

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250008
Site Address:	2 Avery Close, Finchampstead, Wokingham, RG40 3SQ
Expiry Date:	24 March 2025
Site Visit Date:	15 September 2023
Proposal: Householder application for the proposed erection of a gazebo on an existing patio.	

PLANNING CONSTRAINTS/STATUS

Scale and Location of Development Proposals
TPO Tree (reference: 91/1975)

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP9 – Scale and Location of Development Proposals
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping
Other	Borough Design Guide Supplementary Planning Document

NO RELEVANT PLANNING HISTORY

CONSULTATION RESPONSES

Internal

WBC Landscape and Trees - Objection

External

None

REPRESENTATIONS

Finchampstead Parish Council	No objection
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

This application seeks planning permission for the erection of a gazebo in the rear garden of No.2 Avery Close, Finchampstead.

Principle of Development: The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

The site is located within settlement limits and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high quality design without detriment to the amenities of adjoining land uses and occupiers.

Impact to TPO Tree: The patio to facilitate the gazebo has already been installed in the intended location, which is in the rooting area of a TPO tree. Permission for this was given by the Council as part of a tree works application 242378; *'Approved Works within the Root Protection Area of T5 (Oak) within TPO 91/1975: Specified ground works within the root protection area to create a no-dig cellular confinement subbase for a garden shelter.'* The patio is 0.3m in height measured from the highest part of the land (as shown on the plans) therefore does not require the benefit of planning permission.

The current application seeks to obtain permission for the gazebo itself. The method of installation does not require works below the surface of the already approved patio, such that there would be no root severance. Consequently, tree roots would not be harmed by the proposal.

Notwithstanding the above, the Trees & Landscape Officer has raised concern as to the potential impact of the gazebo on the canopy of the tree, subsequently requesting further details regarding the location of the canopy in relation to the proposed built form. In carefully considering this request, the LPA noted from a previous site inspection that the any branches would be of a considerable distance away from the intended location of the gazebo, as also identified from the submitted plans. As such, it was considered to be overly onerous in this site-specific circumstance to request an Arboricultural Impact Assessment. In this regard, it should also be acknowledged that if any works were required to the canopy of the TPO tree, this would require separate tree works approval and could not be undertaken unless this was obtained.

In summary, the base of which the proposed gazebo would be sited on has already obtained permission through tree works consent 242378. The remaining elements of the development, being the gazebo itself, is not thought to pose any threat to the health of the oak tree growing adjacent to the site, which is protected by TPO 91/1975. As such, despite concerns raised by the Trees & Landscape Officer, there is no justification to withhold planning permission on this basis.

Character of the Area: The proposed gazebo would not have any effect on wider character, owing to its modest scale and inconspicuous position to the rear of the site.

Neighbouring Amenity: Given the modest scale of the gazebo, it would not impact the amenities of neighbouring residents.

Conclusion: For all the above, the proposal is acceptable, and the application is recommended for approval.

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Approve
Date:	17 March 2025
Earliest date for decision:	18 February 2025

Recommendation agreed by: (Authorised Officer)	
Date:	17 March 2025