPECIFICALLY DEALT WITH BY OTHER POLICIES IN THIS LOCAL PLAN.

(A) DEVELOPMENT FOR HOUSING PURPOSES OF SITES NOT EXCEEDING 0.4 HECTARE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(B) DEVELOPMENT FOR EMPLOYMENT USES NOT EXCEEDING 300 SQUARE METRES OF FLOORSPACE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(C) DEVELOPMENT ESSENTIAL TO THE USE OF LAND FOR AGRICULTURE OR FORESTRY,

(D) MINERAL EXTRACTION,

(E) PLANT FOR RECEIVING IMPORTED AGGREGATES, OR FOR THE PROCESSING OR DISTRIBUTION OF AGGREGATES,

(F) THE DISPOSAL OF WASTE BY CONTROLLED TIPPING WITHIN EXISTING OR FORMER MINERAL WORKINGS OR ON OTHER DESPOILED LAND,

(G) PUBLIC UTILITIES THAT CANNOT BE LOCATED ELSEWHERE,

(H) ANY OTHER PURPOSE WHOLLY APPROPRIATE TO A RURAL AREA,

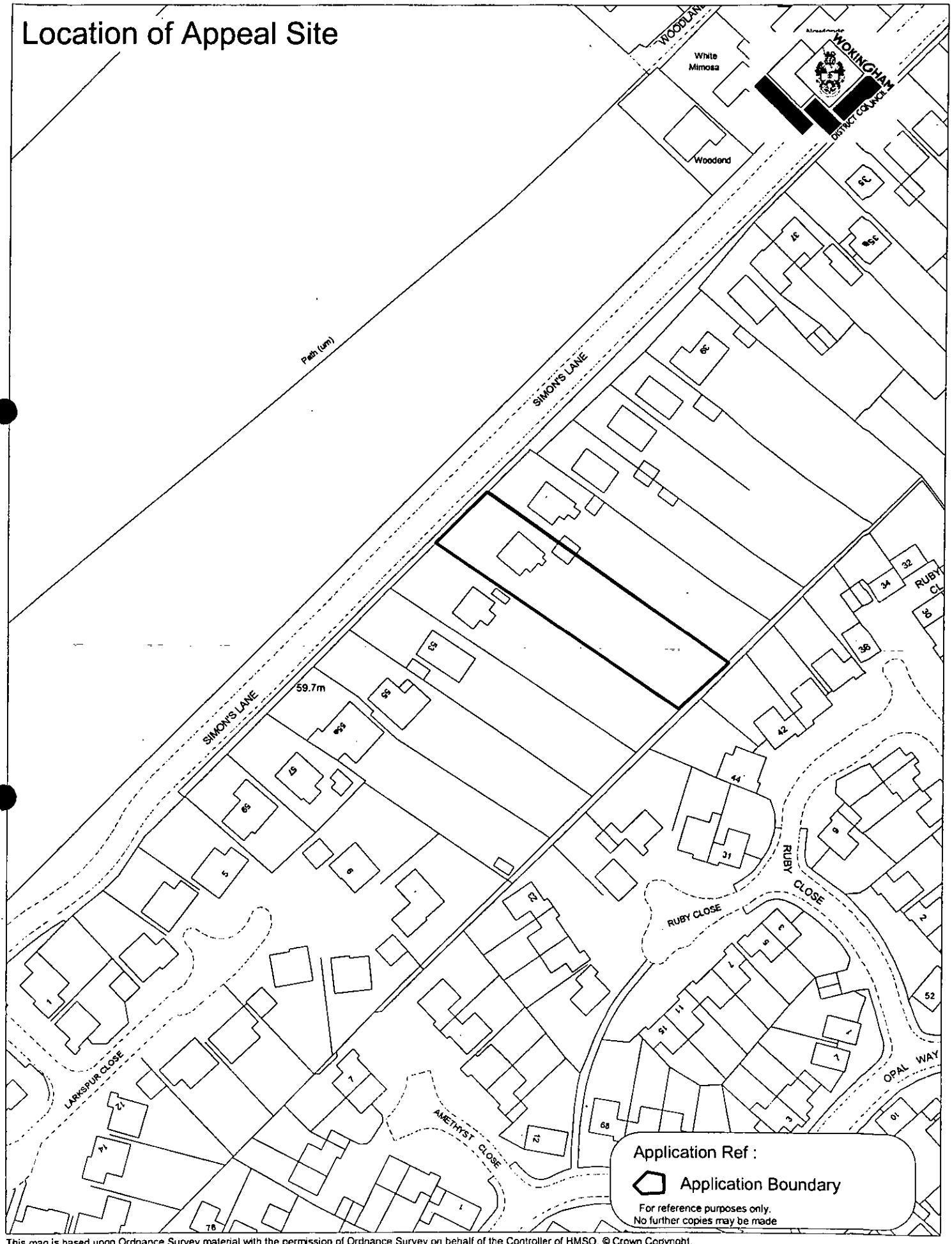
THE ACCEPTABILITY OF ALL PROPOSALS WILL ALSO BE JUDGED AGAINST THE PROVISIONS OF THE OTHER RELEVANT POLICIES CONTAINED IN THIS PLAN . FOR THE AVOIDANCE OF DOUBT THE AREAS OF SPORADIC DEVELOPMENT IDENTIFIED ON THE PROPOSALS MAPS ARE INCLUDED WITHIN THE RURAL AREAS.

APPENDICES

1. Site Location Map
2. Berkshire Structure Plan policy
3. Wokingham District Local Plan policies (Deposit Draft)
4. South East Area Local Plan policies
5. Proposed plans
6. Suggested conditions in the event of the appeal being allowed.

APPENDIX 1

Location of Appeal Site



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Development Control Section, Environmental Services, Wokingham District Council.

5 July 2001

Scale: 1 : 1250

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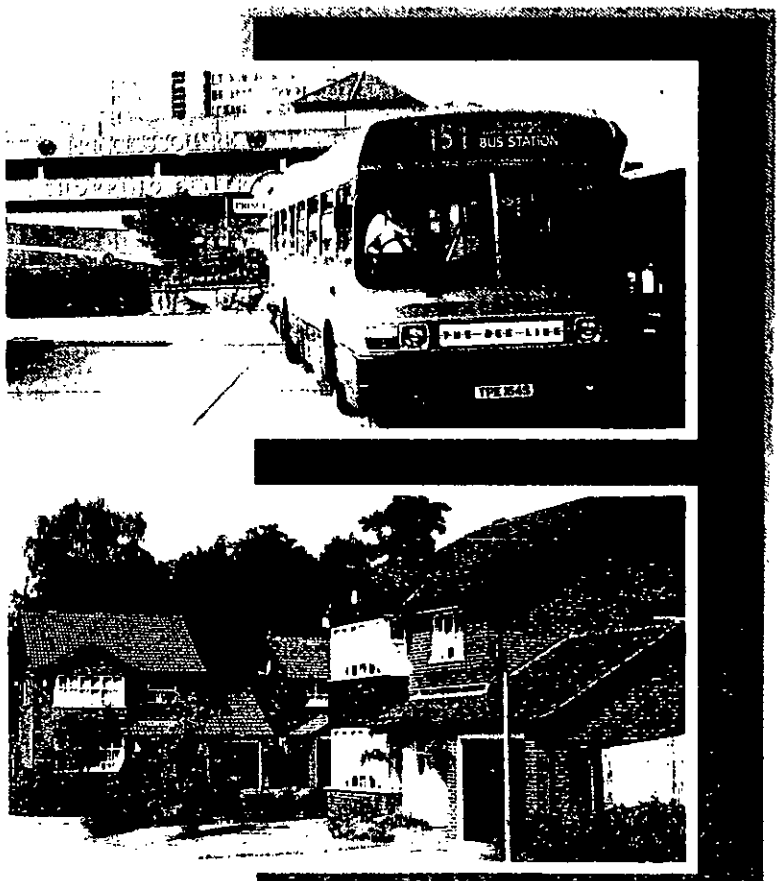
APPENDIX 2



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997



6 ENVIRONMENT AND CONSERVATION

MAINTAINING ENVIRONMENTAL QUALITY

6.1 The quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. These depend partly on care for its environment as a whole, including the countryside (dealt with in Chapter 5) and towns, villages and built-up areas which are considered in this chapter. It also concerns : safeguarding and enhancing a number of specific environmental interests, which together contribute to the character of the County; curbing and controlling a number of specific threats to pleasant living conditions; and the conservation of natural resources.

The Environment of the Built-up Areas

6.2 The density, form and quality of buildings, landscape and other elements of the environment in towns, villages and built-up areas have an important bearing on the overall quality of life in the County, especially as the majority of the population live and work in such areas.

Protection and Enhancement of the Environment of Built-Up Areas

Policy EN1 **The character and quality of the environment in the towns, villages and other built-up areas will be protected and enhanced. Within these areas development must be appropriate in scale, form, impact, character and siting to its location. In particular :**

(i) development should embody a high standard of design, layout and landscaping, and help maintain and, where possible, enhance the character of its surroundings;

(ii) town and village greens and all open land important to the character of settlements will be protected from development and where necessary enhanced;

(iii) the existing tree cover, important areas of vegetation and wildlife habitats will be conserved, and additions to them encouraged;

(iv) special attention will be paid to the maintenance and improvement of the character of town and village centres.

Where appropriate, to achieve optimum use of land and buildings in built-up areas, the re-use of vacant buildings and redevelopment of derelict or genuinely under-used urban land will be supported.

6.3 In order to secure improvements in the environment of built-up areas, local plans will need to include guidelines on a wide range of matters raised in the policy. Particular public concerns have been raised about the quality of design in new development and about increased densities in the built-up areas. While the latter may help reduce the need for travel and minimise the loss of open countryside, it may also lead to problems of congestion, loss of tree cover and open land, and deterioration in environmental quality in established neighbourhoods.

6.4 Policy EN1 is intended positively to encourage appropriate regeneration in line with Government guidance. It is not proposed that appropriate changes of use of buildings should be restricted whether they are currently vacant or not. Derelict land which has been the subject of contamination may be appropriate for redevelopment, but only if there is no danger created for the new use of the site or through the transport and re-deposit of contaminated matter on a site elsewhere.

Environmental Nuisance

6.5 Certain kinds of development can give rise to nuisance which can affect occupiers of buildings, passers-by or those using outdoor space. There is a need to prevent new problems from arising, and to limit or reduce the nuisance from existing sources. The impact of nuisance may in some circumstances be limited by curbing development in areas affected, and this is appropriate where (as is the case for aircraft noise) little can be done to reduce the nuisance in the short term.

Protection from Environmental Nuisance

Policy EN2 **Development should not give rise to unacceptable levels of noise, smell, dust, fumes, light or noxious emissions affecting areas beyond the site boundary, or to unacceptable levels of air or water pollution. In addition, uses sensitive to disturbance such as new houses, schools and hospitals, should not be located in areas already subject to unacceptable levels of these environmental nuisances.**

6.6 In areas affected by high levels of noise, development should be designed to minimise the nuisance caused to future occupants. Unacceptable levels of environmental nuisance will be defined through the local plan process and by building upon studies such as the County Council's State of the Environment Report. The County Council has also recently published environmental noise planning guidelines to assist with the implementation of Policy EN2 and to help co-ordinate a standardised approach across the County.

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6.7 Most of Berkshire's rivers have an associated floodplain which is essential for both flood flow and storage. Development within the floodplain would reduce the storage capacity and impede the flow of water, thereby increasing the risk of flooding elsewhere. Therefore in areas at risk from flooding new development or the intensification of existing development will be resisted. It is also necessary to ensure that the surface water run-off from any new development does not exacerbate flooding or drainage problems elsewhere.

APPENDIX 3



Wokingham District Local Plan
Deposit Draft

With Proposed Amendments Highlighted

February 2000

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F) BE OF HIGH QUALITY OF DESIGN THAT RESPECTS THE LOCAL CONTEXT BY VIRTUE OF SITING, LAYOUT, MASSING, MATERIALS, COLOUR AND TEXTURE.

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Monitoring: Planning applications determined.

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POLICY WOS4: SERVICE, AMENITIES AND INFRASTRUCTURE REQUIREMENTS FOR NEW DEVELOPMENT

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POLICY FRAMEWORK

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THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

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a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

b) LANDFORM AND ANY NATURAL FEATURES, INCLUDING LANDSCAPE TREATMENT AND ENVIRONMENTAL WORKS

c) THE LOCAL TOWNSCAPE

d) THE LAYOUT, FORM, SCALE, MASSING, AND MATERIALS OF DEVELOPMENT

e) SAFETY AND SECURITY

f) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

g) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

Implementation: Use of design guidance in the development control process.

Monitoring: Consider quality of development on the ground, including through design awards.

4.10 Not all of the plan area is of the same visual quality. Some parts of it could benefit from environmental improvement, and in some circumstances, this may be achievable through redevelopment opportunities.

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

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Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

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POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

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Cont.

APPENDIX 4

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG11 1WR
Telephone: (0734) 786833

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

1.4.01 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the design of new buildings or extensions to existing buildings and the creation of new spaces within that environment, are very important.

1.4.02 The District Council is particularly concerned to promote a high standard of design in new buildings, and to ensure that new buildings are responsive to their location. This means that new buildings need to be appropriate in terms of their function, siting, scale, form, massing, materials, colour and texture in their relationship with adjoining buildings and sites. Accordingly, new buildings will be expected to make an acceptable and positive contribution to the built environment. In addition, developments that incorporate public access should accommodate sculptures or other works of art to provide visual interest, where this is considered appropriate by the local planning authority. For particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers.

1.4.03 In the case of schemes involving more than one building, regard will be paid to the impact of the development over a wider area, involving an assessment of criteria additional to those referred to in paragraph 1.4.02 above. Accordingly, schemes should relate to the "grain" of the area, and take account of their effect on the skyline, pedestrian and vehicular movements in the area, vistas, safety and environmental constraints. Where large sites exist which would significantly affect the urban fabric urban design briefs/appraisals will be prepared/required to establish the wider context within which applications will be considered.

❖ SBE1 DESIGN OF NEW DEVELOPMENT

NEW DEVELOPMENT SHALL BE OF A HIGH STANDARD OF DESIGN APPROPRIATE TO THE CHARACTER OF THE AREA IN WHICH IT IS TO BE SITUATED. IT SHOULD:

(A) MAKE A POSITIVE CONTRIBUTION TO ITS SETTING AND THE CHARACTER OF THE AREA,

(B) CONTRIBUTE TO THE CREATION OF A SAFE AND ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE AND WORK,

(C) RETAIN IMPORTANT NATURAL, MAN-MADE OR LANDSCAPE FEATURES OF THE SITE COMPATIBLE WITH GOOD DESIGN.

❖ SBE2 INAPPROPRIATE DESIGN

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY

VIRTUE OF ITS SITING, SCALE, FORM, MASSING, MATERIALS, COLOUR OR TEXTURE, WILL NOT NORMALLY BE PERMITTED.

ENVIRONMENTAL IMPROVEMENT

1.4.04 Within the built environment it is important not only to safeguard those buildings, undeveloped areas and special features which contribute to the character and attractive qualities of the area but to seek opportunities to enhance the quality of the built environment.

1.4.05 Often the more attractive and successful urban environments have evolved organically over a period of many years and incorporate a variety of architectural styles. In more recent years development in some parts of the District has taken place more comprehensively with little variety in design. In other areas particularly since the war and up to the early 1970's some development has been inserted into an existing area to the detriment of the older urban fabric.

1.4.06 In some areas, local shopping centres in particular, where comprehensive development has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.



❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

ENCOURAGEMENT WILL BE GIVEN TO THE REFURBISHMENT OR PARTIAL REDEVELOPMENT OF AREAS OR INDIVIDUAL SCHEMES WHERE A SIGNIFICANT ENVIRONMENTAL ENHANCEMENT WILL RESULT TO THE BENEFIT OF THE COMMUNITY.

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

ENVIRONMENTAL ENHANCEMENT SCHEMES WILL BE ENCOURAGED WITHIN THE PLAN AREA AS OPPORTUNITIES ARISE AND WILL INCLUDE THE AREAS AS SHOWN ON THE PROPOSALS MAP AND AS SET OUT IN PART TWO OF THE PLAN.

SUNLIGHT, DAYLIGHT AND NOISE

1.4.07 Daylight penetration into new buildings, and existing buildings affected by new development, is an important amenity consideration as is sunlight penetration of spaces outside windows. In this respect it should always be the intention to maximise penetration of new development and minimise the impact of new development on old as far as is possible. The orientation of rooms, gardens and both public and private spaces is therefore critical since together the two aspects can provide warmth, comfort and pleasant living and working conditions. They can also have some impact on energy consumption by reducing the dependence on artificial lighting and heating. Further guidance on this matter can be found in the District Council's Development Control Guidelines.

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND

form of narrow leisure plots of considerable depth which penetrated into the open countryside. As land prices have increased with demand for land, the level of development in these areas has intensified. In some instances this has led to tandem development which often detracts from the rural character of the area and results in a loss of privacy. Apart from development on individual plots the area south of Wokingham has also experienced larger scale housing development, reinforced in more recent times by the Secretary of State's requirement, in approving the Structure Plan in 1980, to build an additional 8000 houses in Central Berkshire. Some development that has occurred during the post war period has failed to recognise the importance of retaining tree cover and has not been incorporated into the landscape in a sensitive manner. The policies contained in this plan are aimed at tackling these problems and preventing such damage occurring in the future.



DEFINITION OF IDENTIFIED SETTLEMENTS

1.1.04 The definition of rural areas is dependent on the definition of settlements and vice versa. The South East area is dominated by Wokingham which is surrounded by a number of smaller settlements and areas of ribbon or frontage development. All vary greatly in terms of size, form and character. Some areas of sporadic development involve very few properties and/or are dominated by areas of undeveloped rural land either between or to the rear and in front of properties causing them to be characterised by a loose settlement pattern or to form a narrow strip of development in what is still a distinctly rural area. Such areas may possess a number of basic services, such as a school or church but these are rarely confined to serving the population residing in the immediate vicinity. The open nature of these areas presents many opportunities for further intensification. However, it is considered that if such development were to occur, the existing special character of these areas or the surrounding countryside would be detrimentally affected. For the purposes of this plan, such areas of development are not synonymous with an identified settlement, the latter being used to define an area where particular planning policies are appropriate. There will therefore be cases where areas of development have not been included within the identified settlement. One example is small groups of development bounded by countryside on the far side of a road that marks the boundary of the main built up area . In order to be consistent in the treatment of settlements having common characteristics, it has been necessary to draw up a definition of the classification of settlements as used in the policies and proposals contained in this Plan and as shown on the proposals map.

1.1.05 An 'identified' settlement or built-up area must possess all the following characteristics:-

(i) a sizeable amount of development in a compact form, (if development is dominated by, or interspersed with, areas of land which are characteristically rural or open, this will not come within this criterion);

(ii) possess a range of basic services, such as a school, shop and community facilities, providing a forum for social contact;

(iii) be physically and socially cohesive.

On this basis the following policy is put forward.

❖ STV1 'IDENTIFIED SETTLEMENTS'

WITHIN THE IDENTIFIED SETTLEMENTS AS LISTED BELOW AND AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL NORMALLY BE ALLOWED, SUBJECT TO THE PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN. THE 'IDENTIFIED' SETTLEMENTS ARE:-

WOKINGHAM
FINCHAMPSTEAD NORTH
PINEWOOD
FINCHAMPSTEAD
BARKHAM HILL

LIMITING THE SPREAD OF DEVELOPMENT

1.1.06 The District Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside the boundaries of identified settlements is retained. Accordingly it is intended to limit development outside identified settlements to that which is appropriate to the countryside or has a special reason to locate there. Although these uses are acceptable in principle, they must also be acceptable in practice. This is particularly important in the case of small scale housing and employment development on the edge of settlements which is dealt with in more detail in policies SH1 and SE2 of this plan.

❖ STV2 DEVELOPMENT IN RURAL AREAS

ALL LAND OUTSIDE THE IDENTIFIED SETTLEMENTS, AS SHOWN ON THE PROPOSALS MAP IS CONSIDERED TO BE RURAL AREA WITHIN WHICH DEVELOPMENT WILL NOT NORMALLY BE ALLOWED. IN ACCORDANCE WITH THE REPLACEMENT STRUCTURE PLAN EXCEPTIONS MAY BE MADE FOR DEVELOPMENT IN THE FOLLOWING CATEGORIES WHICH ARE NOT SPECIFICALLY DEALT WITH BY OTHER POLICIES IN THIS LOCAL PLAN.

(A) DEVELOPMENT FOR HOUSING PURPOSES OF SITES NOT EXCEEDING 0.4 HECTARE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(B) DEVELOPMENT FOR EMPLOYMENT USES NOT EXCEEDING 300 SQUARE METRES OF FLOORSPACE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(C) DEVELOPMENT ESSENTIAL TO THE USE OF LAND FOR AGRICULTURE OR FORESTRY,

(D) MINERAL EXTRACTION,

(E) PLANT FOR RECEIVING IMPORTED AGGREGATES, OR FOR THE PROCESSING OR DISTRIBUTION OF AGGREGATES,

(F) THE DISPOSAL OF WASTE BY CONTROLLED TIPPING WITHIN EXISTING OR FORMER MINERAL WORKINGS OR ON OTHER DESPOILED LAND,

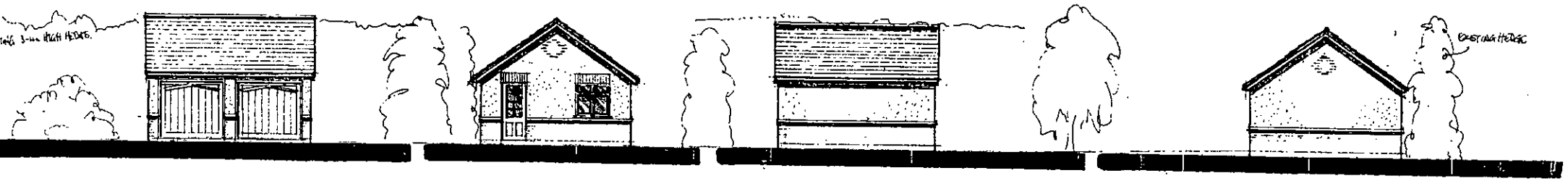
(G) PUBLIC UTILITIES THAT CANNOT BE LOCATED ELSEWHERE,

(H) ANY OTHER PURPOSE WHOLLY APPROPRIATE TO A RURAL AREA,

THE ACCEPTABILITY OF ALL PROPOSALS WILL ALSO BE JUDGED AGAINST THE PROVISIONS OF THE OTHER RELEVANT POLICIES CONTAINED IN THIS PLAN . FOR THE AVOIDANCE OF DOUBT THE AREAS OF SPORADIC DEVELOPMENT IDENTIFIED ON THE PROPOSALS MAPS ARE INCLUDED WITHIN THE RURAL AREAS.

APPENDIX 5

General Specification of materials
Roof to be orange red plain clay tiles to match main house
Walls to be red quality facing bricks to plinths
With white painted render to match existing house

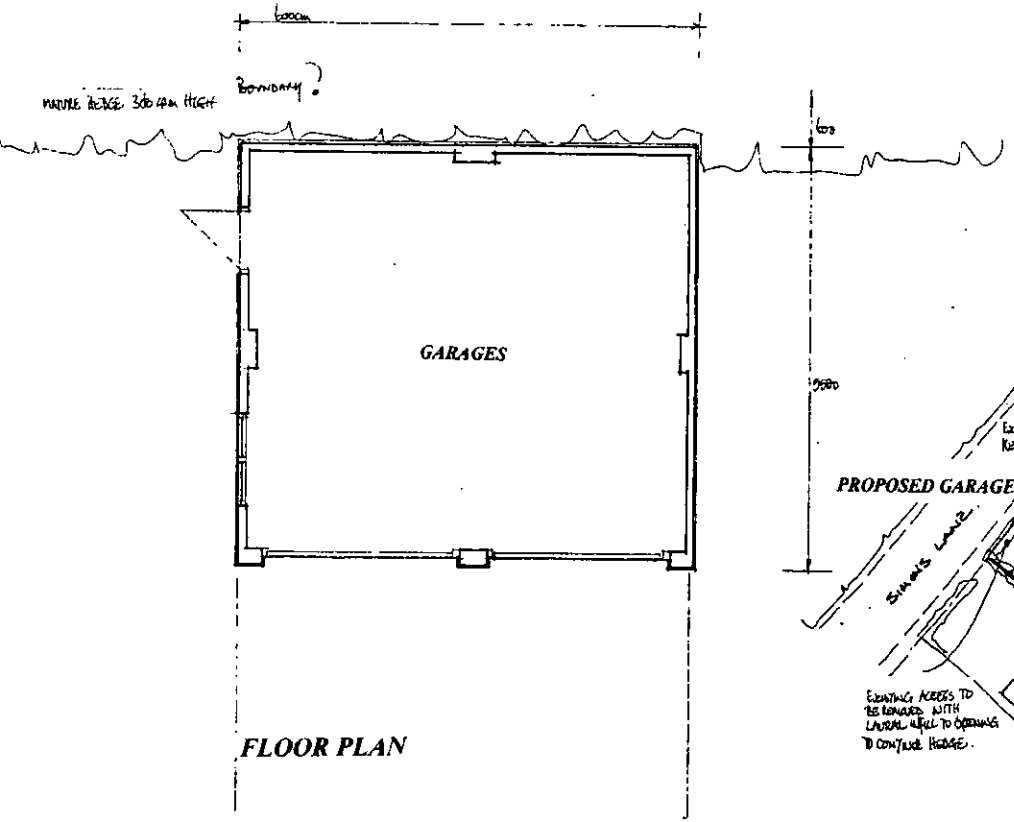


NORTH EAST ELEVATION

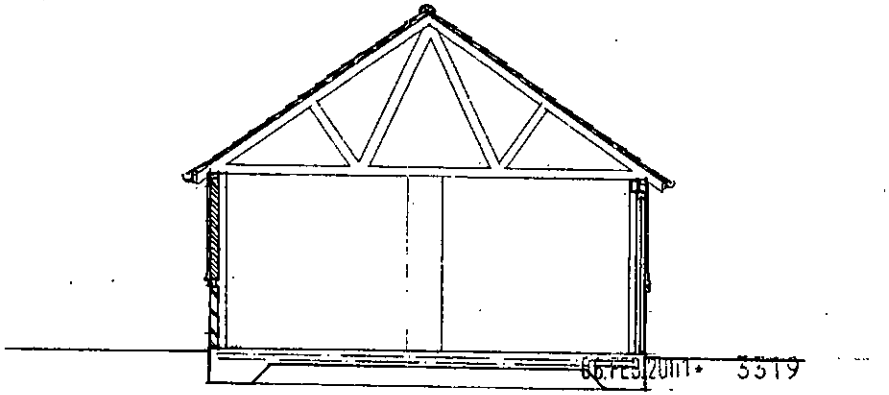
SOUTHEAST ELEVATION

SOUTHWEST ELEVATION

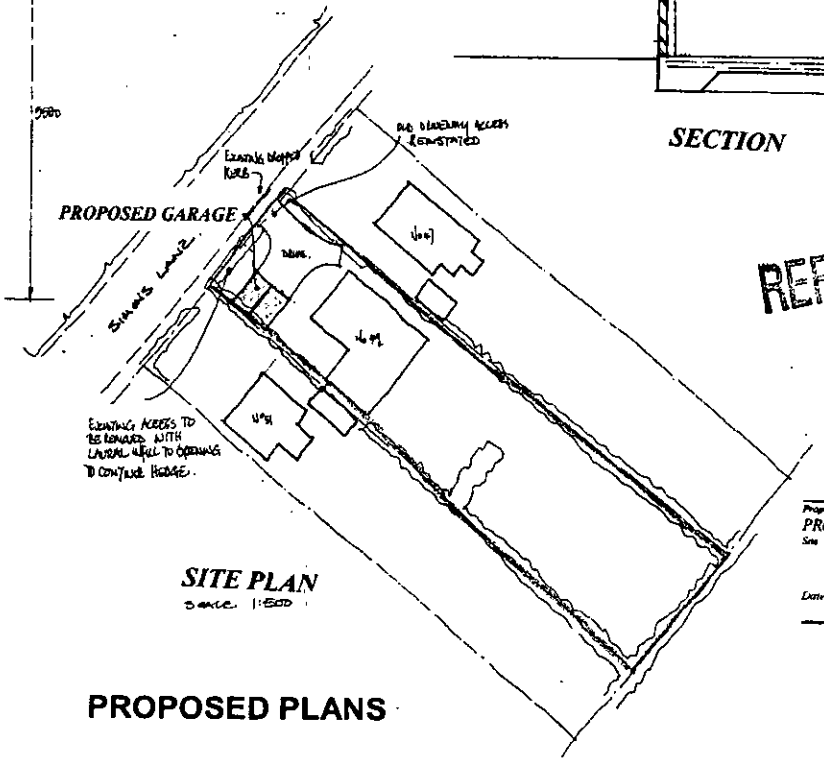
NORTH WEST ELEVATION



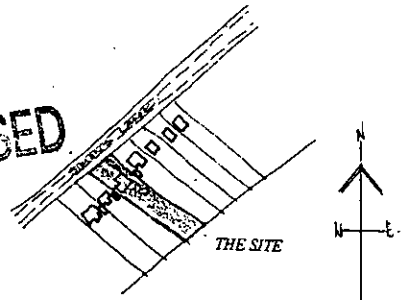
FLOOR PLAN



SECTION



SITE PLAN



LOCATION PLAN

PROPOSED PLANS

Proposal: PROPOSED GARAGE. Drawing: PLANNING PROPOSALS

Site: 49 SIMONS LANE WOKINGHAM BERKSHIRE

Date: January 01 Scale: 1:50 & 1:100 Drawing No: D 555-02

COLIN DAWSON & ASSOCIATES
Architectural Design & Building Surveying
MALVERN HOUSE
MALVERN PLACE

APPENDIX 6

SUGGESTED CONDITIONS IN THE EVENT THAT APPEAL IS ALLOWED (WITHOUT PREJUDICE)

APPEAL REF: APP/X0360/A/01/1066388
APPLICATION NUMBER: F/2001/3319
SITE ADDRESS: 49 Simons Lane, Wokingham

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. All new works and works of making good to the retained fabric shall be finished to resemble in size, colour, texture and profile those of the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the garage accommodation on the site shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.

4. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.

5. The garage shall not be occupied until space has been provided within the front garden for vehicles to enter and leave the site in a forward gear and this space shall be retained for this purpose in perpetuity.

6. No other development of the site shall take place until the access has been constructed in accordance with the approved plans.

7. The existing vehicular access(es) to the site shall be stopped up and abandoned, and footway and/or verge crossings shall be re-instated to the satisfaction of the Local Planning Authority within one month of the completion of the new access.

8. No building shall be occupied until the vehicular access has been surfaced with a bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.

REASONS:

1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.
2. To ensure that the external appearance of the building is satisfactory.
3. To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking.
4. To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.
5. In the interests of highway safety and convenience.
6. In the interests of highway safety and convenience.
7. In the interests of highway safety and convenience.
8. To avoid spillage of loose material onto the carriageway and in the interests of road safety.

INFORMATIVE
The Head of Engineering Services at the Council Offices, Shute End, Wokingham should be contacted for the approval of the access construction details before any work is carried out within the highway. This planning permission does NOT authorise the construction of such an access.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: J Hemsley
SITE: 49 Simons Lane, Wokingham
APPLICATION NO.: 3319
PROPOSAL: Proposed erection of detached double garage

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Evendons

Tina Marinos

Mrs D King

Mr D C Morgan

Clerk(s) of Parish / Town Council of Wokingham & Winnersh

Mr K Abnett, Town Hall, Market Place, Wokingham, Berks, RG40 1AS

Mrs J Harlin, Winnersh Community Centre, New Rd, Sindlesham, Wokingham, Berks. RG41 5DU

Environmental Services Department, Engineering Services, Wokingham District Council,
PO Box 157, Council Offices, Shute End, WOKINGHAM, Berkshire, RG40 1WR

Applicationo	Name & Address
F/2001/3319	A F Newson Woodcroft 51 Simons Lane Wokingham Berks RG41 3AG

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624

GTN 1371-6079

89

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3319

Our Ref: APP/X0360/A/01/1066388

Date: 21 August 2001

PLANNING SERVICES	HPT 46992
DC	TLS
APP	ENF
CS	
22 AUG 2001	
COPIES TO:	ACK:
	FILE:

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR J C HEMSLEY
SITE AT 49 SIMONS LANE, WOKINGHAM

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Simon Campbell

Mr S P Campbell

217L(BPR)

MGA
Town Planning &
Development Consultants
128 Ash Lodge Drive
Ash, Nr Aldershot, Hants
GU12 6NR
Tel & Fax 01252 344430

Your Ref: APP/X0360/A/01/1`066388
My Ref; MG/B/WOK-3

14August 2001

Miss A Groves
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Miss Groves

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR J C HEMSLEY
SITE AT 49 SIMONS LANE, WOKINGHAM, BERKSHIRE

APPELLANTS FINAL STATEMENT

I refer to the above appeal, the statement from the Council and the letter of objection from the occupier of the adjoining property No.51 Simons Lane. In response to the issues raised in those documents not fully examined in the appellant's original statement the Inspector is advised of the following:

The Council's Statement

The Council have placed emphasis on the possibility that if planning permission were granted for the development the subject of this appeal this would set an unfortunate precedent. Notwithstanding that each application should be considered on its merits, as previously indicated, the majority of the plots in this road are narrower than the appeal site or feature front gardens of reduced depth making it impractical to erect a free standing garage with or without associated turning provision. There are numerous examples of free standing garages erected in the front gardens of properties in established residential areas, some of which must have established a local precedent when granted. No doubt many of these garages are screened to view in whole or part by landscaping within the front garden and on flank boundaries, as is the case with the current proposal on the appeal site. To refuse planning permission for a development which may or may not set a precedent is only justifiable if the proposal would cause demonstrable harm to interests of acknowledged importance. In this instance no harm will occur as a result of the erection of the proposed garage on the appeal site.

The Council seek justify the grant of planning permission for the erection of free standing garages in the front gardens of Nos.19 & 21 Simons Lane on the basis that the applications were determined prior to the adoption of the current local plan. The

applications were surely considered within the context of development control criteria in operation at that time which were probably little different to those currently being applied. These garages may not be on sites adjacent to No.49 Simons Lane, but they are nonetheless located within the same road which has the same general character as that part including the current appeal site. The Council's statement infers that the grant of planning permission for the existing garages was a mistake. However, as will be apparent from the Inspector's site visit, neither of these garages are visually intrusive within the street scene, as will be the case with the proposed garage on the current appeal site.

In Appendix 6 of their statement the Council have set out a schedule of conditions they consider should be imposed if the Inspector is minded to grant planning permission, which appear to be identical to those attached to the Council's appeal questionnaire. Upon reflection, the appellant raises objections to suggested conditions 7 & 8.

It is considered unnecessary to stop up the existing access that will no longer be used following the erection of the proposed garage. When planning permission was granted to extend the existing property including the formation of a new access, the Council did not require the then existing access, now to be brought back into use, to be removed. Retaining the existing access that will be redundant following the erection of the proposed garage will have no visual impact within the street scene, neither will it have any effect upon conditions of highway safety for vehicles and pedestrians using the carriageway and footway comprising Simons Lane.

The appellant proposes to construct a shingle surfaced driveway and turning area to serve the proposed garage which it is intended shall extend to the front boundary of the site, with a surfaced crossover continuing across the footway to the carriageway. The bonded surface footway crossing will be some 3m long as compared with the 5m required by the Council's suggested condition No.8. The reduced length of bonded surface to the crossover will have no material impact upon what will in any event be a minimal amount of shingle that may be carried from the appeal site onto the carriageway.

It is considered that the suggested conditions 7 & 8 are unnecessary, not relevant to planning and unreasonable, failing the tests that should be applied to all planning conditions, as set out in Circular No.11/95.

The Objection Letter from the Occupier of No.51 Simons Lane

The letter from the occupier of the adjacent property does not raise any additional planning issues not previously considered in the statement submitted on behalf of the appellant. Having regard to the siting and design of the proposed garage and the extent of boundary planting to be retained, this development will have a limited impact upon the amenities of the occupiers of No.51.

Having considered the appellant's original statement together with the further issues raised in this letter, and following the site visit, the Inspector on behalf of the Secretary of State is urged to grant planning permission for the development the subject of this appeal. A further copy of this letter is attached for your onward transmission to Wokingham District Council.

Yours sincerely

Michael Gilfrin DipTP MRTPI

cc Mr J C Hemsley.

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
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Bristol BS1 6PN
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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3319

Our Ref: APP/X0360/A/01/1066388

Date: 27 July 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR J C HEMSLEY
SITE AT 49 SIMONS LANE, WOKINGHAM

I enclose a copy of the appellants statement relating to the above appeal. I also enclose third party correspondence.

15/08/01

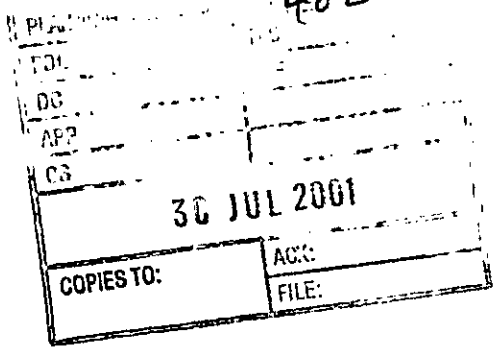
If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. Comments submitted after that deadline may not be seen by the Inspector.

Yours faithfully

pp Simon Campbell
Miss A Groves

211AL(BPR)

DC 46231



TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING ACT (APPEALS)
(WRITTEN REPRESENTATIONS PROCEDURES) REGULATIONS 2000

*****

APPEAL BY MR J C HEMSLEY
AGAINST THE DECISION OF WOKINGHAM DISTRICT COUNCIL
TO REFUSE PLANNING PERMISSION FOR THE
ERECTION OF A DETACHED DOUBLE GARAGE
AT 49 SIMONS LANE, WOKINGHAM, BERKS

*****

STATEMENT SUBMITTED ON BEHALF OF
MR J C HEMSLEY

*****

Planning Inspectorate Ref: APP/X0360/A/01/1066388
Local Authority Ref: F/2001/3319
MGA Ref: MG/B/WOK-3

*****

MGA Town Planning & Development Consultants
128 Ash Lodge Drive, Ash, Aldershot, Hants, GU12 6NR
Tel: 01252 344430

THE APPEAL SITE

1.1 No.49 is an extended chalet bungalow located on the south-east side of Simons Lane some 420m south-west of the junction of Simons Lane with the A329 Reading Road on a plot with a frontage of some 16m widening to 19m at the rear, a depth of 75m and 0.128 hectares in extent. The property is situated in a residential area which in the immediate locality features mainly bungalows and chalet bungalows on ample plots.

THE APPEAL APPLICATION

2.1 The application the subject of this appeal proposes the erection of a detached double garage measuring 6m wide, 5.5m deep and 4.5m high to the pitched roof ridge line within the front garden of the chalet bungalow. The garage will be sited some 3.5m from the front boundary of the site and some 600mm from the common flank boundary with No.51 adjoining to the south-west. The garage doors are shown to be located at right angles to the road, a driveway and turning area being provided within the front garden. As a part of this development, the existing access driveway from Simons Lane will be closed and an access that once served a garage, now demolished, on the north-east side of the property will be re-opened. Additional planting will be undertaken to infill the gap in the existing frontage hedge where the access is presently located. It is proposed that the garage will feature orange/red plain roof tiles, white painted rendered walls and a red facing brick plinth to match the existing chalet bungalow.

2.2 It is the appellants intention that once the garage the subject of this appeal is erected, the existing integral garage on the south-west side of the chalet bungalow will be converted into a family room.

2.3 The appeal application was refused by decision notice dated 16 March for the following reason:

"The proposed development by virtue of its scale, form and siting is considered to create an incongruous feature to the detriment of the character of the street scene, and would set an unfortunate precedent for this stretch of Simons Lane. As such the proposed development is considered to be contrary to Policy EN1 of the Berkshire Structure Plan, Policies SBE1 and SBE2 of the South East Area Local Plan and to Policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft)."

THE APPELLANTS RESPONSE TO THE COUNCIL'S REASONS FOR REFUSAL

The Main Issues

3.1 The main issues to be considered in this appeal are firstly, whether or not the proposed garage will have a adverse impact within the established street scene; secondly, adversely affect the amenities of the occupiers of adjacent properties; and thirdly, set an undesirable precedent. Each of these issues will be considered in subsequent paragraphs of these representations.

The Impact of the Proposed Development within the Established Street Scene

3.2 Simons Lane is a residential road featuring established properties in the main standing on generous plots with mature front garden areas. The properties in this part of Simons Lane, including the appeal site, have front gardens with mature hedges to the road frontage and on the dividing plot boundaries. Thus, well established screen planting eliminates or filters the views of the existing properties as one travels along Simons Lane and largely conceals to view the individual front garden areas. Indeed the front gardens can in many cases only be seen through the gap in the frontage hedging for the site access. As will be clearly apparent from the Inspector's site visit, the proposed garage will be virtually hidden to view by the same established landscaping that screens the existing properties. The proposed garage is of a design fully sympathetic with the existing chalet bungalow and other properties in this locality, albeit that inter-visibility is restricted because of the well established dividing boundary tree and shrub planting. A gap of some 4m that will remain between the north-west flank wall of the proposed garage and the back of footpath along Simons Lane. This gap will be planted with trees and shrubs which once established will add to the existing landscape framework and will largely hide the garage from the lane when viewed from immediately outside the site. The proposed garage will therefore will have no material impact upon the character and appearance of the established street scene.

3.3 The Council in their reasons for refusal refer to various design related policies contained in the structure plan and the adopted and deposit draft versions of their local plans. The scale and form of the development is clearly appropriate within the context of the overall plot size and the design, siting and size of the existing chalet bungalow. The proposed siting of the double garage in advance of the established building line will have a minimal impact within the established street scene for the reasons set out in

paragraph 3.2 above. Accordingly, it is considered that the proposed development fully accords with the development control principles and design policy objectives referred in the relevant development plans.

The Impact of the Proposed Development Upon the Amenities of the Occupiers of Adjacent Properties.

3.4 The occupiers of No.47 Simons Lane to the north-east are too far from the proposed garage to be affected. A substantial boundary hedge separates the proposed garage from the adjacent property to the south-west, No.51. The top of the garage roof may just be seen above this hedge. The driveway to the garage serving No.51 extends along the common boundary. With the doors to the proposed garage pointing north-east, the occupiers of No.51 will not see and will hardly hear vehicles entering and leaving the proposed garage. Accordingly, the proposed development can have no material impact upon the outlook or amenities of the occupiers of No.51. Since the proposed garage will be sited north of that property it cannot give rise to overshadowing of any part of the garden area.

Planning Precedent

3.5 Each planning application must be considered on its individual planning merits, but nonetheless a planning precedent can be set which could make it more difficult for the Council to resist proposals for a similar development in the locality. As the Inspector will note from the Ordnance Survey extract attached to the Council's appeal questionnaire, the appeal site has a wider frontage than other adjacent and nearby properties. It is considered unlikely that many of the residents of Simons Lane would wish to erect a double garage in their front garden which could have an adverse impact upon their outlook from the front rooms of their properties facing towards the road. Free-standing single garages have recently been erected in the front gardens to existing bungalows Nos.19 and 21 Simons Lane. Both garages are well screened by site frontage and dividing boundary shrubs, trees and fencing, can only be seen from directly outside each property and have a limited impact within the established street scene. Similarly, the proposed double garage on the appeal site will have a limited impact.

The Proposed Access

3.6 A re-opened access will serve the proposed garage. The original dropped kerb to Simons Lane still remains. The Council's highway engineers have

raised no objections to the re-use of the original access, subject to the imposition of certain planning conditions.

The Council's Suggested Schedule of Planning Conditions

3.7 A suggested schedule of planning conditions to be imposed if the Inspector is minded to grant planning permission is attached to the Council's questionnaire. The appellant raises no objections to the suggested conditions.

CONCLUSIONS

4.1 The application the subject of this appeal proposes the erection of a double garage in the front garden to an existing chalet bungalow utilising an access from Simons Lane that once served a single garage, now demolished. Existing frontage and flank boundary trees and shrubs on the appeal site and within the front garden areas to adjacent and nearby properties will largely conceal the proposed garage to view. The garage will have no material impact upon the character of the established street scene, neither will it have an adverse effect upon the outlook or the amenities enjoyed by the occupiers of the adjacent property to the south-west, No.51 Simons Lane.

4.2 Having considered the evidence presented by all parties and following the site visit, the Inspector on behalf of the Secretary of State is urged to grant planning permission for the development the subject of this appeal. The appellant reserves the opportunity to submit further representations in response to any statement submitted by the Council, and any views submitted by the occupiers of adjacent or nearby properties notified of this appeal.

17 July 2001.

WOODCROFT, 51 SIMONS LANE, WOKINGHAM, RG41 3JG
TEL 0118 - 9783522

COPY 2

10 July 01.

Dear Mrs. Groves,

Ref. APP/X0360/A/01/1066388

I originally made representations in my letters of the 26 Feb & 9 March to the local Planning Office and no doubt you have seen copies. In view of what I have been told of the local policies quoted in their letter of refusal concerning this area, I am surprised at their decision. A garage of some 6m x 6m x 4m high would represent a very substantial intrusion, well in advance of the building line.

In view of the repercussions, even if by chance, you had planned to consider that the Planning Officers were not justified in reaching such a conclusion I feel that the size & location of the proposed garage is such that the application should warrant refusal anyway, irrespective of its adverse effect on the general scene. It is clear that Mr Hemsley above stands to gain a material benefit even though he already possesses adequate garage accommodation. If there is to be any pleasure in having a full view of a large building in his front garden, it would not be denied to him if it was built in the centre of his property, as far as possible from the boundaries with his neighbours who are quite content with the status quo.

It is relevant that an attractive floral hedge could then be grown along the boundary of a reasonable height (no more than 2m high rather than the motley assortment of vegetation purely of random growth, eg wild rose, bramble, seedlings of lilac, oak, silver birch, hawthorn & elderberry, laurel, escallonia, holly etc, much of it not even evergreen.

I would like to mention a few specific points.

(1) I knew nothing of the proposal until I received written notice from the Planning Office - i.e. no prior discussion or negotiation to seek out common ground.

(2) I spoke to Mr Hemsley at once and asked for precise details. A brief perusal of the plan showed that the garage was to be located right up to the boundary line, the rear

wall apparently being in the middle of the so-called hedge. He said the hedge would be retained to screen the garage which seemed to me to be highly unlikely as excavation for the foundations, building works would probably destroy the root-system unless ~~the~~ the building was set back 2m from the boundary line.

(3) I asked why he needed another double garage seeing that he already had a garage built one. Admittedly, it rarely, if ever seemed to house more than one car, together with children's cycles etc. To my surprise, he said he wanted to convert the garage to a games room & mentioned another. This discloses accidental factors, puts the whole matter in rather a different perspective.

(4) It becomes of greater relevance to mention that when the previous bungalow at No 49 was converted into a house a few years ago, the single garage adjacent to No 47 (as in the site plan) was demolished. A short distance along the boundary, a brick built bakehouse was also demolished, also a large shed. This area, mainly behind the house would still be accessible from the old driveway (which is proposed to be brought back into use for the new garage anyway) for another garage, single or double, or indeed, a separate games room.

(5) Be this as it may, in his letter of appeal Mr Hemsley goes to some length to confirm his intention to preserve & even improve the hedge along its entire length & to fill gaps (EVENTUALLY) to make it a solid screen. Even if practicable, this would take years to achieve. Why anyway in their right senses would wish to have their front door & most their eyes upon an ugly barrier of untidy and assorted growth, perhaps as much as 4m high and 16m long, its effective being to hide a new garage.

(6) On my sketch I have indicated that the distance from my house to the boundary with No 49 is a mere 6' Say 3'3m. The ~~corner~~ of the proposed garage (per measurements

provided by the Planning Officer) - position A, would only be 13' (4m) from my front door. If there was a 5' thick hedge between the garage and the boundary, the distance would still be only about 1m more. In either case, the proposed structure (or indeed its "protective" hedge would still be a monstrous intrusion on our immediate skyline.

(6) It does however occur to me that a garage in this position could still be considered (and a lower hedge), if it had a flat roof with a minimum pitch over most of its length, or at least a "hipped" roof over several metres.

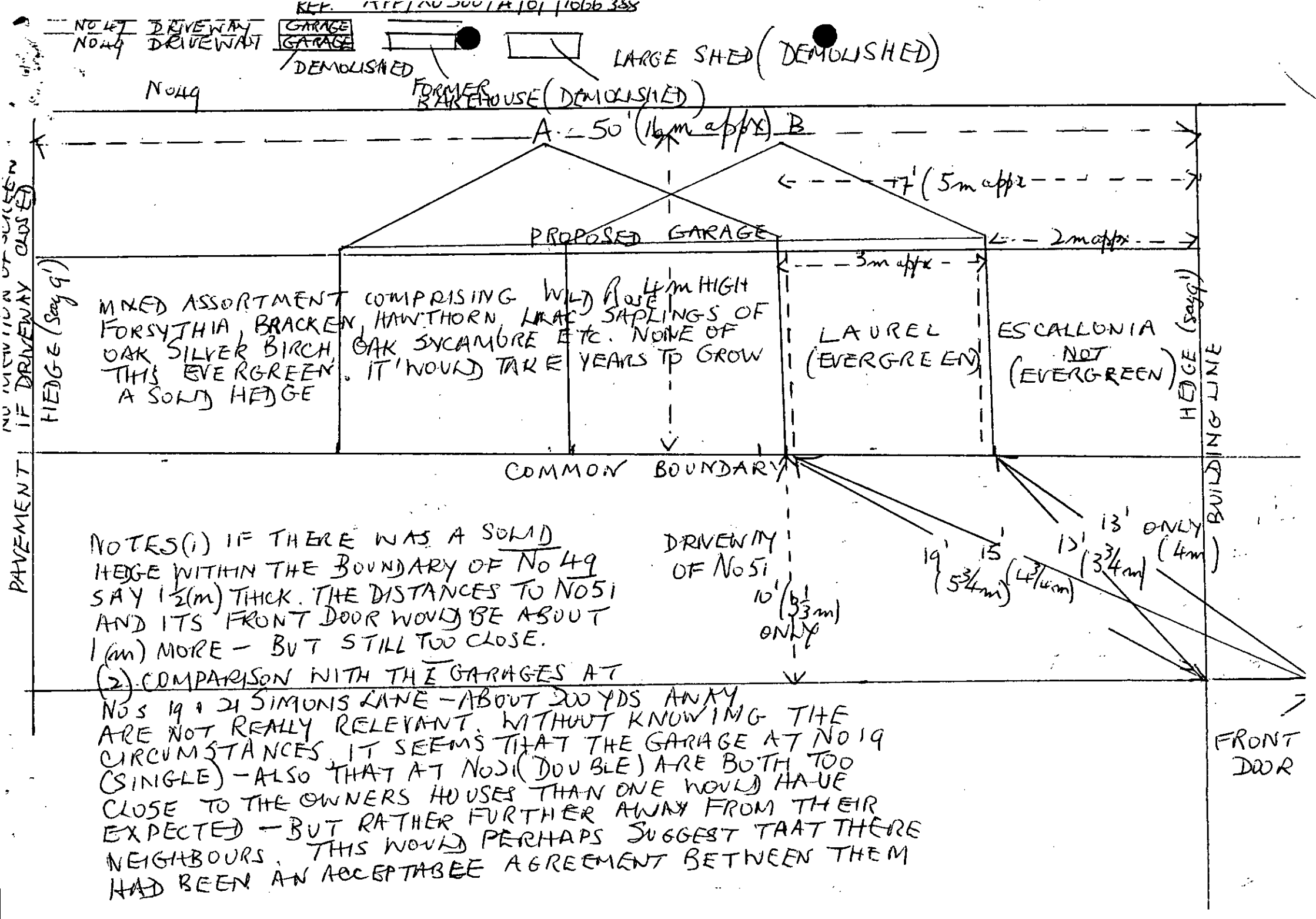
The attempt to demonstrate that there are several disturbing factors which might not otherwise have come to light, e.g. a hint as to the real reason for the sudden desire for more garage space: the fact that the driveway which was adequate for the previous single garage which it is proposed should be re-used for a new double garage could equally well provide access to an area of land suitable for a new structure behind the house; the applicant would have been in no doubt that the erection of a large building close to my house bordering the common boundary would be strongly contested for several reasons - hence his reluctance to mention the idea before seeking planning approval. Whether or not any credence could be given to optimistic noises about providing an effective screen at some future date, there was the chance that a decision might go this way before the facts became known.

The only sure way to avoid a serious & permanent intrusion into our outlook would be to stop the development. I would, of course, appreciate a copy of the decision.

Yours sincerely

(A. F. NEWSON)

PTO for SKETCH PLAN



NOTES (1) IF THERE WAS A SOLID HEDGE WITHIN THE BOUNDARY OF No 49 SAY 1½(m) THICK. THE DISTANCES TO No 51 AND ITS FRONT DOOR WOULD BE ABOUT 1 (m) MORE – BUT STILL TOO CLOSE.

(2) COMPARISON WITH THE GARAGES AT Nos 19 & 21 SIMONS LANE – ABOUT 200 YDS AWAY ARE NOT REALLY RELEVANT. WITHOUT KNOWING THE CIRCUMSTANCES, IT SEEMS THAT THE GARAGE AT No 19 (SINGLE) – ALSO THAT AT No 21 (DOUBLE) ARE BOTH TOO CLOSE TO THE OWNERS HOUSES THAN ONE WOULD HAVE EXPECTED – BUT RATHER FURTHER AWAY FROM THEIR NEIGHBOURS. THIS WOULD PERHAPS SUGGEST THAT THERE HAD BEEN AN ACCEPTABLE AGREEMENT BETWEEN THEM

TOWN AND COUNTRY PLANNING ACT

SECTION 78 APPEAL

APPELLANT:	J HEMSLEY
APPEAL SITE:	49 SIMONS LANE, WOKINGHAM
REASON FOR APPEAL:	REFUSAL TO GRANT PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DOUBLE GARAGE

LOCAL PLANNING AUTHORITY REFERENCE: F/2001/3319

DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS REFERENCE: APP/X0360/A/01/1066388

1.00 LOCATION AND SITE DESCRIPTION

1.01 The site lies on the edge of the identified settlement of Wokingham, in an established residential area comprising detached properties set back from the road frontage. The site is located opposite a wooded area classified as green gap and wedges and as a Wildlife Heritage Site.

1.02 A 1:1250 scale location plan of the site can be found in appendix 1.

2.00 RELEVANT PLANNING HISTORY

2.01

Planning Application	Description of Development	Decision	Date
3389	Garage & fuel store	Approval	30.10.52
40498	Two 2-storey extensions	Approval	10.03.93

2.02 On 16 March 2001, planning permission for the erection of a detached double garage was refused under delegated powers for the following reason:

"The proposed development by virtue of its scale, form and siting is considered to create an incongruous feature to the detriment of the character of the street scene and would set an unfortunate precedent for this stretch Simons Lane. As such, the proposed development is considered to be contrary to policy EN1 of the Berkshire Structure Plan, policies SBE1 and SBE2 of the South East Area Local Plan and to policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft)."

3.00 POLICY BACKGROUND

3.01 The Development Plan which applies to the area in which the appeal site is located comprises: Berkshire Structure Plan and the South East Area Local Plan. The Deposit Draft Wokingham District Local Plan will replace the adopted South East Area Local Plan.

Berkshire Structure Plan

The Berkshire Structure Plan (1991-2006) was adopted on 4th November 1995 and is the statutory Structure Plan for the area.

South East Area Local Plan

The South East Area Local Plan was adopted on 15th April 1994 and is the statutory local plan for the area in which the site is situated. The Planning and Transportation Committee at their meeting on 21 November 1996 resolved to "re-affirm the decisions of this Committee and the Council in relation to the current adopted local plans and to note that they will continue to carry weight as the most up to date adopted policies, except in relation to housing provision".

Draft Wokingham District Local Plan

The Draft Wokingham District Local Plan was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for development control decisions since 21st October 1997. The County Council issued a statement of general conformity with the structure plan in May 1997. The public local inquiry into the plan commenced on 6th October 1998. The Inspector's report on the local plan inquiry is not expected until Summer 2001 (with the exception of policy WSM1).

3.02 Berkshire Structure Plan

The relevant policy is (see appendix 2):

EN1 – Protection and Enhancement of the Environment of Built-up Areas

3.03 Wokingham District Local Plan (Deposit Draft)

The relevant polices are (see appendix 3):

WOS3 – Development Control Principles

WBE1 – Development in its Local Context

3.04 South East Area Local Plan

The relevant policies are (see appendix 4):

SBE1 – Design of New Development

SBE2 – Inappropriate Development

4.00 THE CASE FOR THE LOCAL AUTHORITY

4.01 Policy EN1 of the Berkshire Structure Plan says that development must be appropriate in terms of scale, form, impact, character and siting to its location.

4.02 Policy WOS3 of Wokingham District Local Plan states that when assessing development it should be "(f) be of high quality of design that respects the local context by virtue of siting, layout, massing, materials, colour and texture".

Likewise, Policy WBE1 says that amongst other things, the Council will have regard to the following considerations; "(b) visual impact" and "(f) the layout, form, scale, massing and materials of development".

4.03 Policy SBE1 of the South East Area Local Plan says that development shall be appropriate to the character of the area in which it is to be situated and make a positive contribution to its setting and the character of the area.

Policy SBE2 says that if development "would adversely affect the character of the area, by virtue of its siting, scale, form, massing, materials, colour or texture will not normally be permitted."

4.04 It is considered that the proposed development is out of character with the surrounding area due to the fact that it would be the only of its kind along the stretch of Simons Lane after Walter Road (between Walter Road and Larkspur Close), and therefore would set an unfortunate precedent for this stretch of Simons Lane, if approved.

4.05 The rear of the garage would be located 3.5m forward of Nos. 49 and 51 Simons Lane. The front of the proposed garage would be about 3.8m from the front garden boundary, whereas the houses at Nos. 49 and 51 are set back nearly 13m from the front garden boundary. (See appendix 5 for a copy of the plans). It is therefore considered that due to the size and positioning of the garage, that it would create an incongruous feature in the street scene, and is consequently contrary to the policies discussed above in sections 4.01-4.03.

5.00 COMMENTS ON THE APPELLANTS STATEMENT

5.01 In their grounds of appeal, the appellant highlights that there have been detached garages approved in the front gardens of Nos. 19 and 21 Simons Lane. The detached garage at No. 19 was approved under consent 33405 in 1989 and the garage at No. 21 was approved under consent 32316 in 1989.

5.02 These garages were approved more than 10 years ago before the adoption of the South East Area Local Plan and are situated along a different stretch of Simons Lane, on the other side of Walter Road (between Walter Road and Reading Road).

5.03 Due to the fact that the garages at Nos. 19 and 21 area located within a different stretch of Simons Lane compared to No. 51 and were given

consent in 1989/1990, it is considered that they cannot be directly compared to the appeal proposal.

6.00 CONCLUSION

6.01 The proposed garage would result in a form of development which would be detrimental to the character of the street scene and would set an unfortunate precedent along the stretch of Simon Lane, contrary to Council policies.

6.02 It is therefore respectfully requested that this appeal be DISMISSED.

7.00 CONDITIONS IN THE EVENT PLANNING PERMISSION IS GRANTED

7.01 See appendix 6 for a copy of suggested conditions.

Natalie Brown
PLANNING ASSISTANT

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-6079

PLANNING SERVICE
PCL
47982
21 SEP 2001
COPIES TO

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3319

Our Ref: APP/X0360/A/01/1066388

Date: 20 September 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR J C HEMSLEY
SITE AT 49 SIMONS LANE, WOKINGHAM

I enclose a copy of our Inspector's decision on the above appeal.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

Mr Simon Campbell

COVERDL1

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726253
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-6253

DG 47067

24 AUG 2001

COPIES TO:

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3319

Our Ref: APP/X0360/A/01/1066388

Date: 22 August 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR J C HEMSLEY
SITE AT 49 SIMONS LANE, WOKINGHAM

I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal is

Mr Graham Cundale BA(Hons) MSc MRTPI MIEEM

The Inspector will visit the appeal site at 13:15 on 10 September 2001. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

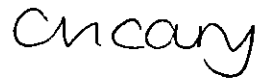
The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.

Yours faithfully



Miss Claire Vicary

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

209D

Tel. (0118) 974 6448 (Direct Line)
Date: July 13, 2001
My ref: F/2001/3319
Your ref: APP/X0360/A/01/1066388

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Miss A Groves
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Dear Miss Groves

APPEAL BY: Mr J Hemsley
SITE: 49 Simons Lane, Wokingham

With reference to this appeal, I enclose 2 copies of the Council's statement of case.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: June 26, 2001
My ref: F/2001/3319
Your ref: APP/X0360/A/01/1066388

Miss A Groves
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Miss Groves

APPEAL BY: Mr J Hemsley
SITE: 49 Simons Lane, Wokingham

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.
I have also sent a copy to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. June 26, 2001
My ref: F/2001/3319
Your ref:MG/B/WOK-3

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Mr M Gilfrin
MGA Town Planning & Development Consultants
128 Ash Lodge Drive
Ash
Aldershot
Hants
GU12 6NR

Dear Sir

APPEAL BY: **Mr J Hemsley**
SITE: **49 Simons Lane, Wokingham**

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

H.

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728443

GTN 1371-6079

PLANNING SERVICES UNIT
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15 JUN 2001
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FILE:

44572.

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3319

Our Ref: APP/X0360/A/01/1066388

Date: 13 June 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR J C HEMSLEY
SITE AT 49 SIMONS LANE, WOKINGHAM

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

You must **submit** the following documents within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and interested persons who were consulted at application stage and those who made comments that the appeal has been made. You should tell them that: -

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.

ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and

iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000.* Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. In most cases the visit will be arranged within 12 weeks of the **starting date**.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

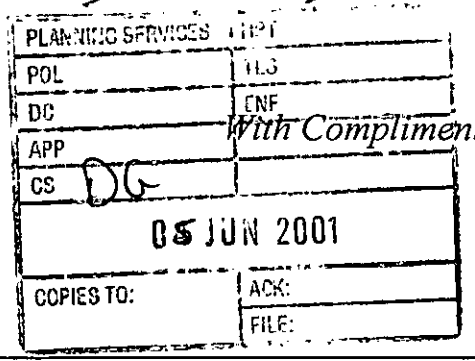
pp Miss A Groves

102(BPR)

MGA

Town Planning &
Development Consultants
128 Ash Lodge Drive
Ash, Nr Aldershot, Hants
GU12 6NR
Tel & Fax 01252 344430

For the attention of
the Development Control Manager.



With Compliments

Michael Gilfrin DipTP MRTPI - Chartered Town Planner & Principal
L J Osmond MBIAT - Associate

The Planning Inspectorate

For official use only
Date received

PLANNING APPEAL FORM

Please send each appeal on a separate form

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name Mr J.C Hemsley

Address Rosetta
49 Simons Lane
Wokingham, Berks
Postcode RG41 3HG

Your reference —
Daytime phone no 01344-425735
Fax no —
E-mail address —

B. AGENT DETAILS (if any)

Name Mr Michael Gilfrin MGA Town Planning & Development Consultants

Address 128 Ash Lodge Drive
Ash
Aldershot, Hants
Postcode GU12 6NR

Your reference MG/B/WOK-3
Daytime phone no 01252-344430
Fax no
E-mail address —

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Wokingham District Council

Date of the planning application Submitted 30.01.2001

LPA's application reference no F/2001/3319

Date of LPA's decision notice (if issued) 16/03/2001

D. APPEAL SITE ADDRESS

Address Rosetta, 49 Simons Lane
Wokingham
Berks
Postcode RG41 3HG

National grid reference SU789695

(Please see the key on an Ordnance Survey map for instructions; this should be 2 letters and 6 numbers, eg TQ 298407)

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed)

Erection of a detached double garage

Size of the whole appeal site (*in hectares*)

0.128 hectares

Area of floor space of proposed development (*in square metres*)

33sqm

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. Refuse planning permission for the development described in Section E. ☑
2. ~~Grant planning permission for the development subject to conditions which you do not like.~~ ☐
3. Refuse approval of details listed under a previous outline planning permission. ☐
4. Grant approval of details listed under a previous outline planning permission subject to conditions which you do not like. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

G. GROUNDS OF APPEAL

If you want your appeal dealt with by the written procedure, your **FULL STATEMENT MUST** be made, otherwise we will return the appeal form. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting permission, if appropriate. Please continue on a separate sheet(s) if you need to and attach them to this form. If you have requested a hearing or an inquiry, please provide a brief outline of your case.

See attached sheet

G. GROUNDS OF APPEAL (continued)

H. CHOICE OF PROCEDURE

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

*Please tick **one** box only* ✔

1. WRITTEN REPRESENTATIONS ☑

~~Can the whole site be seen from a road or other public land and there is no need for the Inspector to enter the site (eg to take measurements or to enter a building)? If yes, please tick the box. If so, we will arrange an unaccompanied site visit.~~ ☐

2. HEARING ☐

Although you may prefer a hearing, we will decide whether a hearing is suitable for your appeal after consulting the LPA.

3. INQUIRY ☐

Please give reasons why you think an inquiry is necessary.

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box* ✔

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates; ☑

OR

~~CERTIFICATE B~~ ☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which notice served	Date the notice was served

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person other than the appellant who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

Tenant's name	Address at which notice served	Date the notice was served

PLEASE SIGN BELOW

I confirm that this section has been fully completed and the details of the ownership of the appeal site are correct, to the best of my knowledge.

Signed Michael Gilfrin (on behalf of) Mr J C Hemsley

Name (in capitals) MICHAEL GILFRIN Date 1st June 2001

Please turn over

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

✔

1. A copy of the original **planning application** sent to the LPA. ☑
2. A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). ☑
3. A copy of the **LPA's decision notice** (if issued). ☑
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). ☑
5. Copies of **plans, drawings and documents** sent to the LPA as part of the application. ☑
6. Any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes). ☐

Copies of the following must also be sent, if appropriate:

7. **Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: ☐

—

8. Any relevant **correspondence** with the LPA. ☐
9. If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:
   (a) the relevant outline application; ☐
   (b) all plans sent at outline application stage; ☐
   (c) the original outline planning permission; ☐
10. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐
11. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. ☐

—

K. PLEASE SIGN BELOW

(Unsigned forms will be returned. Signed forms must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and documents to the LPA – ***N.B.*** *if you do not, your appeal will not normally be accepted.*
2. I confirm that section J has been fully completed.
3. I will send 2 copies of any further documents relating to this appeal to the Inspectorate.

Signed Michael Gilfrin (on behalf of) Mr J.C. Hemsley

Name (in capitals) MICHAEL GILFRIN Date 1st June 2001

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

NOW SEND:

- **1 COPY to us at:**
  The Planning Inspectorate
  Appeals Registry
  Tollgate House
  Houlton Street
  BRISTOL
  BS2 9DJ
  Fax no: 0117 987 8769

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again as they will have everything which you sent them at application stage, but send them any supporting documents not previously sent to them as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid.

2) Write to you and the LPA and tell you the procedure for your appeal.

3) Tell you the timetable for us receiving further information or representations.
   If your representations are received after the deadline, they will not normally be seen by our Inspector and will be returned to you.

4) Tell you about the arrangements for the site visit, hearing or inquiry.

5) Tell you our Inspector's decision.

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GROUNDS OF APPEAL

Appeal by Mr J C Hemsley
Erection of a Detached Double Garage, Rosetta, 49 Simons Lane, Wokingham, Berks

1. The proposed double garage to be erected in the front garden of the existing chalet bungalow will be substantially screened to view by existing frontage and flank boundary trees and hedges both within the appeal site and on adjacent properties and will therefore have a minimal impact within the established street scene. Notwithstanding that the proposed garage will be inconspicuous, it is of a design in keeping with the existing chalet bungalow and other properties in this road.

2. The Council have already granted planning permission for the double garage in the front garden to No.19 Simons Lane and the detached single garage in the front garden to No.21, both of which are in similar proximity to the Lane as the proposed garage on the appeal site. As will be the case with the garage the subject of this appeal, neither of the existing garages appear incongruous within the street scene. The erection of the double garage the subject of this appeal will therefore not create a precedent as contended by the Council. In any event each application must be considered on its individual merit.

3. The erection of a double garage in the front garden, as proposed, will have a minimal impact upon the outlook, privacy and amenities of the occupiers of adjacent properties.

4. An existing dropped kerb crossing that served the original vehicle access to a single garage once located on the north-east side of and to the rear of the original chalet bungalow, since demolished, will be re-used to provide access to the proposed double garage. The access serving the existing attached garage will be closed and the gap in the existing hedge infilled with new planting. The proposed access features fully adequate visibility in both directions.

5. The appellants reserve the opportunity to submit further representations in response to any issues raised by the Council in their Statement of Response to the Grounds of Appeal or contained in any letters received from third parties notified of this appeal.

1 June 2001.