APPLICATION NO.8251

Name of appellant:
A Woolnough

Site address:
19 Eastheath Gdns

Proposal: Proposed erection of new dwelling & detached garage

Case Officer: AO

Dismissed
30/01/02

Appeal Decisions

Hearing and site visit held on 7 January 2004

by Timothy S. A. Belcher LLB Solicitor

an Inspector appointed by the First Secretary of State

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
30 JAN 2004

Appeal A Ref: APP/X0360/A/03/1122453
Land adjacent to 19 Eastheath Gardens, Wokingham, RG41 2PH

- 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 A. Woolnough against the decision of Wokingham District Council.
- The application (Ref. F/2002/8251), dated 20 December 2002, was refused by notice dated 26 February 2003.
- The development proposed is a new 3 bed house and garage.

Summary of Decision: The appeal is dismissed.

Appeal B Ref: APP/X0360/A/03/1129879
Land adjacent to 19 Eastheath Gardens, Wokingham, RG41 2PH

- 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 A. Woolnough against the decision of Wokingham District Council.
- The application (Ref. F/2003/9563), dated 29 May 2003, was refused by notice dated 21 August 2003.
- The development proposed is new 3 bed house and garage.

Summary of Decision: The appeal is dismissed.

Planning Policy

1. The development plan for the area includes the South East Area Local Plan adopted in 1994 and the Berkshire Structure Plan 1991–2006 adopted in 1997. The site forms part of the private garden at 19 Eastheath Gardens and is within the settlement of Wokingham. Local Plan Policy STV6 explains, amongst other things, that development of open land including garden area which significantly contribute to the character of the settlement will not normally be permitted. Any new infill development will only be permitted if it is sympathetic in character to the environs of the site. Policy SBE2 explains, amongst other things, that proposals for development that is inappropriate in terms of its relationship with buildings or which would adversely affect the character of the area by virtue of its siting will not normally be permitted. The Council are now the Highway Authority for Eastheath Gardens and Policy ST3 explains, amongst other things, that road safety will be promoted for all road users.

2. Structure Plan Policy EN1 explains that the character and quality of the environment of towns will be protected and enhanced. Within towns, development must be appropriate in its impact, character and siting to the location within which it is proposed. In particular, development should embody a high standard of design and layout and help maintain and where possible enhance the character of its surroundings. All open land that is important to the character of the settlement within which it is located will be protected from

development. Further, all existing tree cover and important areas of vegetation will be conserved. Policy LD3 explains, amongst other things, that development proposals will only be permitted where they do not cause serious harm to the character or appearance of the area or the amenities of neighbouring land uses. Policy LD5 explains that development will not be permitted where it is likely to give rise to serious road safety problems.

3. The Local Plan is in the course of being reviewed. Proposed modifications to the Wokingham District Local Plan have been published following the Inspector's Report into objections to the emerging Local Plan. It is proposed to adopt the emerging Local Plan in March 2004. Policies WOS3(F), WBE1, WBE11 and WT7 reflect existing development plan policies or Government advice. Policy WH1A explains that within settlements proposals for using land for housing will be determined in accordance with sustainable development criteria. The most relevant criterion in this case is how successful the design and layout of the proposal would be in minimising any adverse impact on the character of the landscape. Policy WH6A(C) explains, amongst other things, that planning permission for new housing schemes will be refused for poor designs, layouts and setting. In line with guidance contained in paragraph 48 of Planning Policy Guidance Note 1: *"General Policy and Principles"* I have attached considerable weight to the relevant policies of the emerging Local Plan.

4. I have also been referred to advice in PPG 1 and Planning Policy Guidance Note 3: *"Housing"*. PPG Notes 1 & 3 explain that the Government is committed to maximising the re-use of previously developed land in order to minimise the amount of greenfield land taken for development.

Clarification

5. I do not consider that Local Plan Policy SBE9 or emerging Berkshire Structure Plan 2001-2016 Policy H3 assist in the determination of these appeals.

Main Issues

6. I consider the main issues in this case are the effect of the proposal on:

   - the character and appearance of the area,
   - the living conditions of nearby occupiers having particular regard to loss of privacy,
   - highway safety having particular regard to the potential for on-street parking an inadequate visibility at the access.

Reasons

Character and Appearance

7. Eastheath Gardens is a cul-de-sac accessed from Eastheath Avenue. The site forms part of the large well-landscaped and mature garden to the side of No. 19. Nos. 19 and 20 are substantial modern detached dwellings set within large plots which together comprise an island site that is largely screened from public view by hedges, trees and other vegetation growing round the island's perimeter. There are two vehicular access points into the island that serve the aforementioned premises. The island site is surrounded by detached and semi-detached modern dwellings with relatively short frontages that look out onto it. To that extent the island forms a focal point within Eastheath Gardens.

8. There are two proposals before me. Appeal A proposes a 3-bedroomed two-storey house with a detached single-storey garage accessed off a proposed new driveway opposite 1 & 2 Eastheath Gardens. Appeal B proposes a similar dwelling albeit with a smaller footprint, sited further into the site and having an attached garage accessed off an enlarged shared driveway with No. 19.

9. A substantial perimeter hedge (between 2m and 3m in height) screens the site when viewed from that part of Eastheath Gardens near its junction with Eastheath Avenue. The higher part of the gable end of No. 19 can be seen above the hedge. There are, however, very clear views of the site seen from near the vehicular access to No. 19.

10. The site contributes to the character of the area by being free of any built development and being visually pleasing where seen. However, I do not consider that its contribution to the area is significant. The impact of the proposal dwelling in both cases would be the loss of a view of part of an attractive undeveloped garden. Further, there would be a view of the gable end of the proposed house (in both cases) above the high boundary hedge when seen from the junction of Eastheath Gardens and Eastheath Avenue. However, as explained above there is an existing similar view of No. 19. I know that the impact of both proposals would be greater because the gable end would be closer to the boundary but I do not consider that it would be so prominent that it would significantly harm the character or appearance of the area. Therefore, in both cases I consider that the dwelling itself would not materially harm the character or appearance of the area.

11. However, in respect of Appeal A an access point for the proposed garage would have to be made through the existing boundary hedgerow and trees/vegetation behind. I consider that the existing vegetation around the perimeter of the island does make a significant contribution to the character and appearance of the area. The opening up of this perimeter would damage the existing appearance of this part of Eastheath Gardens by introducing a suburban driveway with its hard-surfacing, garaging and extensive views of the rear of No. 19 and the proposed dwelling. I note the appellant's contention that such an access could be built under permitted development rights and that none of the trees that had to be removed are protected. However, the appellant confirmed that there was no firm intention to carry out such works. The problem identified above could be exacerbated if it transpired that greater visibility was required at the access point than that currently proposed. This would result in further hedging, trees and vegetation being removed. Therefore, I conclude that in respect of Appeal A that the removal of the boundary vegetation to provide the necessary off-street car parking would seriously harm the character and appearance of the area.

12. In respect of Appeal B no such works referred to above would be necessary, as the proposal is to access a single-storey garage at the side of the proposed house off the existing vehicular access to No. 19. The existing access would, however, have to be widened to accommodate this.

13. The Council has made a Tree Preservation Order (TPO) in respect of a yew tree near the access point. The appellant has lodged an objection with the Council against the making of the TPO. If the Council and appellant cannot resolve this objection the Council will have to decide whether or not to confirm the TPO. There is no doubt in my mind that the yew, whether or not it is protected, adds to the visual quality of the area. The uncontested evidence of the Council is that the proposed driveway would result in damage to the tree's roots. Further still, it is highly likely that if construction traffic accessed the site using the

proposed access severe damage would be caused to some of the tree's stems due to the shape of the tree and its relationship to the widened driveway. The appellant accepted that there was no method of mitigating the root damage to the tree. I therefore conclude in respect of Appeal B that the proposed driveway would result in the premature death and removal of the yew and this would seriously harm the character and appearance of this part of Eastheath Gardens.

14. The appellant suggested that it would be possible to access the garage proposed in Appeal B via an alternative driveway that would avoid any harm to the yew tree and suggested that this could be achieved by the imposition of an appropriately worded condition. However, I do not consider that an alternative access should be determined in this way, as many members of the public who commented on the application would be unaware of the alternative access suggested. In any event, any alternative access would result in its own visual impact that would need to be judged against the policies of the development plan.

15. I therefore conclude for the reasons referred to above that both proposals would materially harm the character and appearance of the area. Accordingly, they would be contrary to the policies of the development plan and the emerging Local Plan.

Living Conditions – Privacy

16. This issue is raised by the Council in respect of Appeal A only. The Council's concern relates to the loss of privacy for the occupiers of No. 17 by reason of overlooking from the proposed window lighting bedroom 3.

17. The distance between the front elevation of No. 17 and the proposed front elevation of the dwelling is about 17.5m. I note that the window would not directly face any windows within No. 17 but I am satisfied that there would be clear and unobstructed views between the aforementioned bedroom window and the windows of habitable rooms within No. 17. I also consider that the distance between those windows is insufficient to avoid overlooking. Therefore, the proposed dwelling would be inappropriate in terms of its relationship with No. 17.

18. I conclude, for the reasons explained above, that the living conditions of the occupiers of No. 17 would be seriously harmed by the Appeal A proposal. Accordingly, this proposal would be contrary to the policies of the development plan and the emerging Local Plan.

Highway safety

19. The island has five sides and sharp corners (three being at 90-degrees) and the forward visibility for road users is very limited. The width of the road is sufficient to allow 2 vehicles to pass one another although problems can occur if large vehicles, such as refuse lorries, need to pass cars parked near the corners.

20. The Council is concerned in respect of Appeal A only that vehicles would not park off-street because of the distance of the garage from the main house. I do not share that concern – it would be relatively easy to ensure that cars were securely parked within the garage or on the driveway. Further, a pathway could be laid out between the parking area and the proposed front door of either property. Further, there would be sufficient space using both the garage and the driveway to cater for a family with two cars.

21. However, the access point is close to one of the 90-degree bends referred to above. Drivers of vehicles reversing off the driveway onto Eastheath Gardens would have very limited visibility of vehicles approaching from either direction but especially from that part of Eastheath Gardens fronting Nos. 3-6. The problem would be exacerbated by parked vehicles that would force oncoming vehicles onto the wrong side of the road. Whilst I accept that collisions between motor cars are unlikely because of the relatively low speeds I do have concern for users of single track vehicles who may be forced to brake heavily on the corner so as to avoid a collision and resulting skidding or loss of control especially in wet or icy weather. Therefore, I have no doubt that the Appeal A proposal would not promote road safety for all road users as required by the policies of the development plan.

22. I therefore conclude, for the reasons explained above, that the Appeal A proposal would result in significant highway safety risks for road users. Accordingly, that proposal would be contrary to the policies of the development plan and the emerging Local Plan.

Other Matters

23. I viewed the nearby housing development in Crail Close but I do not consider that this assists in the determination of these appeals.

24. I have also had regard to the earlier Decision Letters, one relating to development at No. 19 and the other at No. 20. Both of those decisions were made in the mid-1980s prior to the current policies in the development plan and the most recent advice in PPG 3 or the statutory requirement set out in Section 54A of the Town and Country Planning Act 1990. In these circumstances I consider that whilst they are material to my decision they do not carry the same weight had they been made more recently.

25. Concerns have been raised that the proposal would result in more flooding in Eastheath Gardens. However, I have no evidence that the existing state of affairs would be made any worse. I was advised that the removal of any trees or hedges would be unlikely to cause any additional flooding.

26. Some local residents are concerned that problems would result with additional vehicles accessing onto Eastheath Avenue and Finchampstead Road. The Council's highway expert did not consider that the additional traffic from one dwelling would cause any significant problems and I fully agree with that assessment.

27. The occupiers of No. 3 are concerned about their loss of privacy if the proposal went ahead. I was advised that the distance between the rear elevation of the dwelling proposed in Appeal B (the nearest to No. 3) and the front windows of No. 3 would be in excess of 30m. Accordingly, I do not consider that any unacceptable loss of privacy would result for the occupiers of No. 3.

28. Whilst I have found that these other matters do not weigh against the proposal they are insufficient to counterbalance the material harm that I have identified under the main issues referred to above.

Conclusions

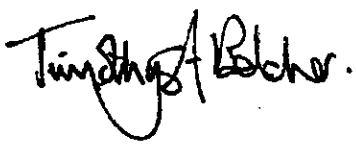
29. For the reasons given above and having regard to all other matters raised, I conclude that neither of the appeals should succeed.

Formal Decisions – Appeals A & B

30. I dismiss both appeals.

Information

31. A separate note is attached setting out the circumstances in which the validity of these decisions may be challenged by making an application to the High Court.



INSPECTOR.

APPEARANCES

FOR THE APPELLANT

Mr. R. Reynolds BSc., MRICS and MRTPI	Planning & Development Partnership, 35 St. Lukes Road, Maidenhead, SL6 7DN
Mr. A. Woolnough	19 Eastheath Gardens, Wokingham, RG41 2PH

FOR WOKINGHAM DISTRICT COUNCIL

Mrs. A. Odell BA and M.Phil.	Planning Officer
Mr. N. Etherington Dip. Arb. (RFS) F. Arbor A	Senior Arboriculturist
Mr. S. McMillan MSc. & MIHT	Highways (Development Control)

INTERESTED PERSONS

Mr. B. & Mrs. A. Medaglia	1 Eastheath Gardens, Wokingham, RG41 2PH
Mr. H. & Mrs. K. Moore	4 Eastheath Gardens, Wokingham, RG41 2PH

DOCUMENTS

Document 1 – List of persons present at the Hearing.
Document 2 – Structure Plan Policies.
Document 3 – Emerging Structure Plan Policies.
Document 4 – Local Plan Policies.
Document 5 – Emerging Local Plan Policies.
Document 6 – Copy of Council's letters of notification and list of persons notified.
Document 7 – Representations made to the Planning Inspectorate.
Document 8 – Representations made to the Council (Appeal A).
Document 9 – Representations made to the Council (Appeal B).
Document 10 – Appendices (1-5) to the appellant's Statement of Case (Appeal A).
Document 11 – Appendices (1-2) to the appellant's Statement of Case (Appeal B).
Document 12 – Appendices (1-6) to the Council's Statement of Case (Appeal A).
Document 13 – Appendices (1-7) to the Council's Statement of Case (Appeal B).
Document 14 – List of conditions suggested by the Council.
Document 15 – The Wokingham District Council (Parish of Wokingham) Tree Preservation Order No. 1058/2003 dated 12 December 2003
Document 16 – Copy of letter dated 24 December 2003 from Mr. R. Cousens to the Council.

Document 17 – Copy of Decision Letter (Ref. T/APP/H0330/A/85/034911/P3) – 20 Eastheath Gardens.

PLANS

Plan A – Application Plan (Appeal A)
Plan B – Application Plan (Appeal B)

PHOTOGRAPHS

Photographs A & B - Development in Crail Close, Wokingham

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT : MR WOOLNOUGH

APPEAL SITE : 19 EASTHEATH GARDENS, WOKINGHAM

REASON FOR APPEAL : REFUSAL TO GRANT PLANNING PERMISSION FOR THE ERECTION OF ONE DETACHED DWELLING AND DETACHED GARAGE

LOCAL PLANNING AUTHORITY REFERENCE : F/2002/9563

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE : APP/X0360/A/03/1129879

APPENDICES

LIST OF APPENDICES

1. Location Plan of the Appeal Site, Scale 1:1250

2. Extracts from Berkshire Structure Plan 1991 - 2006

3. Extracts from Berkshire Structure Plan 2001 – 2016 (Deposit Draft)

4. Extracts from South East Area Local Plan.

5. Extracts from Wokingham District Local Plan (as agreed to be modified)

6. Copy of Inspector's decision letter on Application No. 28457

7. Conditions for Appeal if allowed.

APPENDIX 1

APPENDIX 2



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





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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.

4.8 The provision of suitable small recycling facilities, such as bottle and can banks, in association with development acceptable under other policies in this Plan, will contribute towards meeting a target of recycling at least 25% of the County's household waste by the year 2000 as proposed in Policy W2 (35% by 2007). The nature and type of facilities will depend on the type of development and the waste management systems being used. However, the facilities may include two separate elements :

- local recycling facilities for the public to deposit different types of recyclable material; and
- facilities for source separation and storage of different types of waste.

4.9 Policy LD2 will normally apply to the following categories of development:

(i) housing proposals for 100 or more dwellings;

(ii) new development, redevelopment or refurbishment of shopping centres or facilities where the floorspace of existing and new development amounts to 500 sq.metres or more;

(iii) business, industrial, distribution or storage development involving a net increase in floorspace of 500 sq.metres or more;

(iv) major transport, leisure, recreation, tourist or community facilities;

(v) car parks for the public including 'park and ride' schemes with over 200 spaces; and

(vi) appropriate smaller developments which frequently attract a significant number of people (e.g. community or shopping schemes).

ENVIRONMENTAL IMPACT

4.10 The County Council considers that even where proposals for development may be acceptable in principle within the provisions of other policies in the Structure Plan and in local plans, local planning authorities need to be satisfied that proposals will not have any significant adverse environmental impact.

Environmental Impact of Development

Policy LD3 *Development proposals will only be permitted where they do not give rise to an unacceptable impact on the environment, including serious harm to the character or appearance of an area, or the amenities of neighbouring land uses.*

4.11 In a highly constrained County such as Berkshire, most major development is likely to have a significant impact, either by itself or cumulatively, and environmental assessments may be required for a wider range of development than that specifically referred to in Circular 15/88 in order to determine the acceptability of proposals.

4.12 Circular 15/88, which explains the provisions of the Town and Country Planning (Assessment of Environmental Effects) Regulations advises that environmental assessments need to be carried out for development proposals which are likely to have significant environmental impacts by virtue of their nature, size and location. To enable the local planning authorities to make such assessments, relevant proposals should be accompanied by "environmental statements" on the lines set out in Schedule 3 to the Regulations. The Circular gives a broad indication of the type and scale of project which may require an environmental assessment, although it is recognised that an assessment may also be needed for smaller development proposals where they are likely to give rise to significant environmental effects.

4.13 It will be up to the local planning authorities to determine the size, location and types of development for which an environmental assessment will normally be required. The environmental statement provided by a developer with a planning application should examine the impacts of the proposed development and make clear how measures to ameliorate these impacts have been incorporated into the design of the development, so that the local planning authorities can properly undertake an environmental assessment. Judgement as to whether on balance a particular proposal is likely to have an unacceptable impact on the environment will depend upon the size, location and type of development being considered.

4.14 Many proposals which do not necessitate a full environmental statement as specified in Schedule 3 to the Regulations may, nevertheless, have a substantial environmental impact either individually or cumulatively with other schemes. In such cases, planning applications will need to be accompanied by sufficient relevant information for their impact to be assessed by the local planning authority.

4.15 The County Council, as highway authority, will ensure that the environmental impact of new transport schemes or improvements is minimised. Improvements to the highway network will need to take account of the broader environmental implications, as well as the transport benefits of any scheme.

Environmental Impact of Transport Schemes

Policy LD4 **The County Council will seek to ensure that the environmental impact of any transport scheme is kept to the practical minimum by comprehensive planning.**

4.16 Steps to be taken in seeking to minimise the potential environmental impact of transport improvements will include careful alignment, design and use of materials, together with comprehensive landscaping and forms of lighting and signage that are as unobtrusive as possible.

APPENDIX 3

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

AO

Deposit Draft March 2002

Berkshire Structure Plan 2001-2016

Prepared by the **Berkshire Unitary Authorities' Joint Strategic Planning Unit**

VISION

DEVELOPMENT

ENVIRONMENT

HOUSING

EMPLOYMENT

LEISURE

TRANSPORT

MINERALS

WASTE



Bracknell Forest Borough Council | Reading Borough Council | Slough Borough Council

2006-2011

6.15 As indicated in paragraph 6.13, a further 13,100 dwellings are required in this period. The Berkshire authorities have decided that a number of factors should influence the distribution for this period. These include forecasts of household formation from within the existing population at a local authority level, an examination of where most employment development is likely to occur, the location of unconstrained land and the results of an urban potential study undertaken jointly by the six authorities. This study covers the period 2000-2011 and involved a detailed survey of the urban areas of Berkshire, to see how many dwellings might be provided within those areas, under a series of different assumptions.

2011-2016

6.16 The situation for the period after 2011 is particularly uncertain. The current overall provision for the period 2011-2016 is likely to be subject to one or possibly two reviews of RPG9 and of the Structure Plan by 2011. The ability of the urban areas to deliver sites will also be clearer by that stage and it is likely that the urban potential study will have been updated. It is therefore very unlikely that any allocations made now for 2011-2016 will remain unchanged. However, RPG9 requires this Plan to make provision for that period, although development plans are not required to identify specific locations at this stage (paragraph 34 of PPG3). Policy H2 therefore assumes, for present purposes, that the district level distribution for 2011-2016 will be the same as that for 2006-2011. The intention is to arrive at a more specific distribution for 2011-2016 as part of the 2006 review of the Plan, once the outcome of the Government's first review of RPG9 is known. The figures for the final phase are therefore subject to re-assessment in the light of that review.

6.17 A further explanation of the above principles is set out in the Technical Working Paper which supports this chapter.

How it will be carried out

6.18 Through the preparation, monitoring and review of local plans. Arrangements are in place for regular and detailed monitoring of development which will enable the authorities to review progress on both polices H1 and H2. This will include monitoring the location of development and the amount achieved by authorities – individually and collectively – on previously developed urban land.

Policy H3: Priority to Development of Previously Developed Urban Land

Local plans will ensure that fullest possible use is made of previously developed land in urban areas for housing development, and that the release of greenfield land does not prejudice the re-use of previously developed urban land.



Reason for the Policy

6.19 The Government wants planning authorities to maximise the use of previously developed land, empty properties and the conversion of non-residential buildings for housing, in order to prevent the unnecessary release of greenfield land for development. In many parts of the country there is concern that greenfield sites would be developed quickly, without policies to control the release of such sites. As a result, the use of previously developed urban sites might be delayed – possibly indefinitely. However, the strength of Berkshire's housing market, and the fact that greenfield sites make up a relatively modest part of the total housing provision, lead to the view that this is unlikely to be a problem which is widespread in the Berkshire area. However, circumstances may differ across Berkshire and local plans will be expected to address the question of whether, in the light of local conditions, phasing or other policies are needed to ensure that urban sites are brought into use. As referred to in paragraph 6.14, greenfield releases have already been agreed in Slough to meet its needs, the issue having been examined in the light of opportunities to achieve housing development on previously developed sites in the urban area at the time, over the period until 2006.

How it will be carried out

6.20 By the local planning authorities, through local plans and development control. The Berkshire authorities will work towards the Government's regional target, of at least 60% of all such development being on previously developed land by 2008, although the ability of each authority to achieve (or exceed) that target on an individual basis will vary greatly. The Councils will keep the results of the urban potential study under review and will supplement it as necessary with more detailed urban potential work within each local authority area, to inform local plans.

Policy H4: Identification of Greenfield Housing Land

1. In the event that greenfield land is required to meet the housing provision specified in policy H2, it will be achieved through the identification of:

(i) greenfield land within settlement boundaries, where it does not conflict with other structure plan and local plan policies;

(ii) greenfield land outside existing settlement boundaries, through the redefinition of settlement boundaries as part of the local plan process.

2. In the case of clause (ii) in paragraph 1 above, local authorities must ensure that unconstrained land is released before land subject to constraints. Should this principle need to be relaxed, land subject to policy constraints should normally be considered before land subject to intrinsic constraints. The following sequence should then be pursued:



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
Fax: (0734) 778735



development intrudes on the countryside, the provision of landscaping will be encouraged. The background work for this policy has involved carrying out a plan wide landscape survey which has included an assessment of the quality of boundaries to 'identified' settlements.

❖ STV4 ENHANCING SETTLEMENT BOUNDARIES

THE DISTRICT COUNCIL WILL SEEK TO RETAIN NATURAL BOUNDARY FEATURES WHICH EXIST AROUND 'IDENTIFIED' SETTLEMENTS AND ENCOURAGE THE STRENGTHENING OF BOUNDARIES BY NEW TREES AND HEDGEROW PLANTING WHERE NATURAL FEATURES ARE WEAK OR ABSENT. AND DEVELOPMENT IMPINGES ON THE COUNTRYSIDE. WHERE SUCH BOUNDARIES ARE FORMED BY WOODLAND OR TREES THE PROTECTION MAY TAKE THE FORM OF TREE PRESERVATION ORDERS.

1.1.12 Although there is a general presumption in favour of development within identified settlements, it is felt that there is a need to consider particularly carefully proposals for development within, but adjacent to, the boundary of the identified settlement where the settlement edge is fairly exposed due to land levels or limited natural screening and existing development is of a fairly low density. An intensification of the level of development through infilling, redevelopment or the additions of substantial extensions could result in the introduction of a hard urban edge close to the rural area.

❖ STV5 TRANSITIONAL AREAS

IN VISUALLY SENSITIVE TRANSITIONAL AREAS, AS DEFINED ON THE PROPOSALS MAP, THE DISTRICT COUNCIL WILL RESTRICT ADDITIONAL DEVELOPMENT, IN THE FORM OF INFILLING, REDEVELOPMENT AND EXTENSIONS TO A LEVEL APPROPRIATE TO PREVENT THE FORMATION OF A HARD URBAN EDGE TO SETTLEMENTS.

IMPORTANT OPEN AREAS WITHIN SETTLEMENTS

1.1.13 In addition to the visually sensitive transitional areas and the more extensive open areas defined in Part 2 of the Local Plan, certain parts of some settlements have a distinctive character derived from the amount of open space and space about buildings. Often these spaces have a profuse amount of vegetation within them which is important in softening the urban environment. Whilst some settlements have isolated areas of this form of development the degree of concentration of development in older settlements tends to decrease with distance from the centre and there are open areas close to the boundaries which it is important to retain. Many of the important open areas within settlements are by their nature small and the local plan does not, therefore, define the areas to which the following policy relates. The application of the policy will be through the consideration of individual areas in the light of specific proposals.

❖ STV6 PROTECTION OF IMPORTANT OPEN AREAS WITHIN SETTLEMENTS

WITHIN THE IDENTIFIED SETTLEMENTS, DEVELOPMENT OF AREAS OF OPEN LAND INCLUDING GAPS IN ROAD FRONTAGES AND GARDEN AREAS WHICH SIGNIFICANTLY CONTRIBUTE TO THE CHARACTER OF SETTLEMENTS WILL NOT NORMALLY BE PERMITTED. ANY NEW DEVELOPMENT,

INCLUDING INFILL DEVELOPMENT WILL ONLY BE PERMITTED IF IT IS SYMPATHETIC IN SCALE AND CHARACTER TO THE ENVIRONS OF THE SITE.

ENVIRONMENTAL ENHANCEMENT

1.1.14 The District Council is keen to see enhancement of the environment throughout the plan area. Priorities for action are established in the following chapters but other opportunities will also be taken as they arise subject to the availability of funding and other resources where appropriate.

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

appearance of the built environment. The design, quality and materials of items such as bus shelters, rubbish bins, and seating frequently invade the built environment to its detriment. It is essential that due consideration is given to items of street furniture to ensure that they do not adversely affect the character or appearance of the built-up areas. In appropriate cases it may also be necessary to adopt a process of rationalisation of existing street furniture to reduce clutter.

❖ SBE7 STREET FURNITURE

THE DISTRICT COUNCIL WILL SEEK A HIGH STANDARD OF STREET FURNITURE COMPATIBLE WITH THE CHARACTER OF THE AREA IN WHICH IT IS TO BE SITUATED. IN CONSERVATION AREAS PARTICULAR CARE WILL BE TAKEN TO ENSURE THAT STREET FURNITURE IS APPROPRIATE IN TERMS OF MATERIALS, COLOUR, DESIGN AND LOCATION.

TREES AND LANDSCAPING

1.4.13 The built environment can be considerably enhanced by the presence of trees and shrubs. They not only "green" an area but soften and give scale to hard urban environments. In addition they are often features of beauty in themselves and therefore have an important design role to fulfil. In new developments this role is apparent in that trees immediately give some sense of 'establishment' to what are often raw new urban forms, and this helps to integrate the new with the old. Accordingly trees can help create a 'sense of place'. Native species of trees and shrubs are particularly valuable since they help to maintain levels of wildlife in urban areas and they should be retained and introduced in landscaping schemes where possible and appropriate.

1.4.14 Trees which make a significant contribution to the visual scene can be safeguarded by the making of Tree Preservation Orders under Section 198 of the Town and Country Planning Act 1990. Failure to comply with the orders can lead to the imposition of fines as well as requiring replanting with appropriate species. The District Council will require full tree surveys in proposals for the development of sites which currently enjoy tree or hedgerow cover.

1.4.15 Landscaping does not apply only to trees and shrubs. These are the 'soft' components of landscaping which also possesses a 'hard' element e.g. paving schemes (floorscape), boundary features etc. Hard landscaping can be equally important in helping to establish the identity of a locality. Landscaping (hard or soft) should always be considered as an integral part of a development rather than as an afterthought. Thought should be given to landscape design at the outset of the total design process. If treated as an afterthought, landscaping can seem ill- considered and ineffective. Completeness through design is considered as the most appropriate approach. The timing of the provision of landscaping in relation to development will also be an important factor in achieving the integration of new development into its surroundings.

❖ SBE8 LANDSCAPING OF NEW DEVELOPMENT

❖ *THE DISTRICT COUNCIL WHEN CONSIDERING PLANNING APPLICATIONS WILL SEEK TO ENSURE THE ENHANCEMENT OF THE SITE BY APPROPRIATE LANDSCAPING AND WILL HAVE FULL REGARD TO THE NEED FOR CONSERVATION OF EXISTING LANDSCAPE FEATURES ESPECIALLY TREES AND HEDGEROWS. GENERALLY, APPLICATIONS FOR LARGE SCALE DEVELOPMENT MUST BE ACCOMPANIED BY A DETAILED LANDSCAPE SURVEY, TOGETHER WITH A PROPOSED LANDSCAPING SCHEME AND MANAGEMENT PLAN.*

❖ SBE9 EXISTING TREES

WHERE INDIVIDUAL TREES, GROUPS OF TREES OR AREAS OF WOODLAND ARE UNDER THREAT AND ARE CONSIDERED TO BE OF PARTICULAR AMENITY VALUE THE DISTRICT

COUNCIL WILL NORMALLY MAKE TREE PRESERVATION ORDERS.

ADVERTISEMENTS

1.4.16 The presence of advertisements in the urban environment can either enliven or spoil the street scene in which they are displayed. Inappropriately designed and sited advertisements can have a severely detrimental effect on the visual quality of the built environment. Alternatively many signs and advertisements are appropriate to the location in which they are displayed and reinforce the vitality and character of a particular location.

1.4.17 Consequently there is a requirement to control the effect which advertisements have on the built environment. The Town and Country Planning (Control of Advertisements) Regulations 1992 gives District Councils the statutory authority to control the display of certain advertisements. Furthermore, provisions exist under the same regulations for the removal of an advertisement on the grounds of amenity or safety whether it is initially under the control of the Local Authority or not.

1.4.18 There is inevitably a concern on behalf of the District Council to ensure that all advertisements wherever they may be displayed should add to the amenity of the area rather than detract from it. Stricter rules with regard to the erection of "For Sale" signs now apply. Wokingham District Council will seek to ensure that estate agents throughout the District abide by these new regulations.

❖ SBE10 NEW ADVERTISEMENTS

ADVERTISEMENTS WILL BE PERMITTED IF THEY ARE CONSIDERED TO BE WELL SITED AND DO NOT DETRACT FROM THE AREA WITHIN WHICH THEY ARE DISPLAYED. WITHIN CONSERVATION AREAS THE APPLICANT WILL NEED TO DEMONSTRATE THAT THE DESIGN AND LOCATION OF THE ADVERTISEMENT REFLECTS THE CHARACTER OF THE AREA.

1.4.19 Provisions exist within the advertisement regulations for particularly sensitive areas to be declared Areas of Special Control. Such designation requires the confirmation of the Secretary of State and is appropriate in sensitive urban and rural areas in order to afford greater protection to the environment. The District Council will investigate the need for the designation of Areas of Special Control as part of a package of measures aimed at improving advertisement control in areas where problems are perceived.

SHOP FRONTS

1.4.20 The design of a shopfront should relate satisfactorily to that of the rest of the building in which it is set, as well as to nearby buildings and shopfronts where appropriate. Particular care is needed where a building is listed or in a conservation area or is on a conspicuous site. The importance of "house style" to some traders is recognised, but the importance of visual amenity is considered to be greater. House styles may therefore require to be sympathetically adapted, particularly in conservation areas.



❖ SBE11 SHOP FRONTS

NEW SHOP FRONTS WILL BE PERMITTED WHERE THEY RELATE SATISFACTORILY TO THE ARCHITECTURAL FRAMEWORK OF THE BUILDING, ARE COMPATIBLE WITH THE

APPENDIX 5

A0

WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

DEPOSIT DRAFT

WITH PROPOSED FURTHER MODIFICATIONS

HIGHLIGHTED

August 2003

Wokingham District Plan Deposit Draft (as Further Modified) August 2003

The Wokingham District Local Plan deposit draft was placed on deposit from 21 October 1997 until 2 December 1997.

A large number of objections were received. These were considered at two Local Plan Inquiries. The first considered objections to Chapter 6 of the Plan, with the second dealing with the remainder. The Council received the Inspector's Reports on these Inquiries in July 2000 and October 2001 respectively.

The Executive on 4 December 2002 considered the Council's response to both Reports and agreed the Proposed Modifications. These Proposed Modifications were published for consultation from 5 February until 19 March 2003. A number of objections were received.

The Executive on 31 July considered the Council's response to the objections on the Proposed Modifications and agreed a number of Further Modifications.

This consolidated document includes the text of the Deposit Draft Plan (as Modified) and the amendments outlined in the Further Proposed Modifications. To assist understanding of the consolidated Plan, the text is shown ~~struck through~~ or in **bold** (representing deletions or additions respectively from the Deposited Plan as Modified). Where appropriate, there are references to the Further Modification Number (format: FM/chapter number/change number, eg FM/5/1) after each change.

This consolidated document also includes those changes to the Plan that the Council considers do not materially affect the content of the Plan. Consequently, these changes have not been advertised as Further Proposed Modifications. The following are examples of non-material changes:

a) Ensuring that references to the organisations are updated to reflect their current name (e.g. changing Countryside Commission to Countryside Agency);
b) Changing the reference of "Inset Map" to "Proposals Map";
c) Removal of the reference to the Chapter Description before the Policy i.e. in WR24, there is no need for "rural economy" before "Policy WRE2". The WRE reference implies that it is a rural economy policy; and
d) Inserting new paragraph numbers as necessary.

In case of any queries please contact:

The Policy and Plans Team,
Environmental Services Department,
Wokingham District Council, Shute End,
Wokingham, RG40 1WR

Telephone 0118 974 6478.

POLICY WOS2: HOUSING DEVELOPMENT PRINCIPLES

WHEN DETERMINING NEW HOUSING DEVELOPMENT PROPOSALS A SEQUENTIAL APPROACH WILL BE APPLIED WHEREBY:

A) PREVIOUSLY DEVELOPED LAND AND BUILDINGS WITHIN THE BOUNDARIES OF CATEGORY A SETTLEMENTS WILL BE DEVELOPED FIRST;

B) SECONDLY, LAND AND BUILDINGS ON THE EDGE OF CATEGORY A SETTLEMENTS THAT ARE SERVED BY GOOD PUBLIC TRANSPORT CORRIDORS WILL BE CONSIDERED;

C) LASTLY, DEVELOPMENT PROPOSALS FOR LAND AND BUILDINGS IN CATEGORY B SETTLEMENTS WILL ONLY CONSIST OF VERY LIMITED INFILLING AND SMALL WINDFALL DEVELOPMENT.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

1.11 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 appropriateness of the use of existing buildings and the design of new buildings or extensions to existing buildings, are very important.

1.12 The Council is particularly concerned to promote a high standard of design in new buildings, to ensure that new buildings are responsive to their location and to their potential occupants' and/or users' needs. New development needs to be appropriate in terms of function, siting, scale, form, massing, materials, colour and texture in its relationship with adjoining buildings and sites. Accordingly, new development will be expected to make an acceptable and positive contribution to the built environment. In addition new development should be appropriately located so as to reduce the need to travel and to encourage alternative modes of transport to the car.

1.12A Landscaping schemes should be comprised predominantly, if not wholly, of locally native species.

1.12B People with disabilities are a diverse population and may include individuals with visual, hearing or cognitive impairments, ambulant disabled, the elderly, or wheelchair users. Many of these groups may be denied access to development by ill-considered design solutions.

1.12C PPG1 states that "When a new building is proposed, or when planning permission is required for the alteration or change of use of an existing building, the developer and local planning authority should consider the needs of people with disabilities at an early stage in the design process. They should be flexible and imaginative in seeking solutions, taking account of the particular circumstances of each case."

1.12D Policy WOS3 seeks to ensure appropriate facilities are provided for disabled people in all developments to ensure equal access for everybody.

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

THE COUNCIL WILL REQUIRE ALL DEVELOPMENT PROPOSALS THAT ARE ACCEPTABLE IN PRINCIPLE WHEN ASSESSED AGAINST OTHER POLICIES OF THIS PLAN TO:

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) HAVE NO SIGNIFICANT DETRIMENTAL IMPACT UPON 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 SUITABLE FOR USE BY PEOPLE WHO HAVE MOBILITY OR SENSORY IMPAIRMENT (M/1/20)

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 could include infrastructure required to provide necessary statutory services. This is a material consideration in considering planning applications (as set out in Circular 1/97, *Planning Obligations* and PPG12 paragraph 6.16). 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

4.6 Comprehensive guidance on heritage issues is given in Planning Policy Guidance Note 15 (PPG15) *Planning and the Historic Environment.* Planning Policy Guidance Note 16 (PPG16) *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 policies in this chapter are augmented by additional guidance in the form of development briefs, conservation area studies and several new Supplementary Planning Guidance Notes. These relate to specific aspects of this chapter that the Council will prepare during the Local Plan period. Applications in Conservation Areas, Areas of Special Character and other sensitive areas will be expected to be accompanied by a Design Statement to demonstrate how the development will take account of the character of the area.

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

4.9 Policy WBE1 seeks to achieve better quality in the design of individual developments and this should reinforce local identity and result in improvement of the wider built environment. The emphasis of Policy WBE1 is on good design.

4.9A This policy should ensure that local distinctiveness is not diluted and internationalisation of style is avoided within the district. The provision of safe and secure environments which deter crime in both public and private spaces are a prime objective of the Council. This issue will be addressed through good layout and building design as well as a mixture of land uses, which together will promote good natural surveillance.

POLICY WBE1: DESIGN AND NEW DEVELOPMENT

NEW DEVELOPMENT WILL BE EXPECTED TO ACHIEVE HIGH STANDARDS OF DESIGN AND LAYOUT, WHICH MAKES EFFICIENT USE OF LAND AND BUILDINGS. A SCHEME SHOULD CREATE ITS OWN IDENTITY, WHILST TAKING ACCOUNT OF THE WIDER LOCALITY, INCLUDING THE SURROUNDING TOWNSCAPE AND LANDSCAPE. IN ADDITION, DEVELOPMENT PROPOSALS WILL BE EXPECTED TO HAVE REGARD TO THE FOLLOWING PRINCIPLES:

A) A REDUCTION IN THE LEVEL OF CAR PARKING BELOW MAXIMUM STANDARDS WHEREVER POSSIBLE IN ORDER TO PROMOTE SUSTAINABLE TRANSPORT CHOICES;

B) ENCOURAGEMENT OF MEASURES THAT PROMOTE ACCESSIBILITY TO SERVICES AND FACILITIES BY PUBLIC TRANSPORT, CYCLING AND WALKING;
C) INCORPORATION OF FEATURES THAT MAXIMISE THE SAFETY AND SECURITY OF PEOPLE LIVING IN OR USING THE DEVELOPMENT;
D) CREATION OF EASILY ACCESSIBLE AND ATTRACTIVE OPEN SPACES.

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

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

THE PUBLIC REALM

4.16 The provision of a policy enabling the Council to secure public art, where appropriate, through negotiated legal agreements will help to make the local environment more attractive and distinctive.

POLICY WBE7: PUBLIC ART

IN THE CONSIDERATION OF DEVELOPMENT PROPOSALS, THE COUNCIL WILL SEEK TO SECURE PUBLIC ART THROUGH NEGOTIATED LEGAL AGREEMENTS WHERE IT CONSIDERS THAT IT WOULD IMPROVE THE PHYSICAL ENVIRONMENT OF PUBLIC PLACES WITHIN THE DEVELOPMENT.

Implementation: Through contributions from the development process.

Monitoring: Projects achieved on the ground.

4.18 Ensuring good accessibility to new developments assists in the creation of a more vital environment, and assists in the promotion of safety and security through good surveillance.

POLICY WBE9: ACCESSIBILITY

DEVELOPMENT PROPOSALS WILL BE REQUIRED TO DEMONSTRATE GOOD ACCESSIBILITY WITH EASY AND SAFE INTERNAL ACCESS ALONG A NETWORK OF INTERLINKED FOOTPATHS. THE LOSS OF A PUBIC RIGHT OF WAY WILL NOT BE PERMITTED UNLESS APPROPRIATE ALTERNATIVE PROVISION CAN BE MADE.

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

4.19 Landscaping and planting can be used to enhance and integrate new development into the wider environment.

POLICY WBE10: LANDSCAPE AND PLANTING

NEW DEVELOPMENT WILL BE ENHANCED THROUGH THE USE OF APPROPRIATE LANDSCAPING. THIS WILL BE SECURED BY IMPOSING SUITABLE CONDITIONS ON THE GRANT OF PLANNING PERMISSION.

LANDSCAPE SCHEMES SHOULD RESPECT LOCAL LANDSCAPE CHARACTER AND WHEREVER POSSIBLE RETAIN AND PROTECT EXISTING NATURAL FEATURES. TREES AND SHRUBS WILL BE EXPECTED TO COMPRISE LOCALLY NATIVE SPECIES WHEREVER POSSIBLE.

Implementation: Assess the quality of landscape schemes through the development control process, including use of section E of the Planning Guidelines.

Monitoring: Check quality of landscape works and planting on the ground.

4.20 The Council considers it important to protect trees and hedges in the plan area, that make a fundamental contribution to its character and appearance. Tree preservation orders have already been applied to many individual and groups of trees and areas of woodland, and this approach will be continued as appropriate.

POLICY WBE11: TREES AND NEW DEVELOPMENT

IN CONSIDERING PROPOSALS FOR DEVELOPMENT THE EFFECT ON EXISTING TREES AND AREAS OF WOODLAND WILL BE TAKEN INTO ACCOUNT. TREES THAT ARE TO BE RETAINED WILL BE PROPERLY PROTECTED DURING THE COURSE OF CONSTRUCTION IN ACCORDANCE WITH A SCHEME TO BE FIRST APPROVED THROUGH APPROPRIATE CONDITIONS ATTACHED TO THE PLANNING PERMISSION. WHERE APPROPRIATE, TREE PRESERVATION ORDERS WILL BE APPLIED AND THE LOSS OR DAMAGE OF TREES PROTECTED BY NEW OR EXISTING ORDERS WILL BE RESISTED.

Implementation: Through the development control process, including use of section E of the Planning Guidelines.

Monitoring: Check quality of tree cover on the ground.

4.21 Many of the routes into Wokingham and other settlements are lined with trees and other vegetation that make a significant contribution to environmental character. These 'green' routes should be maintained and enhanced wherever possible. This is to be achieved by protecting the existing trees, managing the trees and other vegetation, resisting inappropriate development, and ensuring a high quality streetscape including trees, hard and soft landscaping, and well-designed signage. In addition, certain stretches of road that have the potential to be green routes, particularly sections running between existing green routes, will be enhanced. These aims will be achieved through planning conditions and/ or negotiated legal agreements.

POLICY WBE12: GREEN ROUTES

DEVELOPMENT WILL NOT BE PERMITTED THAT WOULD DETRACT FROM THE VISUAL QUALITY OF A GREEN ROUTE OR RESULT IN THE LOSS OF PROTECTED TREES. WHERE APPROPRIATE IT WILL BE EXPECTED TO CONTRIBUTE TOWARDS THE IMPROVEMENT OF GREEN ROUTE ENHANCEMENT AREAS THROUGH LANDSCAPE AND PLANTING SCHEMES.

Implementation: Through the capital programme and the development control process.

land will depend on its specific circumstances, for example where parts of the garden have an uncultivated, natural or wooded character, they will not be regarded as previously developed areas. Although sites outside settlements may also have these characteristics, they will not be considered suitable for new housing development as they tend to be in unsustainable locations. Only previously developed land within urban areas is acceptable for housing allocations.

5.11G Good public transport corridors are locations in settlements within a 400 m **walk** ~~from~~**of** a stop (railway station or bus stop) ~~on~~**of** a good service. A good public transport service meets the following requirements:

a) a least one timetabled service on the route in both directions every thirty minutes during peak hours (7:00 to 9:00 and 16:00 to 19:00 Monday to Saturday); and

b) at least one timetabled service on the route in both directions every hour during off-peak hours (9:00 to 16:00 and 19:00 to 22:00 Monday to Saturday and between 7:00 and 22:00 on Sundays).

~~This accords with the definition in the Council's "Housing Site Assessment Approach" document. The Council will have regard to the long term commercial viability of any existing or proposed service. A development outside of Good Public Transport corridors may be acceptable where it results in sufficient improvements to the service to accord with the above definition. However, such service improvements would need to be in place before the completion of the first dwelling.~~ (FM/5/14)

5.11H The Council ~~will~~**may** amend its approach for identifying housing allocations in any future review of this Local Plan **to ensure it reflects the latest guidance (including the Structure Plan)**. This ~~w~~would include the suitability of sites identified in Policies WH2A and WH2B. ~~In addition, other policy approaches including Green Gaps/Wedges may also be amended in any review to this Plan.~~ (FM/5/15)

POLICY WH1: HOUSING DEVELOPMENT – SITE SELECTION PROCESS

THE COUNCIL WILL IDENTIFY NEW HOUSING ALLOCATIONS BASED ON A SEQUENTIAL APPROACH STARTING WITH THE RE-USE OF PREVIOUSLY DEVELOPED LAND AND BUILDINGS WITHIN URBAN AREAS. IF INSUFFICIENT LAND IS AVAILABLE FROM THAT SOURCE, THEN SITES THAT FORM URBAN EXTENSIONS AND THEN NEW DEVELOPMENTS AROUND CENTRES WHICH ARE SERVED BY GOOD PUBLIC TRANSPORT CORRIDORS WILL BE SELECTED. ALL ALLOCATIONS WILL BE SUBJECT TO THE COUNCIL'S OBJECTIVE OF CREATING SUSTAINABLE FORMS OF DEVELOPMENT AND AN ASSESSMENT BASED ON HIGHWAY, INFRASTRUCTURE AND ENVIRONMENTAL CRITERIA

Implementation: Through the Local Plan and development control process

Monitoring: Planning applications

5.12 Only part of the District's housing requirement is met through the allocation of specific areas of land for development. Housing will continue to be built on unidentified sites. In accordance with Berkshire Structure Plan Policies (C1 and H5), these sites will be within the boundaries of identified settlements. Any proposals for residential development will also need to accord with Policy WOS2.

5.12A There is a need to make full use of ~~previously developed~~**existing** land within **settlements**~~the urban areas~~, which can often be achieved through the development of backland areas. However, such locations are often highly constrained due to their close proximity to existing housing. The potential for visual and functional intrusion in these circumstances is acute and the Council will require high standards of design to overcome these problems. The Council will also seek to ensure that development proposals make the most efficient use of land by ensuring that such development does not prejudice (or landlock) the comprehensive development of adjacent sites. Piecemeal development of individual plots of garden or other land within such areas (which are suitable for more comprehensive development) will be refused unless the application demonstrates that the development of other adjacent sites would not be unreasonably prejudiced by the proposal. This will ensure that development proposals make the most efficient use of land. (FM/5/16)

POLICY WH1A: HOUSING DEVELOPMENT - UNIDENTIFIED SITES

WITHIN IDENTIFIED SETTLEMENTS PROPOSALS FOR USING LAND AND BUILDINGS FOR HOUSING WILL BE DETERMINED IN ACCORDANCE WITH THE FOLLOWING SUSTAINABLE DEVELOPMENT CRITERIA:

a) DEVELOPMENT PROPOSALS WILL MAKE THE MOST EFFICIENT USE OF LAND AND BUILDINGS, HAVING REGARD TO THE NEED TO MAXIMISE DENSITIES, A PROPER MIX OF HOUSING AND ADEQUATE LEVELS OF AFFORDABLE HOUSING;

b) THE EXTENT THAT FUTURE RESIDENTS WOULD BE CAR DEPENDENT OR HAVE GOOD ACCESS TO ALTERNATIVE MEANS OF TRANSPORT

c) HOW SUCCESSFUL THE DESIGN AND LAYOUT OF THE PROPOSALS WOULD BE IN MINIMISING ANY ADVERSE IMPACT ON THE CHARACTER OF ADJOINING BUILDINGS AND/OR THE LANDSCAPE AND ECOLOGY OF OPEN AREAS

d) THE EXTENT TO WHICH PROPOSALS WOULD MAKE MORE EFFICIENT USE OF EXISTING SOCIAL AND PHYSICAL INFRASTRUCTURE, HAVING REGARD TO THE CUMULATIVE IMPACT OF DEVELOPMENT

Implementation: Planning permissions to private and public sector housebuilders, having regard to Planning Guidelines.

Monitoring: Planning applications.

5.13 The sites that have been identified in Policy WH2 have been selected on the basis of their performance against a number of **sustainability,** environmental **and other** criteria as outlined in Policy WH1. There is no priority order or ranking of sites within Policy WH2. Appendix 3C includes details of the net density anticipated for each site listed In Policy WH2. This appendix also provides details on some of the necessary and directly related services, amenities and infrastructure which should be provided in connection with the development. (FM/5/17)

POLICY WH2: HOUSING DEVELOPMENT - IDENTIFIED SITES

IN ACCORDANCE WITH THE COUNCIL'S OBJECTIVE OF PROMOTING A SUSTAINABLE PATTERN OF DEVELOPMENT THROUGHOUT THE DISTRICT,

greater townscape variety. (More detailed information on housing mix and densities can be found in the Council's Housing Design Guidelines).

5.19 The plan also aims to ensure that existing residential accommodation is not lost to other uses, to maintain as wide a variety of dwellings as possible.

POLICY WH6: VARIETY OF HOUSING

ON SITES WHERE RESIDENTIAL DEVELOPMENT IS CONSIDERED ACCEPTABLE BY THE COUNCIL, PROPOSALS WILL BE EXPECTED TO INCORPORATE A MIX AND BALANCE OF DENSITIES, DWELLING TYPES AND SIZES.

PARTICULAR EMPHASIS WILL BE GIVEN TO THE NEED FOR ONE AND TWO BEDROOM DWELLINGS.

Implementation: Planning permissions. Supply of information to public and private sector housebuilders.

Monitoring: Planning applications and permissions.

5.19A Policy WH6A emphasises the importance of good design for new residential schemes. It should be read in conjunction with Policy WBE1, which relates to more general design issues.

5.19B PPG3 stresses the importance of using land more efficiently. This includes avoiding developments of less than 30 dwellings per hectare net. In order to achieve these aims, good design must be achieved which will enable areas to retain their character and also avoid compromising the quality of the environment. Good design will be expected to address both the layout of the scheme and the design of individual buildings. Policy WH6A will enable the Council to reject residential schemes of poor design.

5.19C The Council will produce Supplementary Planning Guidance for the design of new residential schemes, covering aspects such as:

- How the design and layout of proposed schemes should fit within both the local and wider context of the locality;
- How the local pattern of streets and spaces, building traditions, materials and ecology should be respected;
- References to sources of good practice on the layout and design of new development.

POLICY WH6A: DESIGN GUIDANCE – RESIDENTIAL DEVELOPMENT

WHEN DETERMINING APPLICATIONS FOR NEW HOUSING SCHEMES, THE COUNCIL WILL REFUSE PLANNING PERMISSION FOR POOR DESIGNS THAT OCCUR IN HOUSING DESIGN, LAYOUTS, SETTING AND LANDSCAPE PROPOSALS. APPLICANTS MUST DEMONSTRATE HOW A SCHEME PROVIDES A HIGH QUALITY OF DESIGN/LAYOUT, AN ADEQUATE MIX OF HOUSING TYPES AND A LANDSCAPED SETTING COMMENSURATE WITH THE LOCATION OF THE SITE.

Implementation: The development control process.

APPENDIX 6

D/966/JBL/P

Department of the Environment and Department of Transport
Common Services
Room1417Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct line 0272-218 927
Switchboard 0272-218811

Garth Construction Limited
1 The Courtyard
Denmark Street
WOKINGHAM
Berks
RG11 2AE

WOKINGHAM DISTRICT
RECEIVED
14 DEC 1987

Your reference

Our reference
T/APP/H0330/A/87/76193/P4

Date
-7 DEC 87

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 28457

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Wokingham District Council to refuse planning permission for the erection of a detached bungalow and garage on land adjacent to No 19 Eastheath Gardens, Wokingham. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 9 November 1987.

2. The appeal site is rather less than one half of the garden of the house 19 Eastheath Gardens, Wokingham, and lies on the northerly side of an area of land with the shape of an irregular pentagon. The pentagon is surrounded by an estate road which makes it, as it were, an island. The remainder of the island is taken up by the house and garden, 20 Eastheath Gardens. The perimeter of the island is lined with a hedge in which there are some gaps and which is mainly of beech and privet with some laurel and other trees chiefly of the cupressus family. The appeal site is very attractively laid out and contains inter alia a yew, several trees of the cupressus type, some birch trees and a fine cedar, all of which are set in a lawn. On the outer side of the perimeter road are houses all of whose front gardens face the island. There is one access road to Eastheath Gardens and two small culs-de-sac give off it.

3. The proposal is to construct a detached bungalow and garage on the site, access to which would be from the existing short driveway to No 19.

4. From my inspection of the site and representations which have been made I consider the main issues to be whether the proposed development would 1. seriously injure the appearance and visual attraction of Eastheath Gardens; 2. significantly harm the enjoyment by their occupants of the houses and gardens which surround the site; and 3. create a precedent which would make it difficult for the Council to control the development of similar sites.

5. As to the first issue, much of the very pleasant visual impact experienced on entering Eastheath Gardens derives from the almost parkland appearance of the central island. The 2 houses on it are well back from the road and in most places there is a good depth of garden between them and the other houses. One long side of the appeal site faces the entrance road and gives an air of spaciousness to the whole, which is very important because of the quite short distances between the front elevation of some of the houses and the carriageway. In the absence of it the houses might appear rather crowded. The Council has said that this aesthetically pleasing appearance and the quality of the area would be significantly harmed by the

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proposal. You have said that the bungalow would be totally screened by the existing mature hedges, and that neither the hedges nor the trees on the site would be removed. I have given this matter very careful thought because I attach great importance to the contribution which the site in its present state makes to the visual quality of the locality. The height of the hedges is some 8 or 9 ft and although there are taller sections of cupressus it seems to me that a bungalow is bound to be visible from beyond the site and its mass would destroy the present spaciousness. The positioning of the building is not free from difficulty because of the existence of a public foul sewer which crosses the site and I noticed a manhole cover between the single and the double-trunked birch trees. Restrictions on building within 3 m of this sewer would in my view almost certainly necessitate the siting of the bungalow in a position which would cause the loss of some trees. Moreover it should not be forgotten that the trees will require some space around them for future growth even if it were theoretically possible to avoid them on first construction of the bungalow. On any reading they would be very close to the bungalow and the cedar alone will need much more space than it at present occupies. In speaking of another aspect of visual amenity the Council has said that the proposed bungalow would be out of keeping with the existing nearby houses. I agree with the Council. The houses are all of similar type although there are differences in size, and a bungalow would look out of place among them. Taking all these factors into account, I conclude that a bungalow on the appeal site would seriously damage the visual attraction of Eastheath Gardens.

6. At to the second issue, I noted that the upper windows of some of the surrounding houses, especially those of No 1, were readily visible from the site and it seemed to me on making an assessment as I walked round the site that the bungalow would also be visible in its turn, not only from the upper windows but also in some instances from the lower. It would also be visible from some of the gardens. In my view the proposal would intrude upon the existing situation and, as some of the residents have said, injure the original concept of the gardens. Those whose outlook would be damaged would certainly find their own houses less enjoyable.

7. As to the third issue you have said that you do not believe that the proposal would create a precedent for future planning applications within the vicinity although you have referred in your grounds of appeal to a recent decision which dismissed an appeal against refusal of permission for the erection of a dwelling on land adjoining No 20, also within the island site. You have sought to distinguish the present case, pointing out that no new access would be required, that the boundary hedge would not have to be removed nor would any trees. I accept your point on the access and I have already dealt with the question of trees, but it seems to me that there are sufficient points of similarity to the proposal for the land adjoining No 20, particularly on the general issue of visual amenity, for me to pay regard to the earlier decision. It also suggests to me that if the present appeal were allowed it is likely that at some time in the future the other proposal would be renewed, thus making it difficult for the Council to protect the character and appearance of Eastheath Gardens.

8. You have stated that the proposed development is not contrary to the approved development plan and I accept that this is so, but it does not affect my view of the case. You also stated that the development would make good use of an under-used piece of land. I agree that this is so, in the sense that the land is of a size which in another situation and in other conditions would support a dwelling of some kind. However it seems to me that the site in its present undeveloped state has a very important function which ought to be preserved for the sake of the appearance and amenity of Eastheath Gardens and in this way it is not under-used.

9. In reaching these conclusions I have paid regard to the presumption in favour of development in DOE Circular 14/85 and I have also taken into account all the

other matters raised in the written representations but none of them leads me to alter my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

I E ASHWORTH BCL MA Solicitor
Inspector

APPENDIX 7

Conditions for Appeal if allowed

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority
Reason: To ensure that the external appearance of the building is satisfactory.

3. The development shall not commence until details of all boundary treatment(s) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.
Reason: To safeguard the visual amenities of neighbouring properties and the locality.

4. 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) no additional windows or similar openings shall be constructed in the first floor or above side elevations of the dwelling hereby permitted except for any which may be shown on the approved drawing(s).
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

5. Prior to the commencement of development, details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The constructed development shall not vary from the approved levels.
Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.
Reason: In the interests of visual amenity.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of visual amenity.

11. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. The branch structure and trunks of the trees to be retained and their root systems shall be protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st November to 31st March) following their loss or removal.
Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area.

12. 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.
Reason: To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking.

13. The dwelling shall not be occupied until additional turning space has been provided for the proposed dwelling in accordance with details to be submitted to and approved by the Local Planning Authority. The vehicle parking and turning space approved thereafter shall be permanently maintained and used for not other purpose.
Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

14. 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 6 metres measured from the carriageway edge.
Reason: To avoid spillage of loose material onto the carriageway and in the interests of road safety.

Informatives

1. If great crested newts are encountered at any point during development then all works must stop immediately and local English Nature office and Wokingham District Council must be informed.

2. 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.

ATTENDANCE LIST AT INFORMAL HEARING

Appellant: A Woolnough 8251 + 9853

Site: 19 Eastheath Gdns, Wokingham

Proposal: Proposed erection of new dwelling & detached garage

Name	Address

Tel. (0118) 974 6448 (Direct Line)
Date. December 18, 2003
My ref: F/2002/8251
Your ref:

The Owner/Occupier
18
Eastheath Gardens

Wokingham
Berks
RG41 2PH

WOKINGHAM DISTRICT COUNCIL

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

NOTICE OF INFORMAL HEARING

APPEAL BY: A Woolnough
SITE: 19 Eastheath Gardens Wokingham
PROPOSAL: Proposed erection of new dwelling and detached garage.

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham commencing at 10.00 on 07/01/2004

If you wish, you may attend the Hearing and, at the Inspector's discretion, take part in the discussion.

Documents relating to the appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (8:30 –17:00 Mondays to Fridays).

Anyone with a disability who wishes to attend the Hearing is advised to contact the Council to check that suitable provisions are available.

If you wish to be notified of the decision, you should write to Mrs M Pocock, The Planning Inspectorate, Room 3/03 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference number APP/X0360/A/03/1122453.

Yours faithfully

Denise Gumbrell

Appeals Assistant

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: A Woolnough
SITE: 19 Eastheath Gdns, Wokingham
APPLICATION NO.: 8251
PROPOSAL: Proposed erection of new dwelling & detached garage

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Evendons

Dianne King

Tina Marinos

D C Morgan

Clerk(s) of Parish / Town Council of Wokingham

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

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

Thames Water, Rose Kiln Court, Rose Kiln Lane, Reading RG2 0HP
Fao H Pinder ref 16595

Environmental Design, WDC

Organisation_Name	Building_Name	address1	
		1EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		16EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		17EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		18EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		19EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		2EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		20EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		3EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		4EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		5EASTHEATH GARDENSWOKINGHAM	RG41 2PH
		6EASTHEATH GARDENSWOKINGHAM	RG41 2PH

neighbour list F/2002/8251

and.

9 Eastheath Gdns

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: July 28, 2003
My ref: **F/2002/8251**

WOKINGHAM UNITARY
Aiming for Excellence

The Owner/Occupier
1
Eastheath Gardens

Wokingham
Berks
RG41 2PH

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

NOTICE OF INFORMAL HEARING

Dear Sir/Madam

APPLICATION No: F/2002/8251
APPEAL BY: A Woolnough
SITE: 19 Eastheath Gardens Wokingham
PROPOSAL: Proposed erection of new dwelling and detached garage.

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham on a date to be advised.

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

If you wish to make further representations, you should, if possible, **send three copies** to Mrs M Pocock, The Planning Inspectorate, Room 3/03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, quoting reference **APP/X0360/A/03/1122453**. Comments received after **01/09/2003** will not normally be seen by the Inspector & will be returned.

Documents relating to the appeal can 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 Mondays to Thursdays, & 08.30 to 16.00 Fridays).

A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the decision on this Appeal, you should write to Mrs Pocock & ask for one.

Yours faithfully

Denise Gumbrell

Appeals 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

PLA 12582
DC DG
APP
CS

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

Your Ref: F/2002/8251

Our Ref: APP/X0360/A/03/1122453

Date: 3 September 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A WOOLNOUGH
SITE AT 19 EASTHEATH GARDENS, WOKINGHAM, BERKSHIRE, RG41 2PH

I enclose a copy of the appellants statement relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter. - 22/9

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

RPA

Mrs Margaret Pocock

211AL(BPR)

WOKINGHAM DISTRICT COUNCIL

ENVIRONMENTAL SERVICES DEPARTMENT

MEMORANDUM

From: Den Gumbrell
Appeals Assistant

Ref F/2002/8251

Ext: 6448

To: Keith Rogers
Engineering Services

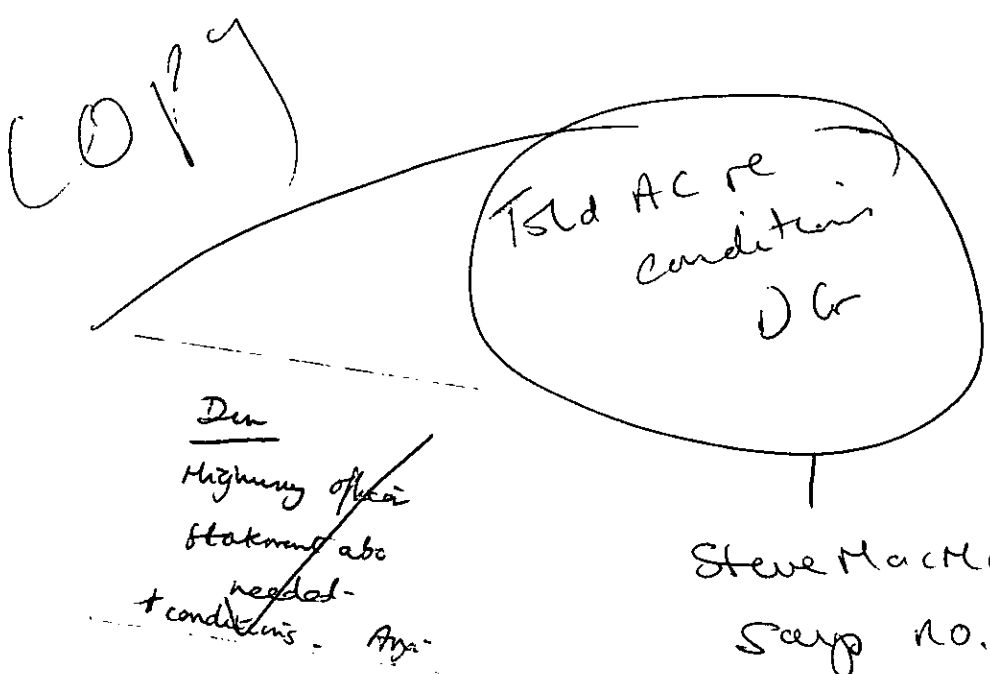
Date: 29 July 2003

APPEAL BY: Mr Woolnough
SITE: 19 Eastheath Gdns, Wokingham

Notification has been received of this Appeal which will be considered by means of an **Informal Hearing** on **January 7, 2004.**

In view of the issues involved, it is felt that this is a matter where supporting evidence will be required from you. I have already sent you a copy of the Grounds of Appeal and the Application Decision Notice.

The case officer, Angela Odell should receive the Highways statement of evidence by August 29, 2003 at the latest.



8251

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

71783

DG

06 AUG 2003

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

Your Ref: F/2002/8251

Our Ref: APP/X0360/A/03/1122453

Date: 5 August 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A WOOLNOUGH
SITE AT 19 EASTHEATH GARDENS, WOKINGHAM, BERKSHIRE, RG41 2PH

I refer to the above appeal and to the questionnaire.

Would you please send Policy WH6A. It was mentioned on the refusal notice but not included.

Yours faithfully

Sent 06/08/03
copy attached
DG

pp Mrs Margaret Pocock

211B(BPR)

7

Our Ref. 16595
Your Ref. F/2002/8251
Date. 30 January 2003

PLANNING	65688
PO	
DC Amo	ENF
APP	
CS	
04 FEB 2003	
COPIES TO	

FAO Angela Odell
Wokingham District Council
DX33506
WOKINGHAM

This matter is being dealt with by -
HPINDER

Dear Sir / Madam

TOWN AND COUNTRY PLANNING ACT 1990
Residential Development (1-20)

19 Eastheath Gardens
Wokingham

I refer to your consultation received in this office on 21/01/2003

SEWERAGE

There are public sewers crossing this site, therefore, no building will be permitted within 3 metres of the sewers without Thames Water's approval. See enclosed appendix 2 for your information. Should you require an application form or other questions relating to your building/development work, please contact us on: 0845 8502777

WATER

With regard to water supply, this comes within the area covered by the Three Valleys Water Company. For your information the address to write to is:-
Three Valleys Water Company
P.O. Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL
Tel:- (01707) 268111

Yours faithfully,

Admin
(For Technical Information Manager

RWE GROUP

Appendix 2

Building Over a Public Sewer

Although responsibility for the control of building over public sewers is carried out by Local Authorities through the Building Regulations, the Authorities are required to consult us where building over might occur. It will usually help to speed up your Building Regulations application if we are already aware of your proposals.

We need to know about any building work near or over a public sewer to:

- Present the sewer collapsing. The extra weight of a new building above a sewer could cause the sewer to collapse, resulting in structural damage to the new building and interrupted drainage from other properties and wastewater flooding. It will need to be repaired quickly, even if this involves taking down the building.
- Ensure we have access to carry out maintenance and repairs. We need to have access to the sewer and its manholes in order for us to inspect the sewer and to have access to clear blockages or carry out repairs.

You can find our whether there is a public sewer on the land by visiting the Local Authority offices to inspect a copy of the sewer maps, or you can contact our Asset Data Services Dept. on 0118 923 6664 or fax 0118 923 6669. If you want to talk to us about building over or close to a sewer, please phone our 24 hour Customer Centre on 0845 9200 800.

If you find that your plans could affect a public sewer, you should consider first of all:

- Avoiding the sewer. Modifications to your plans so that the buildings are at least 3 metres away from the sewer. This is often the easiest and cheapest option.
- Divert the sewer. If your plans cannot be modified, we will usually require the sewer to be diverted. In most cases we will have to carry out the work, but you will have to pay for it. We can give you an estimate of the cost before any work commences. Please contact us to discuss your proposals on 020 8568 2777.

Under no circumstances will you be allowed to construct directly over a manhole or pressurised pumping main.

You can contact us to discuss these options through our Customer Centre. We will always try to be flexible and helpful in deciding with you on the best way of dealing with an affected sewer.

If, having considered the alternatives your only option is to apply for building over a public sewer, you should make an application to us on the attached form. In some circumstances, we will allow you to build over, but you must have our written agreement to do this before you start. The sewer must be in satisfactory condition. For all classes, except class 1 domestic extensions, we will need to carry out a survey usually by Closed Circuit Television (CCTV) before you begin work, to see whether repair work is needed. You will not usually be charged for any necessary repair. Another survey is required when your building is completed, to check that the sewer has not been damaged.

In some circumstances, we have the right to stop your works and the buildings that are built over public sewers may have to be taken down. It is therefore in your interest to get in touch with us early on in the design to avoid abortive costs, delays or other problems.

We will not permit building over on new developments.

Minor sewers serving a number of houses, often run along the back of older properties. These public sewers are usually called Section 24 Sewers and are not usually shown on the sewer maps, but they are commonly affected by rear extension. Section 24 Sewers are common in properties built before 1st October 1937. It is important that you contact us at an early stage if your suspect that a Section 24 Sewer could be present. This will enable us to agree with you the necessary steps to avoid problems in the future.

We make a charge for every application. The level of charge will depend on the size of the sewer to be surveyed and whether a detailed investigation is necessary. In some cases, where major "strategic" sewers are involved, a formal legal agreement may also be required.

Tel/Fax 01189782012

Wokingham District Council,
Planning Dept,
Shute End, Wokingham.

Ashwood House,
9, Eastheath Gardens,
Wokingham,
Berkshire RG41 2PH.

27th January 2003.

Dear Sirs,

Re: Planning Application F/2002/8251
19 Eastheath Gardens, Wokingham.

I have viewed the plans for the proposed building of a Bungalow to the side of 19 Eastheath Gardens and feel I must strongly object to this garden being developed. My reasons are:

1) This is a small development of houses arranged so that we have a pleasant area and to rearrange the central island would be very detrimental the appearance.

2) This is not the first time that a building has been proposed on this small garden area and my objection is the same inasmuch as it would be a hazard for extra cars and it is right on the bend of the circular roadway. The turning into and out of the garage would be hazardous and dangerous on that corner. Not to mention parking for visitors.

3) Four proposals to develop this site have been made over the years and each time rejected by the local council once on appeal.

4) To wish to develop in such a small area can only be for gain with no consideration for all other residence on this small estate. There is no guarantee that the trees and shrubs would remain which, do help with the water problems as two areas of the roadway do flood regularly in the wet weather.

5) Should approval be given to this development then it is possible similar action may be taken by No.20 when a few years ago their garden was proposed for a development and rejected.

I await with interest your comments.
Yours faithfully,

J.B. Potter (Mrs)

MRS. J.B. POTTER.

10th February 2003

Planning Application Comment Sheet for F/2002/8251(Case Officer: Angela Odell)

From: Mr Alan Harrison, 17 Eastheath Gardens, Wokingham, Berkshire RG41 2PB

FOL
DX
14 FEB 2003

1. My wife and I purchased 17 Eastheath Gardens in April last year. One of the main attractions for us, having lived in a fairly concentrated development at Sheridan Way, Woosehill, was the very open and private environment created by the central Gardens at Eastheath Gardens. Looking out from the front windows of number 17, we look across to a glorious beech hedge and wonderful well established trees giving us a semi-rural aspect. I submit that this is one of the unique features of the Eastheath Gardens development. Clearly when the gardens were developed in the early 1960's, the whole intention of the developer was to ensure that the central part of the gardens was developed as little as possible to retain the amenities afforded by the trees and "green" aspect for the houses surrounding the central area. Frankly, to develop the central area any further would result in the Eastheath Gardens development as a whole losing its attractive features within the locality and would therefore impact on the overall residential amenity.

2. Clearly traffic has grown in Eastheath Gardens since the original development. Most families now have a minimum of 1 car and many have 2 cars. It is highly likely that given the less than convenient access to the proposed development, that visitors would not be parking in the driveway of the development, but rather on the road, adding to what is already a congestion problem. On occasions I leave number 17 Eastheath Gardens by going clockwise around the gardens and I have to be extremely careful with cars parked on the roadside. A development, therefore, does raise a question of highway safety.

3. I understand that there may be difficulties with regard to access to the development. I understand that it is not proposed that there be a driveway directly opposite number 17, but that the driveway would be opposite numbers 1 and 2. I suspect, however, that there would be difficulty with regard to visual splay when leaving the development and it may well be that the development, rather than being parallel to number 19 may be "angled", in which case the driveway would be likely to be opposite number 17. In my view this would result in loss of privacy for myself and subsequent owners of number 17 Eastheath Gardens. At present, there is no property which directly faces us. Number 17 has a considerable frontage to the road, with substantial gardens to the front and there would clearly be a loss of privacy in the event that a residence was built on the land directly opposite which currently forms part of the beautiful and extensive gardens of number 19 Eastheath Gardens.

4. To summarise, I would never have considered buying 17 Eastheath Gardens had I known that a house was to have been built in the garden of number 19. I say this because, I do consider that the undeveloped gardens in the centre of Eastheath Gardens provide a unique environmental feature which will be lost, particularly if number 20 Eastheath Gardens, at some future date, get planning permission to build a house on part of their garden. Further development of the central area of Eastheath Gardens will destroy the unique residential amenity afforded by the central gardens and will also add to traffic congestion around the gardens.

A Harrison

PLANNING APPLICATION COMMENTS SHEET FOR F/2002/8251. (Case Officer:Angela Odell)
PLEASE NOTE THAT ALL COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT.**

WOKINGHAM UNITARY
Aiming for Excellence

THINGS WE CAN TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION:
DESIGN, APPEARANCE AND LAYOUT.
HIGHWAY SAFETY.
RESIDENTIAL AMENITY (loss of attractive features within the locality; e.g. parks or woodland).
LOSS OF LIGHT.
OVERSHADOWING/OVERLOOKING (loss of privacy).
NOISE, DISTURBANCE, SMELL etc ONCE THE DEVELOPMENT IS IN USE (e.g. from a proposed restaurant, takeaway, public house or industrial unit).

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03 FEB 2003

4/2/03

THINGS WE CAN'T TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION;
PRIVATE PROPERTY ISSUES, FOR EXAMPLE BOUNDARY AND ACCESS DISPUTES.
LOSS OF VIEW OVER OTHER LAND.
EFFECT ON PROPERTY VALUES.
POTENTIAL INCONVENIENCE, NOISE AND DISTURBANCE CAUSED BY CONSTRUCTION WORKS.
MATTERS COVERED BY OTHER LAWS (e.g. alcohol, betting, restaurant, music licensing).
MATTERS SUBJECT TO MARKET COMPETITION (we can't refuse an application on the basis that its approval would harm other commercial activity of a similar nature in the area).
THE SPECULATIVE USE OF A DEVELOPMENT AFTER IT HAS BEEN BUILT.
RADIO OR TELEVISION INTERFERENCE CAUSED BY A DEVELOPMENT.
SUBSIDENCE TO NEIGHBOURING PROPERTIES.

COMMENTS CAN ALSO BE E-MAILED TO US AT: Development.Control@wokingham.gov.uk
(Please remember to include your postal address in any comments made by E-mail)

COMMENTS ON APPLICATION: F/2002/8251

YOUR NAME: MR ROBIN COUSENS

YOUR ADDRESS: ***(Please check these details & amend if incorrect)***
2 Eastheath Gardens
Wokingham
Berks
RG41 2PH

PLEASE RETURN YOUR COMPLETED FORM TO:

Environmental Services Department,
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

I WISH TO (tick relevant box); OBJECT TO THE APPLICATION ☒
SUPPORT THE APPLICATION ☐ COMMENT ON THE APPLICATION ☐

Comments:

PLEASE SEE 3 ATTACHED PAGES ie (2) YELLOW AND (1) CARBON

RC 29/1/3

Continue over the page if more room required

POSITIVE ABOUT DISABLED PEOPLE
INVESTOR IN PEOPLE

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

Mr R Cousens
2 Eastheath Gardens
Wokingham
RG41 2PH

Environmental Services Department
Planning Services
PO Box 157
Shute End
Wokingham
RG40 1WN

Planning Application
F/2003/6251

29th January 2003

OBJECTION TO
ADDITIONAL DWELLING EASTHEATH GARDENS especially garden No 19

(1) I would bring to your attention that, Planning records will show that Mr Woolnough, or his Agent, failed to obtain Planning Permission for a dwelling on this site in 1967, and now with a big 'turnover' of residents, he is trying it on again. (Your File 28457 of 1967 refers.)

I appreciate the occupant of No 20 tried to build the previous year in 1966, and I would presume the reasons why that Appeal failed then would still be valid. (para (c) of my letter of 17th July 67 refers.)

(2) Mr Woolnough is 'spinning' a yarn locally this time about his garden (the proposed site) being a 'Brownfield' site.

My understanding of BROWNFIELD would be the 'remains' of a factory etc in, for example, Molly Millars Lane, NOT an urban garden.

(3) Being long in the tooth, I attach an original carbon copy of my Objection, dated 17th July 1967, to his previous 'scheme' that reached this stage, although I appreciate my comment in para (b) re 'bungalow' is not applicable, as this time it is a vague house, with a 'variable' drive, to a 'variable' garage, basically opposite my drive.

This 'variability' being emphasized in letter Wokingham Unitary Planning Services (Odell) to The Edwards Irish Partnership, dated 27th January 2003, ref JI/FJ/1350, which specifically refers to 'HANDLING' of the proposed house amongst other matters.

(4) Your colleagues in Community Social Services in Wellington House will confirm that I hold Wokingham Blue Badge No WOK4589 and have driven an adapted vehicle since 1986, hence easy, non obstructed access to my drive is very important to me.

(5) My comments in para (a) of my letter of 17th July 67 are especially poignant due to the 'death' of the IDR many years ago, and the fact that the speed cameras by Luckley Road and the 'improvements' at Molly Millars/Finchampstead Road ie bigger roundabouts and pelican crossings, make traffic even slower ie denser and to exit Eastheath Gardens into Eastheath Avenue and onto Finchampstead Road is even worse, not better, as the ebb and flo of the traffic has been smoothed out.

Planning Admin Section
Wokingham District Council
Application No 28457

2 Eastheath Gardens
Wokingham
RG11 2PH

17th July 1987

Dear Sir,

PROPOSED DEVELOPMENT AT No 19 EASTHEATH GARDENS

I write to object to any planning consent being granted for a bungalow, or any other construction in Eastheath Gardens, specifically in the garden of No 19.

I bring the following to your attention:-

a) Eastheath Gardens was built/ designed as an entity, If a denser build was required the Developer would have done it at the time., ie 20 plus years ago.

b) As Eastheath Gardens development is all houses any bungalow would not be in keeping.

c) I understand reference a previous Refused Planning Application, that the Inspector made Statements reference Eastheath Gardens environment etc., I understand that no changes have taken place since that time which would cause any future inspector to view the matter in a different light.

d) Perhaps the Wokingham DC will advise as to what improvements it will carry out to make Eastheath Gardens siutable to an increased traffic flow,especially reference the exit into Eastheath Avenue if a denser build was permitted.

I note that this representation may be made public.

Yours faithfully,

R.Cousens

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 72581
89
COPIES TO:

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

Your Ref: F/2002/8251

Our Ref: APP/X0360/A/03/1122453

Date: 3 September 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A WOOLNOUGH
SITE AT 19 EASTHEATH GARDENS, WOKINGHAM, BERKSHIRE, RG41 2PH

I enclose third party correspondence relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter. - 22/9

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

Mrs Margaret Pocock

211AL(BPR)

Mrs M. POCOCK
THE PLANNING INSPECTORATE
ROOM 3/03
KITE WING.
TEMPLE QUAY HOUSE
2 THE SQUARE
TEMPLE QUAY
BRISTOL BS16PN

1/9 1 EASTHEATH GARDENS
WOKINGHAM
BERKSHIRE RG41 2PH

RECEIVED
26 AUG 2003

19-AUG.2003

DEAR Mrs POCOCK

REF: APP/X0360/A/03/1122453

WITH REFERENCE TO THE above appeal we consider it imperative that this matter is not dealt with as a normal " in fill of underused Piece of Land

8 years ago we chose this house in Eastheath Gardens for the Beauty and calm area and nice Neighbouring

any developement on this central area would seriously Damage the Privacy

To allow this appeal will bring about an overcrowed site of visuability incompatable Housing Together with increase in Trafic and Parking. With are already acute

We strongly object To this Proposal

yours faithfully

J.B. MEDAGLIA
A. MEDAGLIA

4 Eastheath Gardens
Wokingham
Berkshire
RG41 2PH

Mrs M Pocock
The Planning Inspectorate
Room 3/03
Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

5th August 2003

Dear Mrs Pocock

Ref: APP/X0360/A/03/1122453

With reference to the above appeal we consider it imperative that this matter is not dealt with as a normal "in fill" of an underused piece of land.

In previous objections, made over a period of some 20 years, we have consistently made the point that this central island plot is an essential feature of the original design plan for the Gardens and any development on it will be extremely detrimental to its character and visual appearance.

When a similar application was made in 1986 by the then occupant of the adjoining plot (No.20) it was refused on appeal by DTI Inspector S.J.Pratt reference T/APP/HO330/A/85/034911/P3 14 Jan 86.

The very detailed reasons he gave for refusal are still valid; indeed over the period since then the Gardens have matured into a very special environment.

To allow this appeal, and thus open the way to further development on this island site, will bring about an overcrowded site of visually incompatable housing, together with an increase in traffic and parking problems which are already acute.

For many years this central area has provided the surrounding residents with the pleasant outlook which the original design afforded and which was for many of us a major reason for choosing to live here.

We strongly object to this proposal.

Yours faithfully,

HD & KW Moore

COMMENTS ON APPLICATION F/2002/8251

PROPOSED ERECTION OF NEW DWELLING AND DETACHED GARAGE AT 19 EASTHEATH GARDENS WOKINGHAM

We wish to object to the above Application on the following grounds:

1. It would seriously injure the appearance and visual attraction of Eastheath Gardens. The proposed building would destroy the balance of the Gardens, and ruin the aspect of the Gardens from the entry from Eastheath Avenue.

2. It would significantly harm the enjoyment by the occupants of the houses and gardens which surround the site, in particular, Nos 1 and 2. If the hedging and trees were cut down, this would also apply to Nos 3, 4, 5 and to a lesser degree, No 6. This is because all these houses have very short front gardens, and rely on the positioning of Nos 19 and 20 to give an ambience of space to the aspects of the properties with the short gardens.

3. The proposed garage drive would create a dangerous hazard for vehicles approaching the Gardens exit from a southerly direction.

4. It would create a precedent which would make it difficult for the Council to control the development of similar sites, in particular No 20.

5. Previous applications in respect of both 19 and 20 Eastheath Gardens have been dismissed on appeal. Nothing has changed to alter the grounds on which those appeals were dismissed.

LR AND ME CLARK
5 EASTHEATH GARDENS
WOKINGHAM
BERKS RG 41 2PH

Angela Odell

From: John Mullaney
Sent: 27 January 2003 14:24
To: Angela Odell
Subject: 19 Eastheath Gardens, WOKINGHAM, Berkshire F/2002/8251

I have no objections to the above proposal but would recommend that standard planning condition C070 regarding hours of construction is attached should planning consent be granted.

John Mullaney
Senior Environmental Health Officer
Environmental Protection and Housing
Wokingham District Council
Tel. 0118 974 6766
Fax. 0118 974 6401
john.mullaney@wokingham.gov.uk
www.wokingham.gov.uk

PLANNING APPLICATION COMMENTS SHEET FOR F/2002/8251. (Case Officer:Angela Odell)

PLEASE NOTE THAT **ALL** COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT.**

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31 JAN 2003 31/1/03

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COMMENTS CAN ALSO BE E-MAILED TO US AT: Development.Control@wokingham.gov.uk
(Please remember to include your postal address in any comments made by E-mail)

COMMENTS ON APPLICATION: F/2002/8251

YOUR NAME: HARRY DAVID MOORE
KATHLEEN MOORE

YOUR ADDRESS: ***(Please check these details & amend if incorrect)***
4 Eastheath Gardens
Wokingham
Berks
RG41 2PH

PLEASE RETURN YOUR COMPLETED FORM TO:

Environmental Services Department,
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

I WISH TO (tick relevant box); OBJECT TO THE APPLICATION ☑
SUPPORT THE APPLICATION ☐ COMMENT ON THE APPLICATION ☐

Comments: As residents of some 35 years we have objected to various proposals for development on this central area of the Gardens and have appreciated the support of the Council in rejecting them.

Indeed in January 1986 the DTI inspector in considering an Appeal in respect of a building on the adjacent plot (No 20) gave substantive reasons

Continue over the page if more room required

P.T.O.

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PLANNING APPLICATION COMMENTS SHEET FOR F/2002/8251. (Case Officer:Angela Odell)
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WOKINGHAM UNITARY
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COMMENTS CAN ALSO BE E-MAILED TO US AT: Development.Control@wokingham.gov.uk
(Please remember to include your postal address in any comments made by E-mail)

COMMENTS ON APPLICATION: F/2002/8251

YOUR NAME: MR I. R. ELLIOTT.

YOUR ADDRESS: ***(Please check these details & amend if incorrect)***
20 Eastheath Gardens
Wokingham
Berks
RG41 2PH

PLEASE RETURN YOUR COMPLETED FORM TO:

Environmental Services Department,
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

I WISH TO (tick relevant box); OBJECT TO THE APPLICATION ☐
SUPPORT THE APPLICATION ☑ COMMENT ON THE APPLICATION ☑

Comments: I have considered the application and design proposals and have the following points to raise :

1.0 The site and its surrounding environment consists of detached two storey and pitched roof family dwellings with mature landscaping surrounding most plot boundaries. The inclusion of this new house has minimal or no visual impact on the immediate environment and does not hinder the amenity of any of its neighbours.

Continue over the page if more room required

PLANNING APPLICATION COMMENTS SHEET
FOR F/2002/8251. (Case Officer:Angela Odell)
PLEASE NOTE THAT **ALL** COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT.**

WOKINGHAM UNITARY
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RADIO OR TELEVISION INTERFERENCE CAUSED BY A DEVELOPMENT.
SUBSIDENCE TO NEIGHBOURING PROPERTIES.

11 FEB 2003
12/02

COMMENTS CAN ALSO BE E-MAILED TO US AT: Development.Control@wokingham.gov.uk
(Please remember to include your postal address in any comments made by E-mail)

COMMENTS ON APPLICATION: F/2002/8251

YOUR NAME: J.S. PEDLINGHAM

YOUR ADDRESS: ***(Please check these details & amend if incorrect)***
16 Eastheath Gardens
Wokingham
Berks
RG41 2PH

PLEASE RETURN YOUR COMPLETED FORM TO:

Environmental Services Department,
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

I WISH TO (tick relevant box); OBJECT TO THE APPLICATION ☐
SUPPORT THE APPLICATION ☐ COMMENT ON THE APPLICATION ☑

Comments: Provided a) the two trees (one Yew and conifer) at the front of the house next to the existing drive of No 19 are left in tact and preservation orders are placed on them and b). double yellow lines (no parking) are placed at the front of the house on the road opposite No 17 Eastheath I have no objections. It is very important that the existing amenities are maintained which if parking was allowed at the front these amenities would be adversely

Continue over the page if more room required

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The Planning Inspectorate

For official use only
Date Received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/X0360/A/03/1122453 GRID REF:

APPEAL BY: Mr A WOOLNOUGH

SITE: 19 Eastheath Gdns, Wokingham POSTCODE RG41 2AH

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** 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'.

1. Do you agree to the written representations procedure? (An exchange of written statements, which will be studied by the Inspector, prior to visiting the site). ☐ YES ☑ NO

   if NO,

   Do you wish to be heard by an Inspector at (a) a local inquiry? or ☐ YES ☑ NO

   (b) a hearing? ☑ YES ☐ NO

   Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? ☐ YES ☐ NO

b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? ☐ YES ☐ NO

   If the answer to 2b is YES please explain:

3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

   Name: D GUMBRELL

   Telephone no.: 01189746448

4. Does the appeal relate to an application for approval of reserved matters? ☐ YES ☑ NO

5. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application? ☐ YES ☑ NO ☐ NA

6. Did you give publicity to the application? ☐ YES ☑ NO

– Article 8 of the GDPO 1995

– Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990

– Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990

7. Is the appeal site within an approved Green Belt or AONB? ☐ YES ☑ NO

Please specify which ☐

8. 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

9. 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

10. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.) ☐ YES ☑ NO

11. Does the appeal relate to an application for conservation area consent? ☐ YES ☑ NO

12. 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 12a 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 Q14.)

Date of listing ☐

13. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? ☐ YES ☐ NO

14. 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

15. Is any part of the site subject to a Tree Preservation Order? If YES, please enclose a plan showing the extent of the Order and any relevant details. ☐ YES ☑ NO

16. 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

17. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.	☐ YES Sch1 ☐	☑ NO Sch2 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 1 of 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;	2	
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 67/73 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 67/73 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; NEW APPN. SAME SITE –	2	
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. Any other relevant information or correspondence you consider we should be aware of;		✓
l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. **You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.**	~~Enclosed~~	To be sent within 6 weeks from start date ✓

18. a. Please include: i) a copy of the letter in which you notified people of the appeal; ii) a list of the people you notified; and iii) the deadline you gave for their comments to be sent to us.	01109103	
b. Copies of the following documents must, if appropriate, be enclosed with the questionnaire.	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application;	12	
ii) the planning officer's report to committee;		✓
iii) any relevant committee minute.		✓
19. For appeals dealt with by written representations only		
Do you intend to send another statement about this appeal? If NO, please enclose 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 the Inspector to note at the site visit.		
20. 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
b. 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 [signature] on behalf of NOTTINGHAM Council

Date sent to us and the appellant 28/07/03 OUR Ref: F/2002/8251

Please tell us of any changes to the information you have given on this form.

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The Copyright Unit
Her Majesty's Stationary Office
St Clements House
2-6 Colegate
Norwich NR3 1BQ

HIGHWAYS CONSULTATION SHEET

From: Angela Odell **Date:** 21 January 2003

Application Number: F/2002/8251

Proposal: Proposed erection of new dwelling and detached garage.

Parish: WOKINGHAM TOWN

Site Address:
19, Eastheath Gardens, Wokingham, .

Applicant:
A Woolnough C/O The Edwards Irish P/Ship.

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).

Site visit carried out: ☐ **No** ☐ **Yes - Date & Time:** _____

Comment.

The proposed driveway + garage is too divorced from the dwelling.

Please address this which will also improve the visibility available.

Signed: _____ **Print name:** AE 23/01/03.

PLANNING APPLICATION COMMENTS SHEET
FOR F/2002/8251. (Case Officer:Angela Odell)
PLEASE NOTE THAT **ALL** COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT.**

WOKINGHAM UNITARY
Aiming for Excellence

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29 JAN 2003
31/1/03
PRO
REC

THINGS WE **CAN** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION;
DESIGN, APPEARANCE AND LAYOUT.
HIGHWAY SAFETY.
RESIDENTIAL AMENITY (loss of attractive features within the locality; e.g. parks or woodland).
LOSS OF LIGHT.
OVERSHADOWING/OVERLOOKING (loss of privacy).
NOISE, DISTURBANCE, SMELL etc ONCE THE DEVELOPMENT IS IN USE (e.g. from a proposed restaurant, takeaway, public house or industrial unit).

THINGS WE **CAN'T** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION;
PRIVATE PROPERTY ISSUES, FOR EXAMPLE BOUNDARY AND ACCESS DISPUTES.
LOSS OF VIEW OVER OTHER LAND.
EFFECT ON PROPERTY VALUES.
POTENTIAL INCONVENIENCE, NOISE AND DISTURBANCE CAUSED BY CONSTRUCTION WORKS.
MATTERS COVERED BY OTHER LAWS (e.g. alcohol, betting, restaurant, music licensing).
MATTERS SUBJECT TO MARKET COMPETITION (we can't refuse an application on the basis that its approval would harm other commercial activity of a similar nature in the area).
THE SPECULATIVE USE OF A DEVELOPMENT AFTER IT HAS BEEN BUILT.
RADIO OR TELEVISION INTERFERENCE CAUSED BY A DEVELOPMENT.
SUBSIDENCE TO NEIGHBOURING PROPERTIES.

COMMENTS CAN ALSO BE E-MAILED TO US AT: Development.Control@wokingham.gov.uk
(Please remember to include your postal address in any comments made by E-mail)

COMMENTS ON APPLICATION: F/2002/8251

YOUR NAME: MR J & MRS L.G. MASON

YOUR ADDRESS: ***(Please check these details & amend if incorrect)***
6 Eastheath Gardens
Wokingham
Berks
RG41 2PH

PLEASE RETURN YOUR COMPLETED FORM TO:

Environmental Services Department,
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

I WISH TO (tick relevant box); OBJECT TO THE APPLICATION ☑
SUPPORT THE APPLICATION ☐ COMMENT ON THE APPLICATION ☐

Comments:
We feel this development would detract from the pleasant appearance and whole character of Eastheath Gardens. The houses and gardens were designed as one unit with the large gardens of the central plots compensating us for our short front gardens and close proximity to the road. Many of our houses have an open-plan frontage because of the short distance to the road and the tall hedges opposite. The appearance of another building and access road would destroy the present balance.

Continue over the page if more room required

PLANNING APPLICATION COMMENTS SHEET
FOR F/2002/8251. (Case Officer:Angela Odell)
PLEASE NOTE THAT **ALL** COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT.**

WOKINGHAM UNITARY
Aiming for Excellence

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21 JAN 03
31/1/03

THINGS WE **CAN** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION;
DESIGN, APPEARANCE AND LAYOUT.
HIGHWAY SAFETY.
RESIDENTIAL AMENITY (loss of attractive features within the locality; e.g. parks or woodland).
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COMMENTS CAN ALSO BE E-MAILED TO US AT: Development.Control@wokingham.gov.uk
(Please remember to include your postal address in any comments made by E-mail)

COMMENTS ON APPLICATION: F/2002/8251

YOUR NAME: JOHN AND APRIL HAXBY

YOUR ADDRESS: ***(Please check these details & amend if incorrect)***
3 Eastheath Gardens
Wokingham
Berks
RG41 2PH

PLEASE RETURN YOUR COMPLETED FORM TO:

Environmental Services Department,
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

I WISH TO (tick relevant box); OBJECT TO THE APPLICATION ☑
SUPPORT THE APPLICATION ☐ COMMENT ON THE APPLICATION ☐

Comments:
On the following grounds:

① The position of the garage just before a blind bend seems dangerous. Traffic is two-way here, but some people do not realise and take the corner quite fast. Children ride around this area (and adults) on bicycles - this also needs to be considered if a car will be backed out of this garage.

② Trees will have to be removed, which will spoil the

Continue over the page if more room required

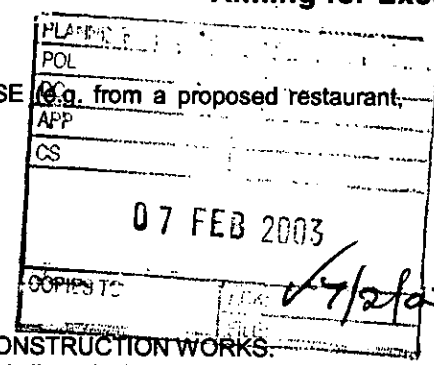
PTO

POSITIVE ABOUT DISABLED PEOPLE
INVESTOR IN PEOPLE

PLANNING APPLICATION COMMENTS SHEET FOR F/2002/8251. (Case Officer:Angela Odell)

PLEASE NOTE THAT **ALL** COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT.**

WOKINGHAM UNITARY
Aiming for Excellence



THINGS WE **CAN** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION:
DESIGN, APPEARANCE AND LAYOUT.
HIGHWAY SAFETY.
RESIDENTIAL AMENITY (loss of attractive features within the locality; e.g. parks or woodland).
LOSS OF LIGHT.
OVERSHADOWING/OVERLOOKING (loss of privacy).
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PRIVATE PROPERTY ISSUES, FOR EXAMPLE BOUNDARY AND ACCESS DISPUTES.
LOSS OF VIEW OVER OTHER LAND.
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POTENTIAL INCONVENIENCE, NOISE AND DISTURBANCE CAUSED BY CONSTRUCTION WORKS.
MATTERS COVERED BY OTHER LAWS (e.g. alcohol, betting, restaurant, music licensing).
MATTERS SUBJECT TO MARKET COMPETITION (we can't refuse an application on the basis that its approval would harm other commercial activity of a similar nature in the area).
THE SPECULATIVE USE OF A DEVELOPMENT AFTER IT HAS BEEN BUILT.
RADIO OR TELEVISION INTERFERENCE CAUSED BY A DEVELOPMENT.
SUBSIDENCE TO NEIGHBOURING PROPERTIES.

COMMENTS CAN ALSO BE E-MAILED TO US AT: Development.Control@wokingham.gov.uk
(Please remember to include your postal address in any comments made by E-mail)

COMMENTS ON APPLICATION: F/2002/8251

YOUR NAME: AUDREY MCDAGLIA
J.B. MCDAGLIA

YOUR ADDRESS: ***(Please check these details & amend if incorrect)***
1 Eastheath Gardens
Wokingham
Berks
RG41 2PH

PLEASE RETURN YOUR COMPLETED FORM TO:

Environmental Services Department,
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

I WISH TO (tick relevant box); OBJECT TO THE APPLICATION ☑
SUPPORT THE APPLICATION ☐ COMMENT ON THE APPLICATION ☐

Comments:
8 years ago we chose this house in eastheath Gardens for its beauty and the nice neighbouring
why any development on this confined area would seriously damage the privacy and amenity of other residents
Since then the structure in the Gardens as regard of traffic, Parking General access and safety have changed significantly with the Garage in back of the Garden

Continue over the page if more room required

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

9563 04 JUL 03
PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer **ALL QUESTIONS** in **BLOCK LETTERS.** If a question is not applicable, answer **N/A** in space. Please submit **SIX** copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P O Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

24 JUN 2003

1.	APPLICANT'S NAME	MR A WOOLNOUGH
	ADDRESS	19 EASTHEATH GARDENS
		WOKINGHAM, BERKS
	POST CODE	RG41 2PH PHONE
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	PLANNING + DEVELOPMENT PARTNERSHI
	ADDRESS	35 ST LUKES ROAD
		MAIDENHEAD
	POST CODE	BERKS PHONE SL6 7DN
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	LAND ADJACENT TO 19 EASTHEATH GARDENS
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		PROPOSED NEW 3 BED. HOUSE + GARAGE
5. Give the area in hectares or part of a hectare	AREA OF SITE	0.06 HA
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	OWNER
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ? Tick the boxes(x)	CHANGE OF USE	☐	REDEVELOPMENT	☐
	ERECTION OF NEW BUILDING	☑	ALTERATION or EXTENSION	☐

9. WHAT TYPE OF APPLICATION IS THIS ? Tick one box only	OUTLINE PERMISSION	☐	See question 10
	FULL PERMISSION	☑	
	APPROVAL OF DETAILS/RESERVED MATTERS	☐	State relevant outline permission number Also complete Question 10
	TEMPORARY PERMISSION	☐	State period required
	RELAXATION OF CONDITIONS	☐	State relevant application number Conditions to be relaxed

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?	N/A		SITING	☐
	EXTERNAL APPEARANCE	☐	DESIGN	☐
	MEANS OF ACCESS	☐	LANDSCAPING	☐

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

RESIDENTIAL

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? ~~YES~~/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? YES/~~NO~~ — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

TO MATCH NO. 19

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

INTERWOVEN FENCE & HEDGE

16. HOW WILL SURFACE WATER BE DISPOSED OF?

SOAKAWAYS

17. HOW WILL FOUL SEWAGE BE DISPOSED OF? To existing system YES/~~NO~~

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

AS EXISTING

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

YES

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE	1	/	/
BUNGALOW	/	/	/
FLAT/MAISONETTE	/	/	/
OTHER	/	/	/

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? ~~YES~~/NO — If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS? ~~YES~~/NO — If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

NIL - FOLLOWING [illegible]

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED R.E. Reynolds ON BEHALF OF A WOOLNOUGH DATE 29/5/03

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

1769c

PLANNING APPLICATION

PART 2

This part of the form need only be completed if the application involves non-residential development. Please answer all questions in print or block letters. If the answer is not applicable, write N/A in the space. You may wish to amplify your answers in a covering letter.

24. STATE THE GROSS FLOOR SPACE (by external measurement) OF ALL BUILDINGS TO WHICH THIS APPLICATION REFERS. Please give all floor areas in SQUARE METRES.

	USE CLASS	Existing floor space		Proposed additional floorspace created by	
		Retained in existing use	Lost by change of use or demolition	New building	Change of use
A1	SHOPS				
A2	FINANCIAL AND PROFESSIONAL SERVICES				
A3	FOOD AND DRINK				
B1(a)	OFFICE (other than A2)				
B1 (b)	RESEARCH AND DEVELOPMENT				
B1 (c)	LIGHT INDUSTRIAL				
B2	GENERAL INDUSTRIAL				
B3-7	SPECIAL INDUSTRIAL				
B8	STORAGE OR DISTRIBUTION				
C1	HOTELS AND HOSTELS				
C2	RESIDENTIAL INSTITUTIONS				
D1	NON-RESIDENTIAL INSTITUTIONS				
D2	ASSEMBLY AND LEISURE				
OTHER	Please Specify				
OTHER	Please Specify				
	TOTAL				

25. IF C1 OR C2 USE IS PROPOSED, PLEASE STATE NUMBER OF BED SPACES

26. WHAT PROVISION IS BEING MADE FOR PARKING?

	Cars	Lorries
Existing		
Proposed		

27. DESCRIBE THE ACTIVITY OR PROCESSES TO BE CARRIED ON
Please provide details of any equipment, plant or machinery to be installed and any end products. You may wish to amplify your answers in a covering letter.

28. WHO WILL OCCUPY THE PREMISES?
a) Give the name and current operating address of the proposed occupier
b) Will these premises be vacated?

29. IF KNOWN, HOW MANY PEOPLE ARE LIKELY TO BE EMPLOYED ON SITE AFTER COMPLETION OF THE DEVELOPMENT?

Existing Staff	Transferred Staff	New Staff	Total

30. DOES THE PROPOSAL INVOLVE THE USE OR STORAGE OF ANY OF THE HAZARDOUS SUBSTANCES LISTED IN THE NOTES?
If so, state this material, the quantity and method of storage.

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

1769d

YOUR PLANNING APPLICATION

WHY DO YOU NEED TO MAKE A PLANNING APPLICATION ?

New buildings, major alterations and enlargement of existing buildings, and many changes in the use of buildings and land need planning permission.
The Town and Country Planning Acts impose a duty on Local Authorities to control these changes, and this means that a balance has to be found between the need and pressure for change, and the desire to protect the character of settlements and the countryside.
The merits of each application are, therefore, carefully examined.

WHAT ELSE MAY YOU HAVE TO DO ?

Listed Building Consent:	for works to a Listed Building; or for demolition works on land within the curtilage of a Listed Building or within a Conservation Area.
Advertisement Consent:	for the display of advertisements or signs
Building Regulation Approval:	for most new building or construction work.

Special forms are available for these types of applications.

You should also check whether there are any other regulations with which you may need to comply.

WHAT HAPPENS TO THE APPLICATION ?

It will first be checked to see if it is complete and if it is, it will be registered.

Consultations will be carried out with public and other bodies, such as the Highway Authority, or Local Parish Councils.

Publicity may be given to allow local people the opportunity to comment on your proposals.

The application will be considered in relation to the Council's planning policies and guidelines, the past history of decisions on that site or in the locality, other standards (such as parking, or visibility at road junctions), and any other material considerations.

The site will be visited by a Planning Officer You may be asked to submit more information, or to amend your application.

The application will then be considered either by a Planning Committee or Sub Committee (made up of Councillors) or by the Chief Officer responsible for planning matters. Objections to an application will be taken into consideration by the Committee or the Chief Officer.

Shortly after the application has been determined, you will receive a Decision Notice.

HOW LONG WILL IT TAKE ?

An application will generally be determined within eight weeks although a longer period may sometimes be required for a complicated application.

WHAT SORT OF DECISION CAN BE MADE ?

Your application may be approved.

Your application may be approved subject to certain conditions. These could impose restictions on the use of land or buildings, or require further details to be approved at a later stage, (e.g. materials or landscaping).
You may appeal against the conditions, but this opens the entire permission to review by the Secretary of State.

Your application may be refused. The reason will be listed on the Decision Notice.

WHAT HAPPENS IF THE APPLICATION IS REFUSED ?

You have the right to appeal against the refusal to the Secretary of State, but you have to do that within six months. Appeals can be dealt with by written representations by both sides, or by a Public Inquiry.
You may ask the Planning Officer whether an amended application would be more likely to receive planning permission.

DATA PROTECTION ACT 1984

'Information contained in this form is likely to be personal data within the terms of the Data Protection Act 1984, and as such will be held by the Council on computer (such as the PLANAPS applications processing system) and may be used by the Council only for purposes registered under the terms of the Data Protection Act.'

Mr R Cousens
2 Eastheath Gardens
Wokingham
RG41 2PH



PLANNING SERVICES HPT 7567S
POL TLS
DC ENF
APP
CS
29 DEC 2003
Harold.

Wokingham District Council
Environmental Services Department
Planning Services
P O Box 157
Shute End
Wokingham
RG40 1WR

Your Refs
AB/TPO1058/2003
F/2002/8251
F/2003/9563

24th December 2003

Dear Sir,

RE 19 EASTHEATH GARDENS

Receipt is acknowledged of 2 recent packages ie that dated 12th December 2003 re Yew Tree & December 16, 2003 re Informal Hearings.

a) Yew Tree

I regret that the Yew Tree was not "preserved" years ago, as this would have probably negated the many years of plans re No 19's garden, and saved all of us a great deal of time, and money, especially Mr Woolnough.

I am willing for Wokingham Environmental Services to inspect my garden for "amenity" trees, which enhance the general area, if only to stop urban vandalism in many decades time on the site of 2 Eastheath Gardens.

b) Informal Hearing(s)

At the moment, it does not appear as though my wife and I will be available to attend the proposed Informal Hearing at 10.00am on 07/01/2004 at the Civic Offices.

Your records should show that I have been Registered Disabled since 1995.

On 05/01/2004, I commence an Assessment Course at the Mobility Advice & Vehicle Information Centre at the old Road Research Centre in Crowthorne re my current driving capability. As the waiting list for the course is 10 weeks, I would rather not cancel at this late stage.

My wife is to accompany me to Crowthorne.

As advised on both letters re the differing plans for No 19, I shall write again to Mrs Pocock presumably to request again the outcomes of the now various hearings.

PLEASE ADVISE THE INSPECTOR ON OUR BEHALF THAT MY WIFE AND I STRONGLY OBJECT TO ANY DEVELOPMENT IN THE GARDEN OF NO 19 EASTHEATH GARDENS

Yours faithfully,

R. Cousens

R.Cousens
Enq declaration

DECLARATION

I declare that I may have a vested interest in any Planning Decision made by The Planning Inspectorate, Temple Quay, Bristol, although I am not actually aware of it

ie.-

I have numerous first & second cousin's named POCOCK from the maternal side of my family, although I am not actually aware of any in the Planning Inspectorate in Bristol.

R.Cousens 30th November 2003

24/12/3

Tel. (0118) 974 6448 (Direct Line)
Date: December 18, 2003
My ref: F/2003/9563 &F/2002/8251
Your ref: APP/X0360/A/03/1129879 & 1122453

Mrs M Pocock
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 Mrs Pocock

APPEALS BY: Mr Woolnough
SITE: 19 Eastheath Gardens, Wokingham

With reference to these appeals, I enclose 2 copies of the Hearing notification letters.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

8251

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 0117-3728768
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8768

74805

DG

24

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

Your Ref: F/2002/8251

Our Ref: APP/X0360/A/03/1122453
APP/X0360/A/03/1129879

Date: 21 November 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEALS BY MR A WOOLNOUGH
SITE AT 19 EASTHEATH GARDENS, WOKINGHAM, BERKSHIRE, RG41 2PH

NOTIFICATION OF INSPECTOR

I am writing to inform you that the Inspector appointed to hold the hearing into the above appeals will now be:

Mr Timothy Belcher LLB Solicitor.

You have already been given notice of the arrangements for this hearing.

Yours faithfully

Mr Neil Ackland

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

206C

Tel. 0118 974 6445 (Direct Line)
E-mail: Angela.Odell@wokingham.gov.uk
Date. 11 November, 2003
My ref. AO/F/2002/8251
Your ref. APP/X0360/A/03/1122453

The Planning Inspectorate
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) 977 8909
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY MR A WOOLNOUGH
19 EASTHEATH GARDENS, WOKINGHAM

I refer to the above appeal which is to be determined by Informal hearing to be held on 7 January 2004. I attach an additional statement updating the Policy background to this appeal.

I trust the above is clear, but meanwhile if you wish to discuss the above further please contact me.

Yours sincerely

AO

MRS A ODELL
Planning Officer

cc: Planning Development Partnership

Berkshire Structure Plan 2001 – 2016

The Examination in Public has recently taken place in the Berkshire Structure Plan 2001 – 2016 Deposit Draft March 2002 and the Panel's report is awaited. The following policy is relevant to this appeal (copy attached).

H3 Priority to Development of Previously Developed Urban Land

Wokingham District Local Plan (Deposit Draft)

Further modifications to this Plan were agreed in August 2003. The relevant policies are:

WOS3	Development Control Principles
WBE1	Development in its Local Context
WH1A	Housing Development – Unidentified Sites
WH6A	Design Guidance – Residential Development
WT7	Road Safety

Copies of the above policies are attached.

Tel. (0118) 974 6448 (Direct Line)
Date: September 1, 2003
My ref: F/2002/8251
Your ref: APP/X0360/A/03/1122453

WOKINGHAM UNITARY
Aiming for Excellence

Mrs M Pocock
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 Mrs Pocock

APPEAL BY: A Woolnough
SITE: 19 Eastheath Gdns, Wokingham

With reference to this appeal, I enclose 2 copies of the Highway Authority's conditions in the event of the appeal being allowed. These should be associated with the statement sent under separate cover.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: August 29, 2003
My ref: F/2002/8251
Your ref: APP/X0360/A/03/1122453

Mrs M Pocock
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 Mrs Pocock

APPEAL BY: Mr Woolnough
SITE: 19 Eastheath Gdns, Wokingham

With reference to this appeal, I enclose 2 copies of the Local Authority & Highway Authority's statements of case.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: July 28, 2003
My ref: F/2002/8251
Your ref: APP/X0360/A/03/1122453

Mrs M Pocock
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 Mrs Pocock

APPEAL BY: Mr A Woolnough
SITE: 19 Eastheath Gdns, Wokingham

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

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. July 28, 2003
My ref:F/2002/8251
Your ref: RER 15.3

Planning & Development Partnership
35 Lukes Rd
Maidenhead
SL6 7DN

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 Sirs

APPEAL BY: Mr A Woolnough
SITE: 19 Eastheath Gdns, 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

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

Direct Line 0117-3728775
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8775

PLANNING SE... 71504
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APP
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CC

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

Your Ref: F/2002/8251
Our Ref: APP/X0360/A/03/1122453
Date: 25 July 2003

CR3

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A WOOLNOUGH
SITE AT 19 EASTHEATH GARDENS, WOKINGHAM, BERKSHIRE, RG41 2PH

The previous date on offer was refused by the Planning & Development Partnership.

I am writing to tell you that we propose to hold a hearing into this appeal at 10:00 on Wednesday 7 January 2004 at a venue to be arranged.

It is now our policy to allow only one refusal of a hearing date, before we fix a date, time and place for a hearing. If you refuse the date offered you should give a good reason for doing so.

If you cannot accept the date offered you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but it must meet with our general aim of deciding appeals quickly.

You can reply to me by telephone or letter. If I do not hear from you by Tuesday 5 August 2003, I will assume that the proposed hearing date is acceptable, and that you are not intending to negotiate an alternative hearing date with the other party.

You should not assume that the hearing date offered here is the one that will eventually go ahead. We will write to you again to confirm final arrangements.

Yours faithfully

Miss Kate Hallett

NB: Only correspondence concerning the hearing date (and venue) should be addressed to the above room. All other correspondence should be addressed to the case officer mentioned in the initial letter.

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 0117-3728775
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8775

PLANNING SERVICES HPT 71400
DC Dei
APP
CS
FILE

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

Your Ref: F/2002/8251

Our Ref: APP/X0360/A/03/1122453

Date: 23 July 2003

Cancelled
Changed to
7/01/04

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A WOOLNOUGH
SITE AT 19 EASTHEATH GARDENS, WOKINGHAM, BERKSHIRE, RG41 2PH

I am writing to tell you that we propose to hold a hearing into this appeal at 10:00 on Tuesday 3 February 2004 at a venue to be arranged. CR3

It is now our policy to allow only one refusal of a hearing date, before we fix a date, time and place for a hearing. If you refuse the date offered you should give a good reason for doing so.

If you cannot accept the date offered you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but it must meet with our general aim of deciding appeals quickly.

You can reply to me by telephone or letter. If I do not hear from you by Friday 1 August 2003, I will assume that the proposed hearing date is acceptable, and that you are not intending to negotiate an alternative hearing date with the other party.

You should not assume that the hearing date offered here is the one that will eventually go ahead. We will write to you again to confirm final arrangements.

Yours faithfully

KHallett

Miss Kate Hallett

NB: Only correspondence concerning the hearing date (and venue) should be addressed to the above room. All other correspondence should be addressed to the case officer mentioned in the initial letter.

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

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

Your Ref: F/2002/8251

Our Ref: APP/X0360/A/03/1122453

Date: 21 July 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A WOOLNOUGH
SITE AT 19 EASTHEATH GARDENS, WOKINGHAM, BERKSHIRE, RG41 2PH

We have decided that a hearing will be held into this appeal and we will now arrange a date.

I am the case officer and, 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 date of this letter is the **starting date** for the appeal.

The following documents must be **submitted** within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, 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 and supporting documents, including relevant development plan policies to the appellant and me.

Within 6 weeks from the starting date -

You and the appellant must submit 2 copies of your hearing statement to me. I will send a copy of your hearing statement to the appellant and send you a copy of their hearing statement. You and the appellant must send a copy of your hearing statements to any statutory parties. 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 on 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 and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

You **must keep to the timetable** set out above and ensure that 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. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours faithfully

Mrs Margaret Pocock

PP

H4B(BPR)

Questionnaire

The appeal questionnaire must be sent complete with copies of all necessary documents referred to in it. It is particularly essential to us that details of all relevant development plan policies are included with the questionnaire at this early stage.

Hearing Statement

In your hearing statement you will need to give full details of the case which you will put forward at the hearing. You must include copies of any documents, including copies of maps and plans, to which you intend to refer. The format of a statement for hearing cases is in Annex 2(i) of DETR Circular 05/2000.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to question 15e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your hearing statement is due.

Late Representations

Comments or representations received after any of the time limits will normally be disregarded and we will send them back. Late representations will only be considered in extraordinary circumstances.

Costs

Costs can be awarded in hearing cases. If a hearing is subsequently adjourned because of the submission of late evidence, there is the possibility of a successful claim of costs. DOE Circular 8/93 gives more advice.

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, a final draft must be submitted at least 10 working days before the date of a hearing. Obligations should be completed by the close of a hearing. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

The Planning Inspectorate

Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date received

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

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 A WOOLNOUGH

Address 19 EASTHEATH GARDENS
WOKINGHAM, BERKS
Postcode RG41 2PH

Daytime phone no 0118 978 3329
Fax no –
E-mail address –

B. AGENT DETAILS FOR THE APPEAL (if any)

Name PLANNING & DEVELOPMENT PARTNERSHIP

Address 35 ST LUKES ROAD
MAIDENHEAD
BERKS
Postcode SL6 7DN

Your reference RER 15.3
Daytime phone no 01628 788682
Fax no 01628 788795
E-mail address reneynoldspdp@aol.com

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM DISTRICT COUNCIL
Date of the planning application 20/12/02

LPA's application reference no F/2002/8251
Date of LPA's decision notice (if issued) 26/2/03

D. APPEAL SITE ADDRESS

Address LAND ADJACENT TO 19 EASTHEATH GARDENS, WOKINGHAM, BERKS

Postcode RG41 2PH

If the whole site can be seen from a road or other public land and there is no need for the Inspector to enter the site e.g. to take measurements or to enter a building, please tick the box. ☑

E. DESCRIPTION OF THE DEVELOPMENT

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

PROPOSED NEW 3 BED. HOUSE + GARAGE

Size of the whole appeal site (in hectares)

0.06 HA

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

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 to which you object. ☐
3. Refuse approval of details required by a previous outline planning permission. ☐
4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

   or

6. 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. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

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 note that when we decide how the appeal will proceed, we take into account the LPA's views

*Please tick **one** box only* ✔

1. WRITTEN REPRESENTATIONS ☐

The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

2. HEARING ☑

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

3. INQUIRY ☐

This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

H. GROUNDS OF APPEAL

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

SEE ATTACHED SHEET

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 only* ✔

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 the notice was 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 the notice was served	Date the notice was served

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. A list and copies of all **plans, drawings and documents** sent to the LPA as part of the application. ☑
6. A list and copies of 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. If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. ☐
11. 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). ☐
12. 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. ☐

_____

_____

_____

PLEASE TURN OVER AND SIGN THE FORM – UNSIGNED FORMS WILL BE RETURNED

K: PLEASE SIGN BELOW

(Signed forms together with all supporting documents 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 relevant documents to the LPA *(if you do not, your appeal will not normally be accepted).*
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature R E Reynolds (on behalf of) MR A WOOLNOUGH

Name (in capitals) R E REYNOLDS Date

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration (Reg No: E311018) under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our Website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND:

1 COPY to us at:
The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

We do not currently accept appeals by e-mail or fax.

- **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, send them any supporting documents not previously sent 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 and who is dealing with it.
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE
If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

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

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by the Planning Inspectorate April 2002

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The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-16 Colegate
Norwich NR3 1BQ

GROUNDS OF APPEAL

19 Eastheath Gardens, Wokingham, Berks

- **The appeal site is "previously used land" within the definition set out in PPG3 and is not designated in the Development Plan, or any other policy document, as an area of open land or protected open space that contributes significantly to the character and appearance of the area. For that reason, the site should be developed in order to make a more efficient use of the land from a housing perspective. The principle of residential development is supported by the Development Plan and PPG3.**

- **The siting of the proposed dwelling observes standards, within the Local Plan, in terms of amenity space, privacy, over-looking and good neighbourliness.**

  Judged by the prevailing Standards, the details of the proposal are also acceptable.

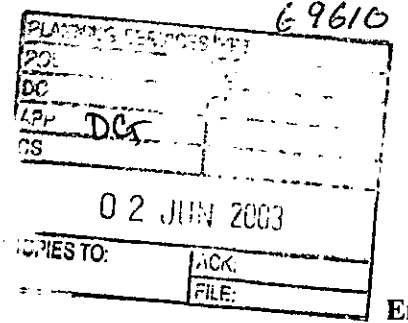
- **The siting of the proposed garage takes account of the established landscape and provides a safe and contained parked facility within easy reach of the proposed house.**

- **The appeal proposals comply with the provisions of the Development Plan and do not cause harm to interests of acknowledged importance.**

AD

TOWN PLANNERS
CHARTERED SURVEYORS
DEVELOPMENT CONSULTANTS

PLANNING & DEVELOPMENT PARTNERSHIP



35 St Lukes Road
Maidenhead
Berkshire
SL6 7DN

Tel: 01628 788682
Fax: 01628 788795

Email: Rereynoldspdp@aol.com

With Compliments

Our Ref: RER/5.3/L2

29th May 2003

The Planning Inspectorate
Appeals Registry
Tollgate House
Houlton Street
Bristol BS2 9DJ

Dear Sirs

Re: 19 Eastheath Gardens, Wokingham

I enclose relevant documents, plans and a completed form and would be grateful if you could register this Appeal against the Local Planning Authority's decision.

I look forward to hearing from you.

Yours faithfully

P.P S Cullen

R E REYNOLDS

c.c. Planning Department, Wokingham District Council
Mr A Woolnough

TOWN & COUNTRY PLANNING ACT 1990

PLANNING APPEAL UNDER SECTION 78

THE ERECTION OF ONE DETATCHED HOUSE
AT
LAND ADJACENT TO 19 EASTHEATH GARDENS, WOKINGHAM

HEARING – 7th January 2004
Planning Inspectorate Reference: APP/X0360/A/03/112244453
LPA Reference: F/2002/8251

EVIDENCE OF
R E REYNOLDS BSc., M.R.I.C.S., M.R.T.P.I

August 2003

Planning & Development Partnership
35 St Lukes Road
Maidenhead
Berks
SL6 7DN

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1.0 QUALIFICATIONS & EXPERIENCE

1.1 My name is Robert Edward Reynolds. I am the Principal of the Planning & Development Partnership (Maidenhead).

1.2 I am qualified as a Member of the Royal Town Planning Institute. I hold a BSc degree in Estate Management and I am a Chartered Surveyor.

1.3 My background has been principally in Local Government. In 1972 I was appointed as Planning Officer and Surveyor to Wokingham and I was Chief Planning Officer to the District Council until 1978. I then became Director of Planning at the London Borough of Hounslow until 1987.

1.4 In 1987 I was appointed, by the Co-operative Wholesale Society, as Property & Planning Manger to the Co-operative Bank. In that capacity I dealt with a number of development proposals promoted by clients of the bank and the trade unions.

1.5 Since October 1990 I have acted as a Planning & Development Consultant and in that capacity I have given Evidence at numerous Planning Inquiries and Local Plan Inquiries.

1.6 During my local government career, I held a number of honorary posts. I was a founder member of the District Planning Officers' Society; Chairman of the Association of London Borough Planning Officers and appointed as the first Honorary Planning Officer to the London Planning Advisory Committee.

2.0 INTRODUCTION

2.1 I was first instructed in respect of this proposal in October 2002.

2.2 I was asked to advise on the prospects of securing planning permission for land adjoining and at rear of the house, which sits on the appeal site. I was asked to include in my report, reference to adjoining land and the considerations that would apply to a proposal for comprehensive development, including that site.

2.3 I inspected the site and familiarised myself with a previous Appeal Decision: I took into account more recent changes in policy and discussed the issues with the Planning & Highway Departments at the District Council.

2.4 I reported on the 14th November 2002 that I was of the firm opinion that planning permission should be forthcoming, in principle, for at least one house on the appeal site and that the details of that proposal should be worked up in the form of an application by an architect, commissioned to take account of the detailed features of the site and the proposed house.

2.5 I discouraged the application for a more comprehensive redevelopment of the island site on the grounds that, at the densities which would be acceptable, it would be likely to have a detrimental affect on the established character of the area.

2.6 The Appellant accepted this advice and instructed an architect to submit a planning application in December 2002. The application was supported by a covering letter dated 20th December 2002.

3.0 SITE DESCRIPTION & HISTORY

Site Description

3.1 The appeal site amounts to 0.16 of a hectare and is presently occupied by one, two storey house which sits towards the eastern end of the site and close to the southern boundary.

3.2 The appeal site shares an island site, in the centre of Eastheath Gardens, with one other property, No.20.

3.3 The appeal site is well screened by mature landscaping and the only prominent view is from the access to Eastheath Gardens of the front of the existing house.

3.4 The remaining houses in Eastheath Gardens are substantial two storey houses, either detached or semi-detached, each sitting on moderately sized plots.

3.5 Eastheath Gardens is less than a mile to the south of Wokingham Town Centre and it is well served by public transport and an established social and physical infrastructure.

3.6 It is within the established settlement boundary, where residential development is acceptable in principle.

Planning History

3.7 In 1986 a planning application for a detached bungalow, on part of the appeal site, was submitted by a local housing developer. The application was refused, by letter dated 20th August 1987 (at Appendix 2) and was the subject of an Appeal, dealt with by Written Representations and dismissed by letter 7th December 1987 (also at Appendix 2).

4.0 THE PLANNING APPLICATION – THE SUBJECT OF THE APPEAL

4.1 Prior to the submission of the planning application, there was a series of pre-application meetings designed to establish the acceptability of a proposal to develop the appeal site, in accordance with my advice.

4.2 The LPA confirmed that the principle of development was acceptable, providing the detail of the scheme was also acceptable in terms of its relationship with neighbouring dwellings, character and highway safety. (Appendix 5)

4.3 There were further meetings with the Highway's Officer and the Council's Arboriculturalist, prior to a decision being made about the location of the house and garage on the site. There were no objections raised in principle.

4.4 The planning application was submitted in December 2002 and the accompanying plans showed a two storey, detached house, in line with No. 19 and a separate garage, accessed from the northern boundary of the site.

4.5 The proposed house is 125 sq.m in floor area and incorporates three bedrooms and two bathrooms on the first floor.

4.6 During the period in which the application was being processed, I monitored its progress and I formed the view that the proposal was acceptable in principle and that the Case Officer would be providing comments on the detailed design and siting. This impression is borne out by a letter dated 27th January 2003, which suggests certain amendments being made to the scheme (at Appendix 3).

4.7 Soon thereafter, the LPA informed the Appellant that they had revised their view of the application, based on an interpretation of the previous Appeal Decision, which it was claimed was predicated on an objection, in principle, and was applicable to the application, the subject of this Appeal.

4.8 I responded to that suggestion by letter dated 17th February 2003 (also at Appendix 3), however, the Case officer proceeded to refuse the application under delegated powers and the Decision Notice, dated 26th February 2003, is attached at Appendix 4.

4.9 The Notice contains three 'Reasons for Refusal', dealing with the character of the area, the design and siting of the proposed dwelling and the location of the proposed garage.

5.0 POLICY FRAMEWORK

5.1 Section 54a of the Act provides that the **Development Plan** is of primary importance in determining a planning application or Appeal.

5.2 In this case, the Development Plan is made up of the Berkshire Structure Plan 1991 – 2006 and the South East Area Local Plan, which has still not been superseded by the Wokingham District Plan, although the Deposit Copy of that Plan has been the subject of an Inspector's Report following the Local Plan Inquiry and the publication of modifications to the Plan.

5.3 Other material policy considerations are set out in Planning Guidance Notes, in particular **PPG1** & **PPG3**.

5.4 The previous Appeal Decision, in respect of this site is also a material consideration.

Structure Plan

5.5 Policies **EN1**and **LB5** of the Structure Plan are referred to in the 'Reasons for Refusal'

5.6 **Policy EN1 – Protection & Enhancement of the Environment of Built-up Areas** sets out four criteria design ed to protect the character and quality of settlements by controlling development within these areas, by reference to its scale, form, impact, character and siting. One of the criteria refers to "**town and village greens and all open land important to the character of settlements will be protected from development and where necessary enhanced**". The Policy is also subject to the objective of developing under used urban land.

5.7 **Policy LD3 – Environmental Impact of Development** requires that development proposals should not give rise to unacceptable impacts on the environment, character of an area or residential amenities.

5.8 The supporting text (*paragraphs 4.11 – 4.15*) refer to major developments which have a significant impact and that may be the subject of Environmental Statements under the Regulations.

The South East Area Local Plan

5.9 The South East Area Local Plan was adopted in April 1994, the relevance of its policies are of a diminished value or have expired at the end of the Plan period. Nevertheless, it forms part of the Development Plan and **Policies STV6, SBE2** and **ST3** are referred to in the 'Reasons for Refusal'.

5.10 **Policy STV6 – Protection of Important Open Areas within Settlements** deals with the protection from new development of areas of open land, including gaps in road frontages and garden areas which significantly contribute to the character of settlements. It requires that new development, including in-fill development should be sympathetic in scale and character to the environs of the site.

5.11 **Policy SBE2 – Inappropriate Design** provides resistance to inappropriate development proposals which are poorly sited or out of scale with the character of an area.

5.12 **Policy ST3 – Road Safety** advocates that the Highway Authority should take appropriate measures to promote road safety.

Wokingham District Local Plan

5.13 The Wokingham District Local Plan is a material consideration of considerable weight in view of its advanced stage of preparation.

5.14 The policies cited in the 'Reasons for Refusal' are **WOS3, WBE1, WH1A, WH6A & WT7.**

5.15 **Policy WOS3 – Development Control Principles** sets out six criteria which should be taken into account in producing development proposals that are acceptable. The criteria relate to scale and character, landscape and nature conservation features, the reduction in the need to travel, the affect on road safety, facilities for use by disabled people and the quality of design.

5.16 **Policy WBE1 – Design & New Development** provides for high standards of design by taking into account the identity of the wider locality, including townscape and landscape. It also sets out four criteria to which development proposals should have regard.

5.17 **Policy WH1A – Housing Development (Unidentified Sites)** sets out the sustainable development criteria to be applied to proposals for development within identified settlements. The criteria are principally concerned with making the most efficient use of land. *Criteria 'c'* requires an appraisal of the impact of proposals on the character of adjoining buildings and/or the landscape and ecology of open areas.

5.18 **Policy WH6A – Design Guidance (Residential Development)** seeks to promote the importance of good design in new residential schemes and trails the publication of SPG to inform the process. Without more details of the way in which the policy would be applied, it is difficult to assess its impact on the appeal scheme but its objectives are worthy. The appeal scheme has been prepared by a respected, local, architect and design does not appear as a contentious issue.

5.19 **Policy WT7 – Road Safety** promotes the concept of road safety and undertakes to examine safety implications of all proposals with a view to implementing safety measures where justified.

5.20 **The overall thrust of the Development Plan, as represented by the Structure Plan and the Deposit Draft of the Wokingham District Local Plan is to promote housing development within settlement boundaries, giving priority to sustainable locations and previously developed land.**

PPG1 – General Policy & Principles

5.21 The general objectives for the location, development and the allocation of land, includes the following advice in *paragraph 24* "**to make effective use of land within urban areas ..... which have access to a range of transport and other facilities, whilst protecting open space, playing fields and green spaces in cities and towns".**

PPG3 – Housing

5.22 In common with the Structure Plan & Local Plan policies **PPG3** seeks to concentrate additional housing development within urban areas, giving priority to previously developed land. "**The Government is committed to maximising the re-use of previously developed land ..... for housing, in order both to promote regeneration and minimise the amount of green field land being taken for development".** (*Paragraph 22*)

5.23 The Guidance goes on to anticipate the situation where policies in the Development Plan are out of date and do not reflect current Government advice. The Adopted Local Plan predates **PPG3** by several years and does not reflect the modern emphasis on consolidation of development in settlements. **"In considering planning applications for housing development in the interim, before Development Plans can be reviewed, Local Authorities should have regard to policy contained in this PPG and material consideration which may supersede the policies in their Plan".** (*Paragraph 38*)

Planning Appeal Decision 7.12.87

5.24 The Inspector dismissed the Appeal on the grounds that the proposed bungalow would have a detrimental affect on the character, appearance and amenity of Eastheath Gardens. In his conclusions he stated: *"you have stated that the proposed development is not contrary to the proposed Development Plan and I accept that this is so, but it does not affect my view of the case. You also stated that the development would make good use of an under used piece of land, I agree that this is so, in the sense that the land is of a size, which in another situation and in other conditions would support a dwelling of some kind".*

5.25 The Appeal Decision predates, Section 54a of the Act and the advice set out in **PPG3**, dealing with the under use of urban land and the sequential test giving priority to previously developed land.

6.0 THE CASE FOR THE APPELLANT

6.1 The Appeal site is within the settlement boundary wherein there is a presumption that development is acceptable in principle. Furthermore the appeal site is under used land, in an urban area and is within the definition of previously developed land, as set out in **PPG3**. For these reasons the development of the site, for housing purposes, should be given priority over all other categories of land.

6.2 There are no policy restraints of a national or local nature which apply to the site; it is not within a Conservation Area or an area of Special Character, neither is the site designated for its landscape or nature conservation value.

6.3 This policy background explains why there is agreement between the Appellant and the LPA that development is acceptable in principle.

6.4 Once that principle is accepted then it only remains to consider the detail of the scheme to determine as to whether it complies with Standards and policies in the Development Plan and whether it causes harm to interests of acknowledged importance.

6.5 It is alleged, in the first Reason for Refusal' that the siting of the building is on an area of open land and that the proposed dwelling would have a harmful affect on the visual amenity, character and appearance of the area. In support of that alleged harm the 'Reason for Refusal' prays in aid policies **EN1** of the Structure Plan, **STV6** & **SBE2** of the South East Area Local Plan and policies **WOS3**, **WBE1**, **WBH1A** & **WH6A** of the Deposit Local Plan.

6.6 The description of the site as "open land" is in accurate and a throw back to the earlier planning regime, it is private garden land, defined first and foremost as previously developed, if it contributes at all to the appearance of the area that is due to the private endeavours of the appellant and it is a well established principle of the planning system that private individuals are not entitled to the benefit of a view.

6.7 The local character, taking the wider locality as advised in **PPG3,** is of a residential area featuring detached and semi-detached houses, and any homogeneous character which is established is through the existence of substantial detached two storey houses in garden plots.

6.8 The appeal site, if developed, would remain well screened and reflects the character of the area in terms of scale, form and space about buildings.

6.9 It is disingenuous to evoke **Policy EN1** of the Structure Plan to apply to the development of one house in a defined settlement and the negative attitude towards higher densities set out in *paragraph 6.3* is not in accordance with the advice in **PPG3**.

6.10 The historic and in my view obsolete approach to policies in the South East Area Local Plan takes no account of contemporary advice, that change within urban areas is necessary and higher densities are essential. Those policies were prepared at a time when higher densities were identified with damage to the urban environment and the protection of local character, usually limited to in-fill or redevelopment at the same density as on neighbouring sites. The more modern approach is to identify key factors, which shape the character of an area and then design to the maximum density, compatible with the principles identified.

6.11 It is for these reasons that I have no difficulty with the draft policies in the Wokingham District Local Plan and I claim that the appeal proposals comply with those policies .

6.12 The second 'Reason for Refusal' suggests the proposed dwelling would cause unacceptable overlooking of nearby residential property.

6.13 The proposed house has been designed so that it is aligned with the host building, 19 Eastheath Gardens and it is orientated in order to avoid overlooking of adjacent property. This, in addition to separation distances, far in excess of those expected in modern developments or in accordance with Council Standards. Despite these generous separation distances no windows have been located in the gable end looking towards no's 1 & 17 Eastheath Gardens.

6.14 The rear of the site is well screened with evergreens and views into the site from neighbouring properties are restricted due to the number of perimeter trees.

6.15 The third 'Reason for Refusal' is based on the location of the garage within the site and its perceived affect on highway safety.

6.16 I recognise that the different disciplines might approach the location of the garage from different points of view, however, in this instance it arose from a balanced judgement.

6.17 The location chosen avoids the creation of a hard surface as a forecourt in front of the building line: it is also becoming good practice to avoid the large gaps caused by open garage doors appearing in the main frontage elevation. The proposed siting will be screened by the existing landscape and would not detract from the appearance of the proposed house.

6.18 Pedestrian visibility splays are provided even though there is no foot traffic along this side of the road.

6.19 This part of Eastheath Gardens is by its nature a traffic calmed layout, where vehicle speeds are exceptionally slow. It is not a classified road and it would therefore be possible to introduce a crossover access without the need for planning permission.

6.20 I consider that these consideration and benefits are of a higher order than locating the garage closer to the house for reasons of convenience.

7.0 CONCLUSION

- **The appeal site is previously developed land in an urban area. Its development for housing purposes is consistent with the policies in the Development Plan and PPG3.**

- **The proposed house does not cause harm to the visual amenity of the area, nor to residential amenities enjoyed by nearby occupiers.**

- **The proposed house is of a scale and form consistent with the character of the surrounding area.**

- **The proposed garage is located in a position where its presence will have no detrimental affect on the visual amenity, nor on highway safety.**

- **The planning regime has changed radically since 1987 and the previous planning Appeal Decision has little relevance in the context of existing planning policies.**

For the above reasons the Inspector is requested to uphold the Appeal.

(8)

REFUSAL OF PLANNING
PERMISSION

D
EG

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: GARTH CONSTRUCTION LTD
1 THE COURYARD,
DENMARK STREET
WOKINGHAM
BERKSHIRE RG11 2AZ

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

Application No. 28457 (O)

Proposal:
DETACHED BUNGALOW AND GARAGE
PLOT ADJACENT TO 19EASTHEATH GARDENS, 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 form of development proposed by the applicant would, in the opinion of the District Planning Authority detract from the general scale and character of the existing properties in the area in that the width of the application site is insufficient. The proposed development, if erected, would be likely to appear cramped and out of keeping in comparison with existing nearby properties. Furthermore, the proposal would be likely to create a precedent for the subdivision of other properties in a similar manner, thus leading to a deterioration of the standard of development and a loss of visual amenity in the area.(2086)

02 On 14/01/86 an appeal to the Secretary of State for the erection of one dwelling was dismissed on the adjacent island site at 20 Eastheath Gardens, on the grounds that it would significantly harm the aesthetically pleasing appearance and quality of this area and produce an overcrowded form of development. The inspector further stated that if a precedent were set it would have a particularly damaging effect on the character of the development and seriously harm the amenity of the surrounding residents. These factors equally apply to this site and reflect and reinforce the Council's decision.

03 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.(R97)

Date.....20 AUG 1987...

.....
District Secretary

continued/-

D/366/JBL/P

Department of the Environment and
Department of Transport
Common Services
Room1417Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct line 0272-218 927
Switchboard 0272-218811

20

Garth Construction Limited
1 The Courtyard
Denmark Street
WOKINGHAM
Berks
RG11 2AZ

Your reference

Our reference
T/APP/H0330/A/87/76193/P4
Date
-7 DEC 87

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 28457

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Wokingham District Council to refuse planning permission for the erection of a detached bungalow and garage on land adjacent to No 19 Eastheath Gardens, Wokingham. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 9 November 1987.

2. The appeal site is rather less than one half of the garden of the house 19 Eastheath Gardens, Wokingham, and lies on the northerly side of an area of land with the shape of an irregular pentagon. The pentagon is surrounded by an estate road which makes it, as it were, an island. The remainder of the island is taken up by the house and garden, 20 Eastheath Gardens. The perimeter of the island is lined with a hedge in which there are some gaps and which is mainly of beech and privet with some laurel and other trees chiefly of the cupressus family. The appeal site is very attractively laid out and contains inter alia a yew, several trees of the cupressus type, some birch trees and a fine cedar, all of which are set in a lawn. On the outer side of the perimeter road are houses all of whose front gardens face the island. There is one access road to Eastheath Gardens and two small culs-de-sac give off it.

3. The proposal is to construct a detached bungalow and garage on the site, access to which would be from the existing short driveway to No 19.

4. From my inspection of the site and representations which have been made I consider the main issues to be whether the proposed development would 1. seriously injure the appearance and visual attraction of Eastheath Gardens; 2. significantly harm the enjoyment by their occupants of the houses and gardens which surround the site; and 3. create a precedent which would make it difficult for the Council to control the development of similar sites.

5. As to the first issue, much of the very pleasant visual impact experienced on entering Eastheath Gardens derives from the almost parkland appearance of the central island. The 2 houses on it are well back from the road and in most places there is a good depth of garden between them and the other houses. One long side of the appeal site faces the entrance road and gives an air of spaciousness to the whole, which is very important because of the quite short distances between the front elevation of some of the houses and the carriageway. In the absence of it the houses might appear rather crowded. The Council has said that this aesthetically pleasing appearance and the quality of the area would be significantly harmed by the

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proposal. You have said that the bungalow would be totally screened by the existing mature hedges, and that neither the hedges nor the trees on the site would be removed. I have given this matter very careful thought because I attach great importance to the contribution which the site in its present state makes to the visual quality of the locality. The height of the hedges is some 8 or 9 ft and although there are taller sections of cupressus it seems to me that a bungalow is bound to be visible from beyond the site and its mass would destroy the present spaciousness. The positioning of the building is not free from difficulty because of the existence of a public foul sewer which crosses the site and I noticed a manhole cover between the single and the double-trunked birch trees. Restrictions on building within 3 m of this sewer would in my view almost certainly necessitate the siting of the bungalow in a position which would cause the loss of some trees. Moreover it should not be forgotten that the trees will require some space around them for future growth even if it were theoretically possible to avoid them on first construction of the bungalow. On any reading they would be very close to the bungalow and the cedar alone will need much more space than it at present occupies. In speaking of another aspect of visual amenity the Council has said that the proposed bungalow would be out of keeping with the existing nearby houses. I agree with the Council. The houses are all of similar type although there are differences in size, and a bungalow would look out of place among them. Taking all these factors into account, I conclude that a bungalow on the appeal site would seriously damage the visual attraction of Eastheath Gardens.

6. At to the second issue, I noted that the upper windows of some of the surrounding houses, especially those of No 1, were readily visible from the site and it seemed to me on making an assessment as I walked round the site that the bungalow would also be visible in its turn, not only from the upper windows but also in some instances from the lower. It would also be visible from some of the gardens. In my view the proposal would intrude upon the existing situation and, as some of the residents have said, injure the original concept of the gardens. Those whose outlook would be damaged would certainly find their own houses less enjoyable.

7. As to the third issue you have said that you do not believe that the proposal would create a precedent for future planning applications within the vicinity although you have referred in your grounds of appeal to a recent decision which dismissed an appeal against refusal of permission for the erection of a dwelling on land adjoining No 20, also within the island site. You have sought to distinguish the present case, pointing out that no new access would be required, that the boundary hedge would not have to be removed nor would any trees. I accept your point on the access and I have already dealt with the question of trees, but it seems to me that there are sufficient points of similarity to the proposal for the land adjoining No 20, particularly on the general issue of visual amenity, for me to pay regard to the earlier decision. It also suggests to me that if the present appeal were allowed it is likely that at some time in the future the other proposal would be renewed, thus making it difficult for the Council to protect the character and appearance of Eastheath Gardens.

8. You have stated that the proposed development is not contrary to the approved development plan and I accept that this is so, but it does not affect my view of the case. You also stated that the development would make good use of an under-used piece of land. I agree that this is so, in the sense that the land is of a size which in another situation and in other conditions would support a dwelling of some kind. However it seems to me that the site in its present undeveloped state has a very important function which ought to be preserved for the sake of the appearance and amenity of Eastheath Gardens and in this way it is not under-used.

9. In reaching these conclusions I have paid regard to the presumption in favour of development in DOE Circular 14/85 and I have also taken into account all the

other matters raised in the written representations but none of them leads me to alter my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

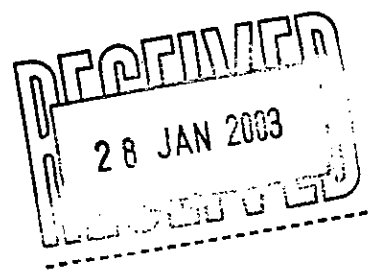
I am Gentlemen
Your obedient Servant

I E ASHWORTH BCL MA Solicitor
Inspector

Tel. 0118 974 6445 (Direct Line)
E-mail: Angela.Odell@wokingham.gov.uk
Date. 27 January, 2003
My ref. AO/F/2002/8251
Your ref. JI/FJ/1550

WOKINGHAM UNITARY
Aiming for Excellence

The Edwards Irish Partnership
36 Langborough Road
WOKINGHAM
RG40 2BT



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) 977 8909
DX: 33506 – Wokingham

Dear Mr Irish

PLANNING APPLICATION F/2002/8251
PROPOSED ERECTION OF NEW DWELLING AND DETACHED GARAGE AT 19 EASTHEATH GARDENS, WOKINGHAM

I have received advice from our highway officer Adam Coggins that the proposed driveway and garage is too divorced from the dwelling. Please address this, which will also improved the visibility. However, in relation to the latter point, I would be concerned if this involved significant removal of existing trees and/or vegetation. I am also concerned about potential overlooking of No. 17 Eastheath Gardens, and consider that it may be possible to address this by 'handing' the proposed house. However, I think we should discuss this first in order to clarify the position of the proposed house in relation to existing trees.

However, I advise you that the above refers to highway and relationship with existing dwelling only and does not confirm that the proposal is considered acceptable in principle.

Please telephone me to discuss the above and/or Adam Coggins on 974 6330 (if you need to) regarding highway matters.

Yours sincerely

Angela Odell.

MRS A ODELL
Planning Officer

cc: Adam Coggins

17th February 2003

Ms A O'Dell
Planning Dept
Wokingham District Council
PO Box 157
Shute End
Wokingham RG41 1WR

Dear Angela

Re: 19 Eastheath Gardens, Wokingham

I have seen your correspondence with John Irish and I understand you are expecting a response from me prior to preparing your Report.

I note from your letter dated 27th January 2003, that you had raised one or two points of detail, to which John and I were preparing a response but that more recently you have taken up the principle of development with him and you are influenced by the Inspector's findings at the previous Appeal. I understand that you feel there has been little change in circumstances to now support the application in principle.

May I point out that the design and aspect of the proposed house is significantly different to that refused and takes account of the objections previously lodged by adjoining owners.

Perhaps, more importantly, the policy framework has changed dramatically since the date of the appeal decision. The appeal pre-dates **PPG3** and the site is "previously used land" within that Guidance and the Local Plan now recognises the need to develop sites of this type.

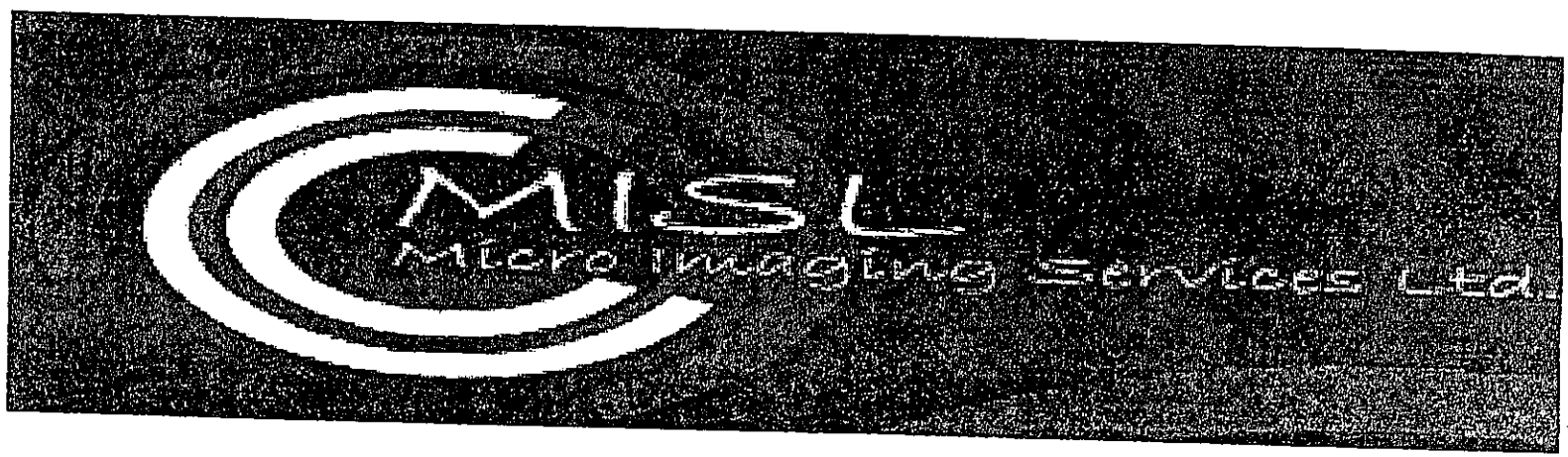
I am happy to continue to prepare amendments in accordance with your previous letter but I would appreciate the opportunity to substitute those, pending a decision on the matter of principle.

Yours sincerely

R E REYNOLDS

c.c.Mr J Irish – Edwards Irish Partnership
Mr A Woolnough

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

Application No: F/2002/8251 AO

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

RECEIVED
03 MAR 2003

A Woolnough
C/O The Edwards Irish Partnership
36 Langborough Road
Wokingham
Berks
RG40 2BT

Application Number: F/2002/8251

Parish: WOKINGHAM

Location: 19, Eastheath Gardens, Wokingham.

Proposal: Proposed erection of new dwelling and detached 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 reasons for which are specified hereunder.

Reason
1. Due to its siting on an area of open land that contributes significantly to the character and appearance of the area, the proposed dwelling would have a harmful effect on the visual amenity, character and appearance of the area. The proposal would therefore be contrary to policy EN1 of the Berkshire Structure Plan, policies STV6 and SBE2 of the South East Area Local Plan and to policies WOS3, WBE1, WH1A and WH6A of the Wokingham District Local Plan (as agreed to be modified).

Reason
2. Due to its design and siting the proposed dwelling would result in unacceptable overlooking of nearby residential property. The proposal is therefore contrary to policy LD3 of the Berkshire Structure Plan, policy SBE2 of the South East Area Local Plan and to policy WOS3 of the Wokingham District Local Plan (as agreed to be modified).

Reason
3. The remote siting of the garage and driveway is likely to result in on-street parking which would be potentially detrimental to the safety and convenience of other highway users. Furthermore, the visibility at the access is inadequate and would also be potentially detrimental to highway safety. The proposal is therefore contrary to policy LD5 of the Berkshire Structure Plan, policy ST3 of the South East Area Local Plan and to policy WT7 of the Wokingham District Local Plan (as agreed to be modified).

Informative
1. This refusal is in accordance with plan number 1550/01 C received by the Local Planning Authority on 15 January 2003.

Informative

2. The applicant is advised that it may be possible to overcome reasons for refusal numbers 2 and 3.

T G Watson

Trevor Watson
Development Control Manager
Date: 26/02/2003

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.

Tel: (0118) 974 6451 (Direct Line)
Fax: (0118) 974 6484
Date: 15 May, 2002
My ref: EV/WOKINGHAM/PREAPP
Your ref:

WOKINGHAM UNITARY
Aiming for Excellence

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

G

Mr A Woolnaugh
19 Eastheath Gardens
Wokingham
RG41 2PH

Dear Mr Woolnaugh

RE: PROPOSED ERECTION OF DETACHED DWELLING IN THE GARDEN OF NO.19 EASTHEATH AVENUE, WOKINGHAM.

I refer to your letter of 29th April 2002 regarding the above development at no.19 Eastheath Avenue.

I write to inform you that as the site lies within the settlement boundary the principle of development is acceptable provided the detail of the scheme is acceptable in terms of its relationship with neighbouring dwellings, character in the street scene, and highway safety. In the absence of plans showing the relative relationship between the proposed dwelling and no.19, and details of vehicular access and parking I am unable to advise you further.

I hope this information is of use to you, however it is informal advice only and is given without prejudice to any future decision this Council may take. Should you wish to discuss this matter further please do not hesitate to contact me again. I would also advise you to contact Mr Adam Coggins on 0118 974 6330 who would be able to advise you about highway and parking issues.

Yours sincerely,

J

Spoke Adam. 17/6/02
He will get file from Elaine
revert me back. looked on PC screen
10.30. Thu. B/E.

Elaine Vashi

ELAINE VASHI
Planning Officer

17/6/02 - AC: proposals (seen file/pictures) agreed in principle
prefer shared entrance with parking for 2 cars
in preference to new entry from road at entry
into E. Gdns. as access/exit would be reversed
EC - will visit site when application is submitted