APPLICATION NO:
RM/2001/5203

LOCATION:
Land Adjoining 61 Rivermead Road, Woodley Reading.

APPLICANT:
Cresswell Construction C/O Architectural Services

PROPOSAL:
Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

EARLIEST DATE FOR DECISION: **08/12/2001**

APPLICATION WILL HAVE EXPIRED ON:
25/12/2001

CASE OFFICER: Rebecca Lake

APPROVED
11 Feb 2002

Revised

311
00

RAILEX
Marbleboard

EASIFILE EP7

Appeal Decision

Site visit made on 27 August 2002

by Graham C Cundale BA(Hons) MSc MRTPI MIEEM
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
11 SEP 2002

Appeal Ref: APP/X0360/A/02/1087824
Land adjacent to 61 Rivermead Road, Woodley, Reading

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a decision to refuse to approve details reserved by an outline planning permission.
- The appeal is made by Cresswell Construction against the decision of Wokingham District Council.
- The application (Ref. RM/2001/5203), dated 29 October 2001, was refused by notice dated 12 February 2002.
- The outline planning permission (Ref. O/2001/4433) is for the erection of one detached dwelling, and it was granted by the Council on 5 September 2001.
- Condition 1 of the outline planning permission reserved all detailed matters for future consideration.

Summary of Decision: the appeal is dismissed.

Preliminary Matters

1. Just to the west of the appeal site, in the adjoining garden and verge, is a group (G1) of three Trees of Heaven (*Ailanthus altissima*) the subject of the Wokingham District Council (Parish of Woodley) Tree Preservation Order No. 952/1999. Tree Preservation Orders are made under the Town and Country Planning Act 1990 to protect trees in the interests of amenity.

Main Issues

2. I consider that the main issue in the appeal is whether or not the proposed siting of the dwelling (a bungalow) would be harmful to one of the protected trees and to the public amenity value of both the tree and group G1 of which it forms a part. The tree concerned grows near to the western boundary fence of the appeal site and I shall refer to it as 'Tree 3' in accordance with the numbering adopted by the Council.

Planning Policy

3. Relevant development plan policies are to be found in the Berkshire Structure Plan 1991-2006 (incorporating Alterations adopted in 1997) and the Loddon Area Local Plan (1995). Among other things, Local Plan policy LBE1 requires new development to make a positive contribution to its setting and the character of the area. It also seeks to create a safe and attractive environment in which to live and work, and to retain important landscape features of the site compatible with good design. In broad terms Local Plan policy LBE9 and Structure Plan policies OS1 and C9 also seek to protect and enhance the environment.

4. The Deposit Draft of the Wokingham District Local Plan now incorporates a number of proposed amendments and, having been through its inquiry stage, is the subject of an Inspector's report (November 2001). Taking account of the Inspector's recommendations,

it is relevant that policy WOS3 requires development proposals to have no significant detrimental impact on important landscape features, while policy WBE11 indicates that the loss of, or damage to, trees protected by Tree Preservation Orders will be resisted. Although they are not part of the development plan I give these emerging policies substantial weight, commensurate with the stage they have reached in the plan formulation process.

Reasons

5. I found that Tree 3 and its group form an attractive landscape feature that can be appreciated from a length of Rivermead Road well beyond the site frontage. Tree 3 lies on the eastern side of the group and in my assessment it contributes very positively to the character and visual amenity of this residential area. Its importance is recognised by its inclusion in the Tree Preservation Order.

6. I saw that Tree 3 grows close to the boundary fence and that its crown extends considerably further into the appeal site than indicated on the application plans. On the other side of the tree its crown overlaps with that of another tree in its group, which appears to exert some competitive pressure. Having regard to the guidance in BS5837: 1991, and particularly the appropriate minimum protection distance cited by the Council, I judge that the proposed siting of the bungalow would have a substantive adverse impact on the root system of Tree 3. Also, to ensure adequate clearance from the proposed building and acceptable living conditions for its future occupiers, some significant branch pruning would be necessary. While appreciating the upright habit of this species, I consider that restricting the tree in these ways would nevertheless be detrimental to its health, life expectancy, appearance and future development. It would harm the public amenity value of the tree and its group, thus undermining the purpose of the Tree Preservation Order. I conclude that the proposals are contrary to Local Plan policy LBE1 and both the emerging Local Plan policies; and that they are not consistent with the aims of the other development plan policies referred to.

7. The Appellant indicates that the roots and branches of the tree would be cut back if the appeal fails, in order to secure beneficial use of the land and to abate a nuisance. To be exempt from Tree Preservation Order controls I understand that the 'nuisance' would have to be actionable and that its meaning in law is not the same as its meaning in 'every-day' parlance. Taking this into account, the amount of pruning that could be undertaken lawfully and without specific consent would be considerably less in my estimation than that which would follow from the appeal proposals.

8. The principle of the development is not in dispute and I accept that siting options are limited on a plot as small as the appeal site. However, I believe it would be possible to achieve an alternative siting that would be compatible with good design, while giving more space to the tree and reducing adverse effects to an acceptable level. The whole site is well concealed by substantial boundary features and having carefully assessed possible implications for the amenities, and particularly the privacy, of future occupiers of the proposed bungalow, I am in no doubt that a satisfactory alternative siting would be possible.

9. The proposed siting is the same as that authorised by outline planning permission 97/66851/O granted in February 1998, when siting was not included with the reserved matters. Although a material consideration, this does not carry overriding weight in my assessment because the permission has lapsed and there are now different circumstances. The latter include the Tree Preservation Order, made in 1999. They also include the

emerging Local Plan policies, which are drafted in terms that more specifically address the issue before me and which now carry greater weight than previously as a result of progress with the Local Plan review. Other factors may also account for the Council's changed position. For example the Council's decision on the appeal proposal was informed by advice from its Senior Arboriculturalist. It is not clear to me that its decision in February 1998 was similarly informed.

10. I note that details of siting are also shown on a plan that appears to have been a part of outline planning application O/2001/4433, even though the application form indicates that siting and the other detailed matters are reserved. Condition 1 of the permission indicates that the Council took siting to be a reserved matter, in accordance with the application form, and I am not aware that the conditional permission has been the subject of any appeal on these grounds. In the circumstances I do not consider it is justifiable to treat the siting of the bungalow as an established planning commitment.

11. The Appellant has suggested the possibility of granting approval subject to a planning condition requiring the siting of the bungalow at a defined minimum distance from Tree 3. However, it would not be appropriate for me to allow the appeal and approve the reserved matters on terms that require siting, as one of those matters, to be changed.

Conclusion

12. I have concluded that the proposed siting of the bungalow would be harmful to a protected tree and to the public amenity value of both the tree and the group of which it forms a part. I find no material considerations that outweigh the related conflict with the development plan. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Formal Decision

13. In exercise of the powers transferred to me, I hereby dismiss the appeal.

Information

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

G. Cundale

Graham C Cundale
Inspector

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Cresswell Construction
C/O Architectural Services
21 Fairway Avenue
Tilehurst
Berkshire
RG30 4QA

Application Number: RM/2001/5203

Parish: **WOODLEY**

Location: **Land Adjoining 61, Rivermead Road, Woodley, Reading.**

Proposal: **Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.**

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

Reason

1. The proposed development by reason of its location in close proximity to a preserved Tree of Heaven, would adversely impact upon the tree. As such the proposed development is contrary to policies OS1 and C9 of the Berkshire Structure Plan, policies LBE9 and LBE1 of the Loddon Area Local Plan and to policies WOS3 and WBE11 of the Wokingham District Local Plan (Deposit Draft).

Informative

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

Berkshire Structure Plan Policies OS1, EN1 and C9.
Loddon Area Local Plan Policies LBE1, LBE2, LBE5, LBE9 and LH1.
Deposit Draft Wokingham District Local Plan Policies WOS3, WBE1, WH1 and WBE11.

Anna Cronin
Head of Planning & Transportation
Date: 12/02/2002

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.

WORK SHEET FOR : Nicola Lake.

Application Number : RM/2001/5203

Applicant : Cresswell Construction C/O Architectural Services.

Location : Ld Adjoining 61 Rivermead Road, Woodley.

Proposal : Application for reserved matters on outline consent 0/2001/4433 for the erection of a detached dwelling.

Site Notice Displayed ? :	YES	NO	DATE
	✓		15-11-01

Date of Neighbour Notifications :

Date of Site Visit : 15.11.01

Date Registered : 30.10.01

Earliest Date for Decision : 08.12.01

Latest Consultation Date/Site Notice Expiry Date : 08.12.01

Application Expiry Date: 25.12.01

Consultation Responses :
Woodley Town Council: No objection subject to conditions.
Environment Agency: No objection subject to conditions.
Trees: Recommending refusal due to loss of TPO'd Tree of Heaven.
Highways: No objection subject to conditions.
Environmental Health: No objection.

Planning History :
The site was originally granted outline permission for a detached dwelling in 1998. Three subsequent full applications for a dwelling were refused permission due to their impact upon neighbouring dwellings or their impact upon the TPO'd tree. Outline permission was again granted in Sept 2001. O/2001/4433

Planning Issues :
Site designation: Within the identified settlement.

1. Impact upon the residential amenity of the adjacent dwellings.

2. Impact upon the character and appearance of the streetscene.

3. Impact upon the existing trees.

Application Number: F/2001/5203.

Appraisal :

1. Impact upon the residential amenity of the adjacent dwellings.
The proposed development is the reserved matters of application O/2001/4433. This application was granted permission on the 5 Sept 2001, for outline permission with all matters reserved. It was considered that it would be possible to locate an additional dwelling on the site.

   The site is currently enclosed with a 1.8m high closed board fence to the north west and north boundaries and partially along the east boundary. The rest of this boundary has a 3m high brick wall. This brick wall also encloses most of the front boundary, with a double width wooden gate at the entrance. Due to the existing degree of enclosure of the site and the proposed height of the bungalow 5.5m. The proposed development would have no detrimental impact upon the residential amenity of the neighbouring dwellings.

2. Impact upon the character and appearance of the streetscene.
The proposed development would retain the existing 3m high front boundary wall, but would remove the existing gates to allow for the creation of the driveway. The proposed bungalow would be visible from the street through this opening. The proposed bungalow would have a height of 5.5m and a width of 6.25m. As such the proposed development would be in keeping with the neighbouring dwellings and would have no detrimental impact upon the character and appearance of the streetscene.

3. Impact upon the existing trees.
The adjacent dwelling at 8 Triumph Close has three TPO'd Trees of Heaven within or close to its boundary. The closest of these trees has a crown which extends 6m to the east, with the trunk being located in close proximity to the boundary with the application site (these measurements were recorded at the time of the TP order). Drawing 01886/04 incorrectly shows the siting and extent of the crown of this tree. It is clear that should the dwelling be built as proposed, it would adversely impact upon this tree and result in its likely removal. As such the proposed development would have a detrimental impact upon the existing preserved tree.

Recomendation : ~~Approval:~~ ☐ **Refusal:** ☑
(tick appropriate box)

Application Number:F/2001/5203.
Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal
1.			The proposed development by reason of it location in close proximity to a preserved Tree of Heaven, would adversely impact upon the tree. As such the proposed development is contrary to policies OS1 and C9 of the Berkshire Structure Plan and policies LBE9 and LBE1 of the Loddon Area Local Plan and policies WOS3 and WBE11 of the Wokingham District Local Plan.
Informative.			
1.	n16		BSP: OS1, EN1, C9
			LALP: LBE1, LBE2, LBE5, LBE9, LH1.
			WDLP: WOS3, WBE1, WH1, WBE11.

CONDITION MONITORING RECORD SHEET

APPLICATION NO:

SECTION 106 AGREEMENT Yes ☐ No ☐

STAGE OF DEVELOPMENT	CONDITION NUMBER	DATE CONDITION DISCHARGED	DATE COMPLIANCE OBSERVED	DATE BREACH OBSERVED
PRIOR TO COMMENCEMENT				
COMMENCEMENT				
DURING CONSTRUCTION				
COMPLETION				

RECORD OF SITE VISIT

SITE ADDRESS

APPLICATION NUMBER:

DATE OF SITE VISIT: 15.11.01

OFFICER:

1 SITE/STATUTORY NOTICE DISPLAYED ? yes Front Gate .

2. DESCRIPTION OF SURROUNDINGS

Residential

3. DESCRIPTION OF SITE/BUILDING 3m front on East side boundary - with 1.8m otherboundary fence. Site empty with some Scrub .

4. RELATIONSHIP TO ADJOINING PROPERTIES - See photo .

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING

LEVELS

BOUNDARY TREATMENT

OTHERS

Tel: (0118) 974 6481

Date: 31st Jan 2002

My ref: RM/2001/5203

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

CONFIDENTIAL

Councillor D Thair
13 Tennyson Road
Woodley
RG5 3RH

Dear Councillor

Application Number: RM/2001/5203
Land Adjoining 61, Rivermead Road, Woodley, Reading.
Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

I write to let you know that the above mentioned application has been recommended for ~~APPROVAL:~~ ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Nicola Lake** on **(0118) 974 6481**. If you then feel the application needs to be transferred to the next available Development Control Committee for decision please fill in the form below.
This form must be received no later than 11th Feb 2002.

Yours faithfully

M L Thair

Principal Development Control Officer

LISTING FORM

Case officer: **Nicola Lake** Application Number: **RM/2001/5203**
Land Adjoining 61, Rivermead Road, Woodley, Reading.
Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

Transfer: Yes ☐ No ☐
Reason for Transfer:

_____

_____

Signed: _____ Date: _____

Councillor D Thair

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel: (0118) 974 6481

Date: 31 Jan 2002

My ref: RM/2001/5203

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

CONFIDENTIAL

Councillor C E Clacey
26 Southlake Crescent
Woodley
RG5 3QJ

Dear Councillor

Application Number: RM/2001/5203
Land Adjoining 61, Rivermead Road, Woodley, Reading.
Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

I write to let you know that the above mentioned application has been recommended for ~~APPROVAL:~~ ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Nicola Lake** on **(0118) 974 6481**. If you then feel the application needs to be transferred to the next available Development Control Committee for decision please fill in the form below.
This form must be received no later than 11th Feb 2002

Yours faithfully

Principal Development Control Officer

LISTING FORM

Case officer: **Nicola Lake** Application Number: **RM/2001/5203**
Land Adjoining 61, Rivermead Road, Woodley, Reading.
Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

Transfer: Yes ☐ No ☐
Reason for Transfer:

Signed: _____ Date: _____

Councillor C E Clacey

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel: (0118) 974 6481

Date: 31 Jan 2002

My ref: RM/2001/5203

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

CONFIDENTIAL

Councillor A Clifford
45 Colemansmoor Road
Woodley
RG5 4DG

Dear Councillor

Application Number: RM/2001/5203
Land Adjoining 61, Rivermead Road, Woodley, Reading.
Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

I write to let you know that the above mentioned application has been recommended for ~~APPROVAL:~~ ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Nicola Lake** on **(0118) 974 6481**. If you then feel the application needs to be transferred to the next available Development Control Committee for decision please fill in the form below.
This form must be received no later than 11 Feb 2002.

Yours faithfully

ML Thor

Principal Development Control Officer

LISTING FORM

Case officer: **Nicola Lake** Application Number: **RM/2001/5203**
Land Adjoining 61, Rivermead Road, Woodley, Reading.
Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

Transfer: Yes ☐ No ☐
Reason for Transfer:

_____

_____

Signed: _____ Date: _____

Councillor A Clifford

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Applicationo	Name & Addres
F/2001/5203	B K Higham 8 Triumph Close WOODLEY RG5 4AQ
Application Refused	Letters sent 19.02.02

WOKINGHAM UNITARY
Aiming for Excellence

Applicationo	Name & Address
F/2001/5203	B K Higham 8 Triumph Close WOODLEY RG5 4AQ
Application Refused	Letters sent 19.02.02

WOKINGHAM UNITARY
Aiming for Excellence

ENVIRONMENT AGENCY

Our Ref : SP/2001/004879-1/1
Your Ref : RM/2001/5203

Date : 23 January 2002

PLANNING SERVICES | HPT 52343
POL | TLS
DC RM NL | ENF
APP |
CS |
28 JAN 2002
COPIES TO: | ACK:
FILE:

District Planning Officer
Wokingham District Council
Council Offices
PO Box 157 Shute End
Wokingham
Berkshire
RG40 1WR

Dear Sir/Madam

RESERVED MATTERS ON OUTLINE CONSENT O/2001/4433 FOR THE ERECTION OF A DETACHED DWELLING
LAND ADJOINING 61 RIVERMEAD ROAD, WOODLEY

Thank you for your letter dated 14 November 2001, received on 16 November 2001. Please quote the following reference in any correspondence: SU77SE/12/17. The Environment Agency has the following comments:

The Environment Agency has no objection, in principle, to the proposed development provided that the following conditions are imposed on any planning permission granted:

CONDITION: No development approved by this permission shall be commenced until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.
REASON: To protect people on or close to the site from the risks associated with migrating landfill gas.

ADVICE TO PLANNING AUTHORITY

Landfill Gas Risk

According to our records, there is one landfill site within 250 metres of the site, as follows:

Grid reference	Distance from site	Landfill name
SU 768 723	0m	Loddon Bridge Road

In view of the close proximity of this landfill to the application site, it is possible that landfill

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

gas may present a risk to this proposal. The Agency would therefore recommend the imposition of the above condition Based on this assessment, there may be a need to incorporate certain precautionary measures into the design of the building.

Land Drainage

We are not aware of any watercourses on the site, but should there be any, we advise that:
(1) they should not be culverted; and
(2) a buffer zone is left on either side of any watercourse, and
(3) culverted watercourses should not be built over, but should ideally be opened up and made a feature of the site.

In any case, you should note that culverting of a watercourse requires the prior written approval of the local authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will normally be withheld.

PLANNING INFORMATIVES

The following planning informatives should be attached to any planning permission granted:

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is currently required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions. *Contact Claire Murphy on 01276 45 4509 for details.*

ADVICE TO APPLICANT

Environment Protection

Surface water from hard standing areas should discharge via deep seal trapped gullies incorporating a minimum water seal of 85mm or similar.

Roof water down-pipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.

No soakaways shall be constructed to a depth exceeding 3 metres below existing ground level, and under no circumstances shall the water table be intersected.

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

Decision Notice:

Would you please forward a copy of the decision notice to this office quoting our reference. If you have any further queries please do not hesitate to contact Sarah Paxman on 01276

454323, quoting the reference cited at the beginning of this letter.

Yours faithfully

SARAH PAXMAN
Development Planning Officer

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

1933

LAND AT

ADDRESS 61 RIVERMEAD ROAD PARISH WOODLEY

PLOT No. AND PLOT 8 NORTON'S STUDIO ORD. SHEET No. SU7672 (47)

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decisi
97/66851/Q	Barratt Homes Ltd	Outline - Bungalow	17.2.98	C
99/69925/A	B.P. Moor Esq.	One dwelling.	2/8/99.	R
F/2000/1223	Nutta Country Homes	Detached dwelling	06/06/00	R
F/2000/2954	Claughton Developments	Erect 1 Det dwelling	12/3/01	R
O/2001/4433		Erect 1 det dwell	05/09/01	C

MINISTRY DECISION

SPECIAL ORDERS

TO: **DEVELOPMENT CONTROL**
Nicola Lake

FROM: Environmental Design

DATE: 20th December 2001

Location: Land adjoining 61 Rivermead Road, Woodley.

Proposal: Application for reserved matters on outline consent O/2001/443 for the erection of a detached dwelling.

Application Number: RM/2001/5203

In response to your consultation dated 14th November 2001 for the above application, the arboricultural comments are as follows:

I would recommend that planning permission be refused. The siting of the bungalow will, if constructed in the position shown, result in the destruction of a Tree of Heaven growing at 8 Triumph Close and included in Tree Preservation Order No. 952/1999. This Order was made in connection with a previous decision to refuse planning permission to develop this site.

The trees are not shown accurately on the plan. The above tree is immediately adjacent to the boundary and overhangs the site by around 4.5 – 5 metres! Please ask the applicant to produce an accurate plan and then to look at siting the bungalow so that its construction does not cause damage to the roots, rooting area or branches of this tree. This is likely to entail siting the bungalow at least 4.5 – 5 metres from the tree.

Neil Etherington
Senior Arboriculturist

Architectural Services

21 Fairway Avenue, Tilehurst, Reading, RG30 4QA. Tel/Fax: 0118 942 1655
Email: archserve@fsbdial.co.uk
Architectural Design - Planning - Appeals - Building Surveys

12th December 2001

Planning Department
Wokingham District Council
PO Box 157
Council Offices
Shute End
WOKINGHAM
Berkshire
RG40 1WR

PLANNING SERVICES	HPT SO 874
POL	TLS
DC NL	ENF
APP	
CS	
DEC 01	
COPIES TO:	ACK:
	FILE:

our reference: **01886**
your reference: **RM/2001/5203**

For the attention of Nicola Lake

Dear Sirs,

Proposed new dwelling
Land adjoining to 61 Rivermead Road, Woodley, Reading

Further to the above planning application being submitted and your request for the trees adjacent to the site to be indicated, please find enclosed a site plan showing the existing boundary treatments to be retained, the nearby trees indicated and the driveway shown.

The proposed planting is shown, subject to incoming purchasers and their own gardening preferences.

Should you need any further information, please contact me at the above number.

Yours Faithfully,

P Shell

encs.

cc. K Cresswell, Cresswell Construction

FROM: Nicola Lake

DATE: 14 November 2001

DELEGATED

WOODLEY TOWN CONSULTATION SHEET

Application Number: RM/2001/5203

Proposal: Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling..

Site Address: Land Adjoining 61, Rivermead Road, Woodley, Reading.

Applicant: Cresswell Construction C/O Architectural Services.

Your observations are required in respect of this application **by 08/12/2001** .

The committee noted a letter from the neighbour at No. 8 Triumph Close.

Members had no objection to this application but asked that every effort should be made to ensure that materials used were in keeping with the neighbouring properties.

SERVICES	HPT
	TLS
	ENF
11 DEC 2001	
COPIES TO:	

SIGNED: _____ DATE: 6.12.01

Clerk To Woodley Parish/Town Council.

HIGHWAYS CONSULTATION SHEET

From: Nicola Lake **Date:** 14 November 2001

Application Number: RM/2001/5203

Proposal: Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

Parish: WOODLEY TOWN

Site Address:
Land Adjoining 61, Rivermead Road, Woodley, Reading.

Applicant:
Cresswell Construction C/O Architectural Services.

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).

COMMENTS AS PREVIOUS.

Signed: _____ **Print name:** AC 14/11/01

WOKINGHAM DISTRICT COUNCIL
ENVIRONMENTAL PROTECTION AND HOUSING

MEMORANDUM

To:	Nicola Lake Development Control	Your Ref:	RM/2001/5203
From:	Tom Payne Environmental Heath	My Ref:	20015349
		Date.	26 November 2001

APPLICATION FOR RESERVED MATTERS ON OUTLINE CONSENT O/2001/4433 FOR THE ERECTION OF A DETACHED DWELLING.
LAND ADJOINING 61 RIVERMEAD ROAD, WOODLEY

These proposals have been evaluated and I have no environmental health objections to the application.

T. Payne.

TOM PAYNE
SENIOR ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL PROTECTION & HOUSING

WOKINGHAM D.C. DEVELOPMENT CONTROL

Start date: 30 OCT 2001	Map No. 41. Site 0.02
Officer: NC / Application No. RM|2001|5203	Easting: ..... Flood Pln .....
	Northing: ..... Mineral .....

Level: ☐ Sub Committee ☑ Delegated ☐ Sec. State

☐ Incorrect Fee ☐ Invalid ☐ PD

Description: APPLICATION FOR (RM) A RESERVED MATTERS ON OUTLINE CONSENT O\|2001\|4433 FOR THE ERECTION OF A DETACHED DWELLING

Location: ADJOINING 61 RIVERMEAD ROAD

Parish: WOODLEY Ward: Loddon. 14-11-01 B.

Applicant: CRESSWELL CONSTRUCTION

Fee Received 190-00 Required ..... Additional ..... Refund .....

(1)

Enforcement Section to be notified ☐ tick if required

Additional information required for validation

		Reason	Requested	Received
1	1:2500 OS location plan showing property edged in blue/red			
2	1:500 block plan showing existing & proposed dev. + adj. Properties			
3	Forms unsigned			
4	Correct S 66 certificate			
5	Elevation plans			
6	Floor plans			
7	Metric scale disclaimer			
8	Encroachment letter			
9	Miscellaneous	Tree survey required – within 12m of TPO.		

APPLN NO. _____

ACTION REQUIRED BY DEVELOPMENT CONTROL

Conservation Area .....

Listed Building 1 2 2*

Advertisement Required .....

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

INTERNAL CONSULTATIONS

Building Control : .....
Landscape ✓ .....
~~Trees~~ .....
Conservation Officer .....
Environmental Health ← 250m Landfill Site Consultation .....
Housing .....
Leisure & Cultural services .....
Public Rights of Way .....
Property .....
District Secretary (only if called in by SOS) .....
Policy & Plans .....
Strategic Planning (JSPU) .....
Minerals (INTERNAL) .....
Archaeological Site (BABTIE) : .....
Education .....
Social Services .....
Highways ✓ .....

EXTERNAL CONSULTATIONS

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

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

HERITAGE BODIES

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

OTHERS:

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

NEIGHBOURS:

SN + see map
+ name & address on attached sheet

30.OCT.2001 5203

R - M

Applicationo	Name & Address
O/2001/4433	B K Higham 8 Triumph Close Woodley Reading Berks Rg5 4AQ
Application approved	Letter sent 07/09/01

WOKINGHAM DISTRICT COUNCIL

1789/a

SECTION 66 CERTIFICATE

Application No.

30.OCT.2001* 5203

Please fill in both Certificate A, B, C or D and the Agricultural Holdings Certificate. Delete sections not relevant.

(a) "Owner" means a person having a freehold interest or leasehold interest the unexpired term of which is not less than 7 years.

OR

+ See Note (a) to Certificate A

OR

(b) Insert description of steps taken.

(c) Name of local newspaper circulating in the area where the land is situated.

(d) Date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the application).

CERTIFICATE A

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application, nobody, except the applicant, was the owner of (a) of any part of the land to which the application relates.

CERTIFICATE B

I certify that:

I have/The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (a) of any part of the land to which the application relates, as listed below.

Owner's(a) name	Address at which notice was served	Date on which notice was served

CERTIFICATE C

I certify that

● I/The applicant* cannot issued a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66(1) of the Act in respect of the accompanying application.

● I have/The applicant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application were owners (a) of any part of the land to which the application relates.

Owner's(a) name	Address at which notice was served	Date on which notice was served

● I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:

(b) .....

.....

● Notice of the application as attached to this Certificate, has been published in

the (c) .....

on (d) .....

1789/b

CERTIFICATE D

I certify that

- I/The applicant cannot issue a certificate in accordance with paragraph (a) of Section 66 of the Act in respect of the accompanying application.

- I/The applicant have/has taken all reasonable steps open to me/him/her to find out the names and addresses of everyone else who, at the beginning of the period of 21 days beginning with the date of application was the owner (a) of any part of the land to which the application relates, but have/has been unable to do so. These steps were as follows:

(b) . . . . . .

. . . . . .

- Notice of the application as attached to this Certificate, has been published in

the (c) . . . . . .

on (d) . . . . . .

OR

(b) Insert description of steps taken

(c) Insert name of local newspaper circulating in the area where the land is situated.

(d) Insert date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

ALL APPLICANTS MUST COMPLETE THIS SECTION

If any of the site is part of an area of land which is let or there is an agreement to let the land for agricultural purposes to a tenant, it may be an agricultural holding. Further advice may be obtained from the Department.

Agricultural Holdings Certificate

One or other section must be crossed through as not applicable.

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

- None of the land to which the application relates is, or is part of, an agricultural holding.

OR

- I have/The applicant has given the required notice to every person other than my/him/herself who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

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

Signed . . . . . P. [signature] . . . . . .

On behalf of . . . . Cresswell Construction . . . . . .

Date . . . . . 29/10/01 . . . . . .

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN & COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988
Certificate under Section 66

Architectural Services

21 Fairway Avenue, Tilehurst, Reading. RG30 4QA. Tel/Fax: 0118 9421655
Architectural Design - Planning - Appeals - Building Surveys

29th October 2001

Planning Department
Wokingham District Council
PO Box 157
Council Offices
Shute End
WOKINGHAM
Berkshire
RG40 1WR

our reference: **01886**
your reference:

Dear Sirs,

Proposed new dwelling
Land adjoining to 61 Rivermead Road, Woodley, Reading

Further to the approval of outline planning application **0/2001/4433** dated 5th September 2001, for a one bedroom bungalow, please find enclosed a reserved matters application, with the appropriate documentation and fee of £190-00.

Should you need any further information, please contact me at the above number.

Yours Faithfully,

P Shell

encs.

cc. K Cresswell, Cresswell Construction

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

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

30.OCT.2001 * 5203

1.	APPLICANT'S NAME	CRESSWELL CONSTRUCTION
	ADDRESS	GATEHAMPTON FARM GORING-ON-THAMES
	POST CODE	PHONE
If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	ARCHITECTURAL SERVICES
	ADDRESS	21 FAIRWAY AVENUE TILEHURST, READING
	POST CODE	RG30 4QA PHONE 0118 942 1655
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 61 RIVERMEAD ROAD, WOODLEY, READING
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		DETACHED BUNGALOW
5. Give the area in hectares or part of a hectare	AREA OF SITE	0·02 H
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	01886/01, 02 & 03

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?	CHANGE OF USE	☐	REDEVELOPMENT	☐
Tick the boxes(x)	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 — O/2001/4433
	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 ?			SITING	☑
	EXTERNAL APPEARANCE	☑	DESIGN	☑
	MEANS OF ACCESS	☑	LANDSCAPING	☐

1769b

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 BE SUBMITTED FOR APPROVAL
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.	WALLS & FENCES.
16. HOW WILL SURFACE WATER BE DISPOSED OF?	TO 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	NONE FROM RIVERMEAD ROAD
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	/ *	/ *	/
BUNGALOW	1 / 2 *	/ *	/ *
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. £190-00

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 [signature] ON BEHALF OF Creskeen Construction DATE 29/10/01

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.'

61 Ruxmaid Road - F/2001/5203.

- Tree preservation order was confirmed at the end of January 2000; and had been placed on the tree because of application 99/69925/F

- Tree is not accurately shown on plan as the trunk is in close proximity to the boundary, Crown extends 6m East.

Received by Wokingham District Council

Application No: RM/2001/5203

Proposal:
Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

Location:
Land Adjoining 61, Rivermead Road, Woodley, Reading.

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

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

WOODLEY LIBRARY HEADLEY ROAD WOODLEY 9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday and 1.00pm - 4.00pm Sunday. Library closed all day Wednesday. If you intend to view this application at Woodley Library please allow 4 days from the date of this letter for delivery of plans and remember to quote application number RM/2001/5203 to enable the library staff to locate the correct information.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Nicola Lake P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 08/12/2001. Written comments submitted will become available for public inspection.

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

Head Planning and Transportation

14 November 2001

existing 1800mm close boarded fence

New tree and shrub planting to new owner's specifivation

Existing opening and gate to be bricked up, all to match existing brickwork

lawn

existing 1800mm close boarded fence

existing 3 metre high brick wall to remain unaltered

proposed bungalow

existing trees on adjacent site and in verge

existing 3 metre high brick wall to remain unaltered

verge

footpath

RIVERMEAD ROAD

2 no. off road parking spaces with block paved frontage area

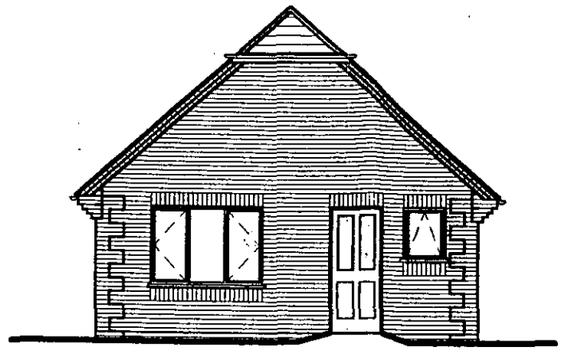
Existing archway, front wall and pier to be removed and replacement pier constructed to enable vehicular access to parking spaces

REFUSED

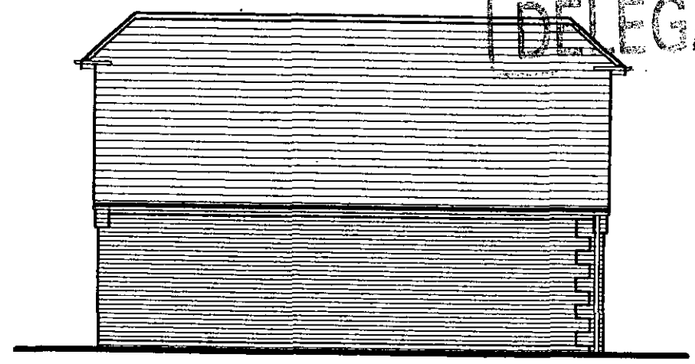
PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	
CS	
DEC 01	
COPIES TO:	ACK:
	FILE:

Job: Land adjacent to 61 Rivermead Rd, Woodley, Reading	Date: Dec 01	Building contractor to verify all dimensions prior to setting out, commencing works or detailing shop drawings. Any discrepancies are to be reported to the supervising officer immediately. Do not scale from this drawing. © Copyright	Architectural Services 21 Fairway Avenue, Tilehurst, Reading RG30 4QA Tel: Reading (0118) 942 1655 Architectural Design–Planning–Appeals–Surveys
Drawing Title: Proposed Bungalow Site Plan & External Works	Scale: 1:100		
	Drawn by: PS	Drawing No: 01886/04 Revision	

PART 1 REGISTERED
OCT 2001 5203
DELEGATED



Front Elevation
Obscure glass to
WC window

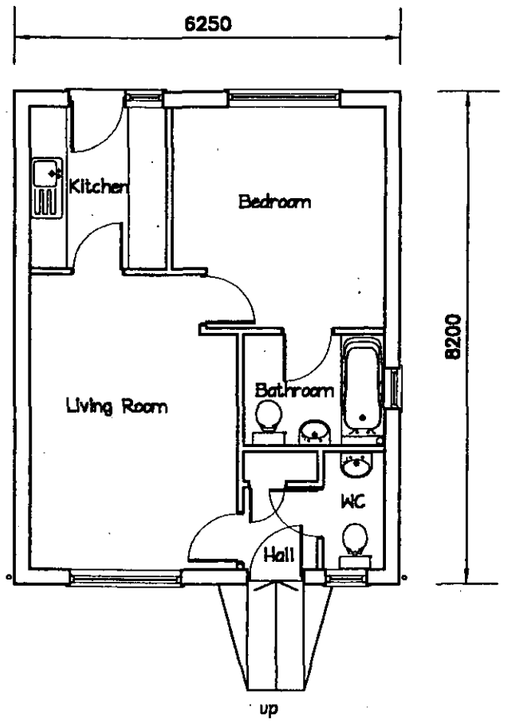


Side Elevation

Materials

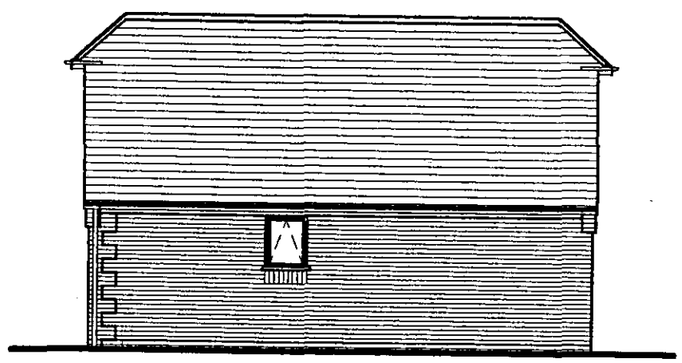
Roof: Interlocking concrete ~~plain~~ tiles
Walls: Facing brickwork
Windows: White pvc-u double glazed units

REFUSED

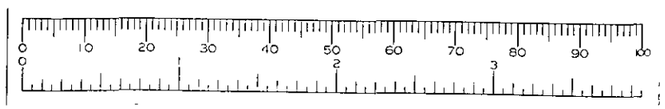


Ground Floor Plan

Rear Elevation

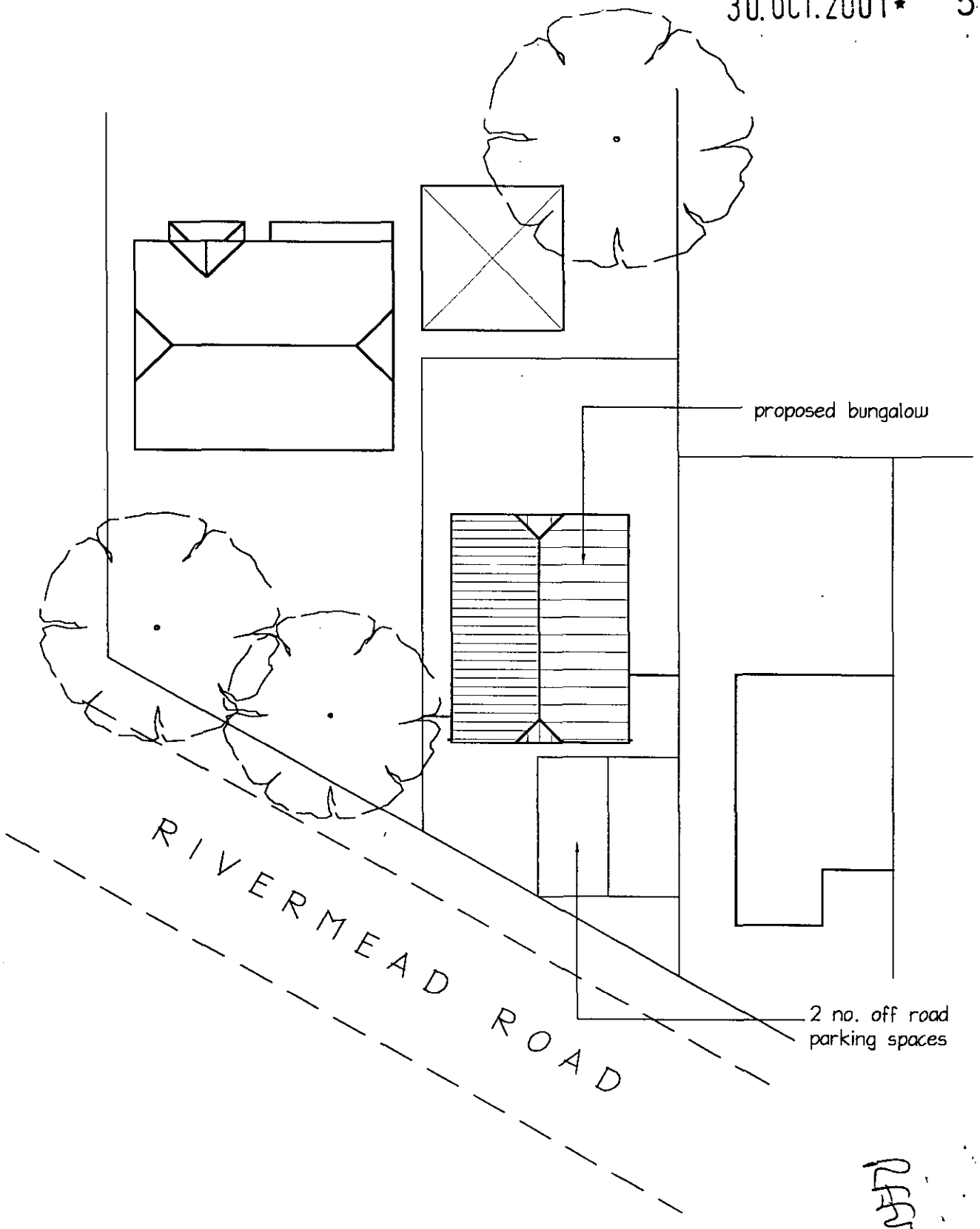


Side Elevation
Obscure glass to
bathroom window



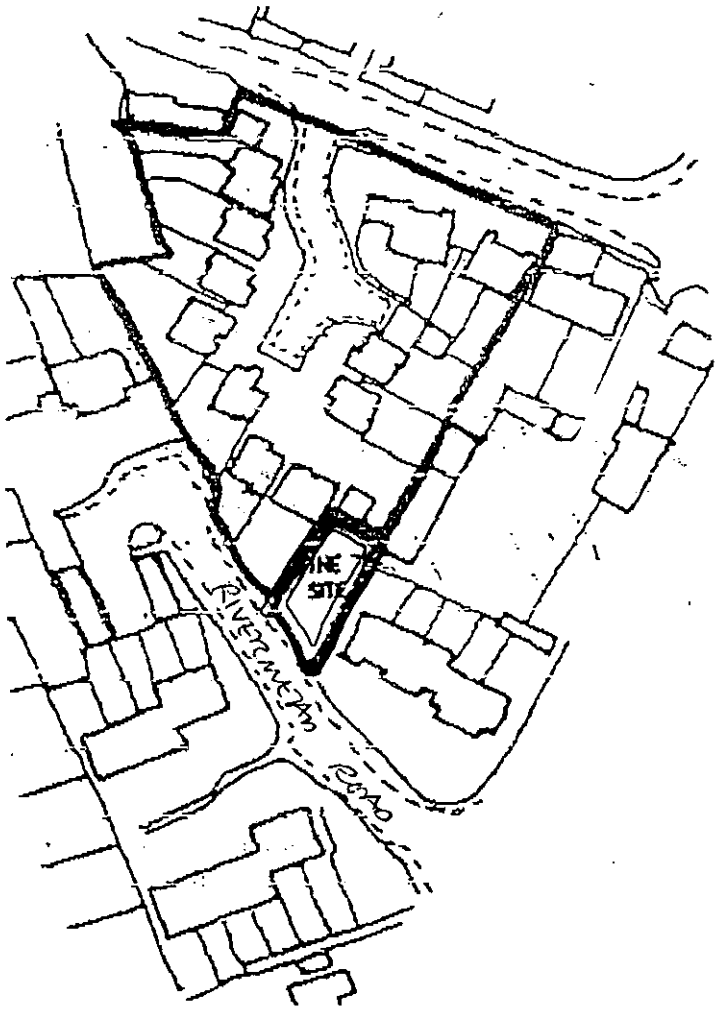
Job: Land adjacent to 61 Rivermead Rd, Woodley, Reading	Date: Oct 01	Building contractor to verify all dimensions prior to setting out, commencing works or detailing shop drawings. Any discrepancies are to be reported to the supervising officer immediately. Do not scale from this drawing. © Copyright	Architectural Services 21 Fairway Avenue, Tilehurst, Reading RG30 4QA Tel: Reading (0118) 942 1655 Architectural Design–Planning–Appeals–Surveys
Drawing Title: Proposed Bungalow Proposed Plan and Elevations	Scale: 1:100		
	Drawn by: PS	Drawing No: 01886/03 Revision: *	

30.OCT.2001* 5203



Job: Land adjacent to 61 Rivermead Rd, Woodley, Reading	Date: Oct 01	Building contractor to verify all dimensions prior to setting out, commencing works or detailing shop drawings. Any discrepancies are to be reported to the supervising officer immediately. Do not scale from this drawing. © Copyright	Architectural Services 21 Fairway Avenue, Tilehurst, Reading RG30 4QA Tel: Reading (0118) 942 1655 Architectural Design–Planning–Appeals–Surveys
Drawing Title: Proposed Bungalow Block Plan	Scale: 1:200		
	Drawn by: PS	Drawing No: 01886/02 Revision	

30.OCT.2001* 5203



Job Land adjacent to 61 Rivermead Rd, Woodley, Reading	Date Oct 01	Building contractor to verify all dimensions prior to setting out, commencing works or detailing shop drawings. Any discrepancies are to be reported to the supervising officer immediately. Do not scale from this drawing. © Copyright	Architectural Services 21 Fairway Avenue, Tilehurst, Reading RG30 4QA Tel: Reading (0118) 942 1655 Architectural Design–Planning–Appeals–Surveys
Drawing Title Proposed Bungalow Location Plan	Scale 1:1250		
	Drawn by PS	Drawing No 01886/01	Revision

ADDITIONAL NEIGHBOUR CONSULTATION SHEET

APPLICATION NUMBER: RM/2001/5203
CASE OFFICER: Nicola Lake

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



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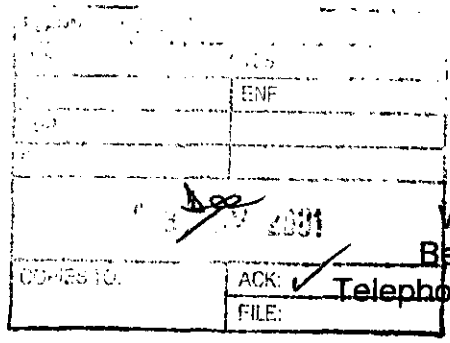
Development Control Section, Environmental Services, Wokingham District Council.
8 November 2001

Scale: 1 : 1250

N
W E
S

NL



BK Higham,
8 Triumph Close,
Woodley, Reading,
Berkshire, RG5 4AQ
Telephone 0118 927 2277

30 November 2001

Wokingham District Council
Planning Services
PO Box 157
Shute End
Wokingham
Berks RG40 1WR

Dear Sir or Madam:

Planning Application No RM/2001/5203

I am writing to express my objections to the above Planning Application. My concerns are as follows:

During a previous Planning Application (No 99/69925/F), a Senior Arboriculturist employed by the WDC decided that the building of any building on this plot:

> "would result in the destruction of a tree of heaven growing in the garden of 8 Triumph Close. This tree was retained as part of that development and forms part of a group of 3 trees, which are significant in the surrounding landscape"

The Arboriculturist recommended that planning permission be refused and placed TPO no 99/69925/F on the three trees.

The submitted plan contains no dimensions pertaining to the proposed property's position relative to others and the trees illustrated seem to be for decoration purposes only, for they bear no relevance to actual position or size. By scaling, I estimate that the corner of the new building will be about 1.75m from a tree which is the subject of the TPO stated above, whose roots are entirely in my garden. Moreover, in excess of 60% of the branches of this tree hang into the plot. The majority of these will have to be removed.

In the expectation that this application will be approved, I would like Wokingham District Council to confirm that, as they will be directly responsible for the death of this tree, they will also resume responsibility for its complete removal.

The proposed building appears to have a large loft space. Please can the WDC ensure that the deeds (or other such document) clearly indicate that under no circumstances must the loft be converted into living space, I mention this because the building is very adjacent to my garden and house, and any such development would be an invasion of my privacy. Three previous

applications (Nos 99/69925/F, F/2000/1223 & F2000/2964) were rejected in part for this reason.

The rear of my property and that of the adjoining plot is protected by an old (Victorian) wall, which is also an important street scene to the residents of Rivermead Road. Access to the plot is under an arch in the wall. The plans indicate that this arch and part of the wall will be removed. This is unacceptable. In addition, this may weaken the stability of my wall – please ensure the builder is responsible for any structural damage

Yours faithfully,

BK Higham



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Development Control Section, Environmental Services, Wokingham District Council.

21 May 2002

Scale: 1 : 1250

N W E S

EX SYSTEMS LTD

SOUTHPORT UK Tel:01704-28886 Fax:01704-28814
LONDON OFFICE Tel:0121-522-1222 Fax:0121-247-6161

APPLICATION NO.5203

Name of appellant:
Cresswell Construction

Site address:
61 Rivermead Rd, Woodley

Proposal:Application for reserved matters o
Outline consent O/2001/4433

Case Officer:NL

Dismissed
11/09/02

06 312

WRITTEN REPRESENTATION APPEAL

CASE OFFICER: NL

APPLICATION NUMBER: 5203

APPELLANT: Cresswell Construction

SITE: 61 Rivermead Rd, Woodley

APPEAL REF: APP/X0360/A/02/1087824

Dismissed 11/09/02

START DATE: 15/04/02

DATE OF SITE VISIT

Progress Record	Date Actioned	Initials
Appeal Logged:	16/04/02	
Entered on Access:	17/04/02	DG
Notification Letters Due:	**29/04/02**	
Notification Letters Sent:	22/04/02	DG
Questionnaire Due:	**29/04/02**	
Questionnaire Sent:	22/04/02	DG
Statement Due:	**27/05/02**	
Statement Sent:	24/05/02	DG
Comments on Statement Due	17/06/02	
Comments on Statement Sent	—	
Decision letter circulated:	16/09/02	DG
Decision entered on Access:	16/09/02	DG

Appeal Decision

Site visit made on 27 August 2002

by Graham C Cundale BA(Hons) MSc MRTPI MIEEM
an Inspector appointed by the First Secretary of State

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

Date
11 SEP 2002

Appeal Ref: APP/X0360/A/02/1087824
Land adjacent to 61 Rivermead Road, Woodley, Reading

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a decision to refuse to approve details reserved by an outline planning permission.
- The appeal is made by Cresswell Construction against the decision of Wokingham District Council.
- The application (Ref. RM/2001/5203), dated 29 October 2001, was refused by notice dated 12 February 2002.
- The outline planning permission (Ref. O/2001/4433) is for the erection of one detached dwelling, and it was granted by the Council on 5 September 2001.
- Condition 1 of the outline planning permission reserved all detailed matters for future consideration.

Summary of Decision: the appeal is dismissed.

Preliminary Matters

1. Just to the west of the appeal site, in the adjoining garden and verge, is a group (G1) of three Trees of Heaven (*Ailanthus altissima*) the subject of the Wokingham District Council (Parish of Woodley) Tree Preservation Order No. 952/1999. Tree Preservation Orders are made under the Town and Country Planning Act 1990 to protect trees in the interests of amenity.

Main Issues

2. I consider that the main issue in the appeal is whether or not the proposed siting of the dwelling (a bungalow) would be harmful to one of the protected trees and to the public amenity value of both the tree and group G1 of which it forms a part. The tree concerned grows near to the western boundary fence of the appeal site and I shall refer to it as 'Tree 3' in accordance with the numbering adopted by the Council.

Planning Policy

3. Relevant development plan policies are to be found in the Berkshire Structure Plan 1991-2006 (incorporating Alterations adopted in 1997) and the Loddon Area Local Plan (1995). Among other things, Local Plan policy LBE1 requires new development to make a positive contribution to its setting and the character of the area. It also seeks to create a safe and attractive environment in which to live and work, and to retain important landscape features of the site compatible with good design. In broad terms Local Plan policy LBE9 and Structure Plan policies OS1 and C9 also seek to protect and enhance the environment.

4. The Deposit Draft of the Wokingham District Local Plan now incorporates a number of proposed amendments and, having been through its inquiry stage, is the subject of an Inspector's report (November 2001). Taking account of the Inspector's recommendations,

it is relevant that policy WOS3 requires development proposals to have no significant detrimental impact on important landscape features, while policy WBE11 indicates that the loss of, or damage to, trees protected by Tree Preservation Orders will be resisted. Although they are not part of the development plan I give these emerging policies substantial weight, commensurate with the stage they have reached in the plan formulation process.

Reasons

5. I found that Tree 3 and its group form an attractive landscape feature that can be appreciated from a length of Rivermead Road well beyond the site frontage. Tree 3 lies on the eastern side of the group and in my assessment it contributes very positively to the character and visual amenity of this residential area. Its importance is recognised by its inclusion in the Tree Preservation Order.

6. I saw that Tree 3 grows close to the boundary fence and that its crown extends considerably further into the appeal site than indicated on the application plans. On the other side of the tree its crown overlaps with that of another tree in its group, which appears to exert some competitive pressure. Having regard to the guidance in BS5837: 1991, and particularly the appropriate minimum protection distance cited by the Council, I judge that the proposed siting of the bungalow would have a substantive adverse impact on the root system of Tree 3. Also, to ensure adequate clearance from the proposed building and acceptable living conditions for its future occupiers, some significant branch pruning would be necessary. While appreciating the upright habit of this species, I consider that restricting the tree in these ways would nevertheless be detrimental to its health, life expectancy, appearance and future development. It would harm the public amenity value of the tree and its group, thus undermining the purpose of the Tree Preservation Order. I conclude that the proposals are contrary to Local Plan policy LBE1 and both the emerging Local Plan policies; and that they are not consistent with the aims of the other development plan policies referred to.

7. The Appellant indicates that the roots and branches of the tree would be cut back if the appeal fails, in order to secure beneficial use of the land and to abate a nuisance. To be exempt from Tree Preservation Order controls I understand that the 'nuisance' would have to be actionable and that its meaning in law is not the same as its meaning in 'every-day' parlance. Taking this into account, the amount of pruning that could be undertaken lawfully and without specific consent would be considerably less in my estimation than that which would follow from the appeal proposals.

8. The principle of the development is not in dispute and I accept that siting options are limited on a plot as small as the appeal site. However, I believe it would be possible to achieve an alternative siting that would be compatible with good design, while giving more space to the tree and reducing adverse effects to an acceptable level. The whole site is well concealed by substantial boundary features and having carefully assessed possible implications for the amenities, and particularly the privacy, of future occupiers of the proposed bungalow, I am in no doubt that a satisfactory alternative siting would be possible.

9. The proposed siting is the same as that authorised by outline planning permission 97/66851/O granted in February 1998, when siting was not included with the reserved matters. Although a material consideration, this does not carry overriding weight in my assessment because the permission has lapsed and there are now different circumstances. The latter include the Tree Preservation Order, made in 1999. They also include the

emerging Local Plan policies, which are drafted in terms that more specifically address the issue before me and which now carry greater weight than previously as a result of progress with the Local Plan review. Other factors may also account for the Council's changed position. For example the Council's decision on the appeal proposal was informed by advice from its Senior Arboriculturalist. It is not clear to me that its decision in February 1998 was similarly informed.

10. I note that details of siting are also shown on a plan that appears to have been a part of outline planning application O/2001/4433, even though the application form indicates that siting and the other detailed matters are reserved. Condition 1 of the permission indicates that the Council took siting to be a reserved matter, in accordance with the application form, and I am not aware that the conditional permission has been the subject of any appeal on these grounds. In the circumstances I do not consider it is justifiable to treat the siting of the bungalow as an established planning commitment.

11. The Appellant has suggested the possibility of granting approval subject to a planning condition requiring the siting of the bungalow at a defined minimum distance from Tree 3. However, it would not be appropriate for me to allow the appeal and approve the reserved matters on terms that require siting, as one of those matters, to be changed.

Conclusion

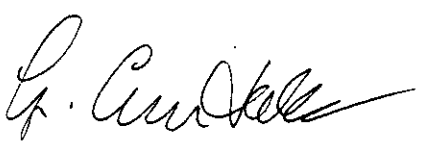
12. I have concluded that the proposed siting of the bungalow would be harmful to a protected tree and to the public amenity value of both the tree and the group of which it forms a part. I find no material considerations that outweigh the related conflict with the development plan. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Formal Decision

13. In exercise of the powers transferred to me, I hereby dismiss the appeal.

Information

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



Graham C Cundale
Inspector

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Cresswell Construction
SITE: 61 Rivermead Rd, Woodley
APPLICATION NO.: 5203
PROPOSAL: Application for reserved matters on Outline consent O/2001/4433 for the erection of a detached dwelling
LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Loddon

Mr C Clacey

Mr A Clifford

Mr D Thair

Clerk(s) of Parish / Town Council of Woodley

Ms D Mander, The Pavilion, Woodford Park, Haddon Drive, Woodley RG5 4LY

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

Environmental Design, WDC
-FAO Neil Etherington

Environment Agency, Swift House, Frimley Business Park, Frimley, Camberley, Surrey GU16 7SQ

The Owner/Occupiers of the following addresses in Woodley:

8, 9 & 10 Triumph Close

49 & 61 Rivermead Rd

and

Woodley Timber Co. Ltd, Norton Works, Norton Rd

The Planning Inspectorate

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Temple Quay House
2 The Square
Temple Quay
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19 JUN 2002

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

Your Ref: RM/2001/5203

Our Ref: APP/X0360/A/02/1087824

Date: 18 June 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY CRESSWELL CONSTRUCTION
SITE AT LAND ADJOINING, 61 RIVERMEAD ROAD, WOODLEY, READING, RG5 4DH

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

Yours faithfully

Mrs M Pocock

217L(BPR)

FRANK H DIXON
Development Economist & Planning Consultant

Breach House
Cholsey
Oxfordshire
OX10 9JN

Tel: 01491 652401
Fax:01491 652600
E-mail: frankhdixon@aol.com

RECEIVED
10 JUN 2002
PINS AA PBP

6th June 2002

The Planning Inspectorate
3/03 Kite Wing
Temple Quay House
2 The Square
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Bristol
BS2 6PN

Your ref:APP/X0360/A/02/1087824
Our ref: FHD/KC/08

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 - Section 78 Appeal
Planning Inspectorate ref:APP/X0360/A/02/1087824

LPA:- **Wokingham District Council - Application Ref RM/2001/5203.**
Appellant:- **Cresswell Construction**
Proposal:- **Application for reserved matters on outline consent for erection of detached dwelling**
At:- **Land adjoining 61 Rivermead Road, Woodley, Reading.**

We give below the appellants comments on the statement provided by the LPA. For ease of reference the paragraph numbers given below are those used in the LPA statement.

4.02 The 'BS Guide for trees in relation to construction' does not form part of the Development Plan. The recommendation of 3 metres is simply that - a recommendation. It is not mandatory. The distance between the dwelling and the tree would appear to be in the order of 2.6 metres. The difference between 2.6 metres and 3 metres is marginal but in any event involves only the corner of the building. It is averred that the corner of the building being approximately 2.6 metres from the centre of the tree is less invasive than say a flank wall running tangentially to the circle of the root / branch system at the recommended distance of 3 metres. The point made by the LPA under this paragraph can carry little weight particularly as i) the outline application showed the bungalow in the same position, ii) the BS was known to the LPA at the time iii) and the LPA chose not to impose a condition on the grant of outline permission to the effect that the dwelling should not be constructed closer to the tree than 3 metres.

4.03 The distance checked on site (with the front corner of the bungalow set at 4 metres from the wall - see appellant's statement) indicates that the bungalow will be 2.6 metres from the tree and not 2 metres as stated by the LPA.

4.04 & 4.05 These comments are speculative. The LPA would have taken these matters into account when granting outline approval

4.06 The LPA would have taken this matter into account when granting outline approval.

4.07 The proposed position of the bungalow was clearly indicated on the outline application. The position now suggested for the bungalow by the LPA would lead to an unacceptable standard of design contrary to the LPAs own standards. The attached sketch layout shows the position of the bungalow as now suggested by the LPA. It will be seen that this does not provide any private amenity space at the rear of the bungalow. The only amenity space available would be at the front open to view from the public footpath / highway through the entrance driveway to the bungalow. The space would also be overlooked from the first floor windows of 8 Triumph Close, this is not the case for the position which is the subject of this appeal. The LPA's suggestion would lead to unacceptable design standards with a lack of private amenity space for the occupants of the proposed bungalow. This would be detrimental to the normal use and enjoyment of the proposed bungalow.

4.08 The appeal decision is not relevant to the determination of this appeal. It is an appeal for permission where there has not been a prior commitment for development given by the LPA. It therefore cannot be compared to a matter which has already been the subject of consideration and commitment by the LPA.

4.09 The point is clearly made in the appellant's statement that the a neighbour has a statutory right to prune, lop, or cut back roots of a tree which is the subject of a TPO providing the presence of the tree on the neighbouring land is causing a common law actionable nuisance. This is a matter of law, not interpretation.

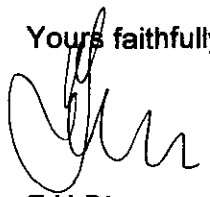
5.20 It is agreed that a dwelling could be constructed further away from the tree than is shown on the application drawings. However, this would lead to unacceptable design in other areas.

Conditions

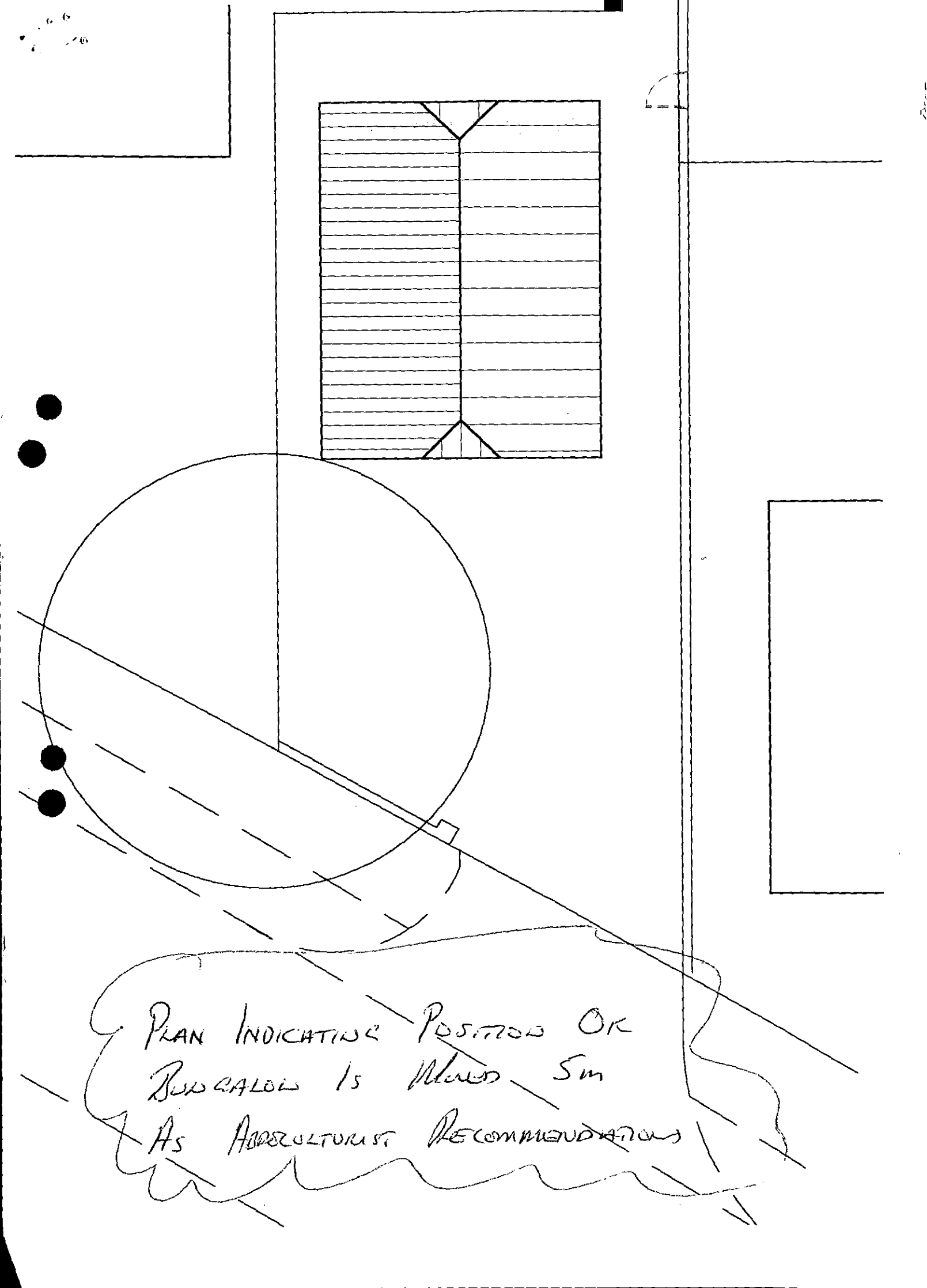
It is averred that in allowing the appeal the Inspector may impose a condition requiring the siting of the dwelling to be positioned a specific distance from the road. The application shows the corner of the building nearest to the tree being a distance of 4 metres from the road (by projecting the line of the flank wall forward in a straight line, i.e. the wall parallel to the boundary with 8 Triumph Close). A condition could require this to be some other measurement - for example 4.40 metres which would take the building position 3 metres away from the tree rather than its present 2.6 metres if it is considered that this is desirable or necessary. It will of course be borne in mind that the greater the distance the building is moved from the road (and therefore the tree) the less acceptable the private amenity area at the rear of building becomes.

We respectfully urge that this appeal be allowed.

Yours faithfully,



F H Dixon


PLAN INDICATING POSITION OF
BUNGALOW IS MADE SUBJECT
AS AGRICULTURIST RECOMMENDATIONS

The Planning Inspectorate

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

Your Ref: RM/2001/5203

Our Ref: APP/X0360/A/02/1087824

Date: 28 May 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY CRESSWELL CONSTRUCTION
SITE AT LAND ADJOINING, 61 RIVERMEAD ROAD, WOODLEY, READING, RG5 4DH

I enclose a copy of the appellants statement and 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. 17/06/02

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.

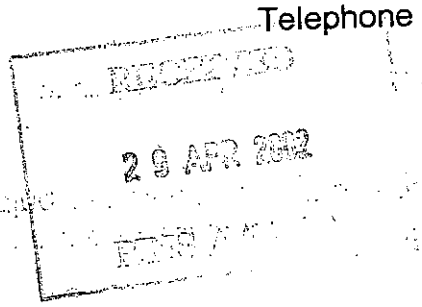
Yours faithfully

Mrs M Pocock

211AL(BPR)

BK Higham,
8 Triumph Close,
Woodley, Reading,
Berkshire, RG5 4AQ
Telephone 0118 927 2277

Ref APP/X0360/A/02/1087824



25 April 2002

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

Dear Mrs Pocock,

Wokingham District Council has informed me that an appeal has been raised with respect to the refusal of building permission on a plot adjacent to my property.

I have a direct interest in the outcome of this appeal, and would appreciate a copy of the appeal decision.

I have already registered my comments against this proposal, which will be forwarded by WDC to the Inspectorate for their consideration. However I would like to point out that I have previously been refused planning permission for the erection of a conservatory to the rear of my house, due to the proximity of the three trees which are common to the above refusal – see Appeal Ref APP/X0360/A/01/1076749.

Yours faithfully,

BK Higham

Appeal Decision

Site visit made on 12 February 2002

by Ruth V MacKenzie BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

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Bristol BS1 6PN
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Date
22 FEB 2002

SUMMARY

Appeal Ref: APP/X0360/A/01/1076749
8 Triumph Close, Woodley, Reading

- 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 B K Higham against the decision of Wokingham District Council.
- The application (Ref No F/2001/4358, dated 22 June 2001) was refused by notice dated 31 August 2001.
- The development proposed is a single storey building to form a conservatory at the rear.

Decision: The appeal is dismissed.

Background Information

1. The outer edge of the proposed conservatory would be under the canopy of a Tree of Heaven (*Ailanthus altissima*). The tree, along with 2 others of the same species, forms a group (G1) protected by a Tree Preservation Order (TPO 952/1999). The other 2 trees in the group are unaffected by the proposal.

Main Issue

2. I consider that the main issue in this appeal is the effect of the proposed conservatory on the appearance and life expectancy of the protected tree.

Planning Policy

3. The development plan for this area includes the Loddon Area Local Plan (LP), adopted in 1995. LP policy LBE1 requires, amongst other things, that development should be appropriate to the character of the area and retain important landscape features of the site.

4. The thrust of this policy is carried forward into various policies in the emerging Wokingham District Local Plan. Policy WBE11, as proposed to be modified, establishes that damage to protected trees will be resisted. This emerging policy is not yet part of the development plan. Nevertheless I shall give it weight in accordance with the advice in paragraph 48 of Planning Policy Guidance No 1.

Inspector's Reasons

5. The Tree of Heaven is still semi-mature. It is vigorous, and appears to be in good health with no evidence of dieback. There is a small area of decay at the base of one of the branches, but the decay appears to be dormant. The tree has had some surgery in the past, but it still retains a reasonably balanced form.

6. The appellant is proposing to carry out some minor pruning, to increase the distance between the tree's canopy and the proposed conservatory. In the short-term, this would not be of great significance to the appearance of the tree. However, I must take a longer-term view.

7. The tree is currently about 10m tall. If allowed to develop naturally, it should grow to about double that height. The spread of its canopy would increase proportionately. In the next few decades, as the tree grows, regular surgery would be required to keep the branches a safe distance from the conservatory. The conservatory's fragile structure would be vulnerable to falling branches. This particular species of tree has a propensity to drop branches unexpectedly. In my view, the regular pruning would result in a stunted and unattractive specimen. The debris of fruit, flowers and leaves falling onto the conservatory's roof would be a long-term and continual inconvenience. To my mind, the potential hazards of having a tree so close to the conservatory, and the long-term inconvenience, could eventually lead to pressure for the tree's removal; pressure that the Council would have difficulty resisting once the conservatory had been built.

8. Trees protected by TPOs merit special care. This tree is no exception. If its development were to be stunted by regular pruning, or if the tree were eventually to be removed, the amenity value of this group of 3 trees would be diminished. The visual appearance of the surrounding residential area would suffer as a result. LP policy LBE1 seeks to protect landscape features. Emerging local plan policy WBE11 does the same. I consider that the proposal fails to comply with the objectives of these policies.

Conclusion

9. I have concluded that the proposed conservatory, because of its proximity to the protected tree, would have a harmful effect on the tree's appearance and life expectancy. The proposal is therefore unacceptable.

10. In reaching this decision I have taken into account all other matters raised. I note that the appellant is prepared to be flexible about the size and shape of the conservatory. However, my consideration of this appeal must be based on the 3.8m x 3.3m conservatory shown on the plans refused by the Council. The appellant has drawn my attention to a recent outline planning permission for a detached dwelling on an adjoining piece of land. However, the siting of the dwelling has not yet been determined. Its effect on another Tree of Heaven cannot therefore be predicted. Neither these, nor any other matters, are sufficient to outweigh the considerations that have led me to my conclusion.

Formal Decision

11. In exercise of the powers transferred to me, I dismiss the appeal.

Information

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

Ruth V. MacKenzie

Inspector

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by -	Cresswell Construction
Site at -	Land adjoining 61 Rivrmead Road, Woodley, Reading.
LPA -	Wokingham District Council
LPA Ref -	RM/2001/5203
Planning Inspectorate Ref -	Ref APP/X0360/A/02/1087824

Statement of Submissions made on behalf of Appellant

21st May 2002

Statement on behalf of Appellant

The Grounds of Appeal provided at the time of lodging the appeal are maintained. This statement expands upon the Grounds of Appeal only where considered necessary.

1.00 Background

1.01 This appeal results from the refusal of the LPA to grant planning permission for certain reserved matters following the earlier grant of outline planning permission.

1.02 It is well stated case law that the grant of outline permission constitutes a commitment by the LPA to the principle of development thus preventing the authority from refusing to approve any reserved matter on the grounds which go to the principle of the development (*Lewis Thirkwell* v *Secretary of State for the Environment* [1978] JPL 844.

1.03 The reason for refusal of planning permission for reserved matters is that the proposed bungalow would be too near to a tree which is subject to a TPO. The tree is on adjacent land which is in separate ownership.

1.04 In granting outline permission for the construction of a bungalow on the appeal site the LPA have committed themselves to the form of development which is comprised in the outline permission.

1.05 It is not uncommon for an applicant for outline planning permission to submit details of the proposed development. Such details can be indicated to be "for illustrative purposes only". There is no doubt that such details, when indicated to be for

illustrative purposes only, constitute a material consideration in the determination of the application.

1.06 Where the applicant has not indicated that the details are for illustrative purposes and has not otherwise indicated that the details are not formally part of the application the LPA should treat the detail as part of the development proposal.

1.07 The outline planning application for the appeal site was submitted by a previous owner of the site. The LPA reference for this outline application / permission has the LPA reference number 0/2001/4433. The site was sold to the appellant immediately upon the grant of outline planning permission. The appellant believed that the details provided with the outline planning application (including siting / location of the bungalow) were submitted by the previous owner "for illustrative purposes only". Nonetheless, being aware that such details had been submitted and would have been considered by the LPA as material to the application the appellant quite reasonably relied upon them as a firm indication as to the form of development (including siting / location) which would be approved under a reserved matters application. The reserved matters application was therefore made using the very similar details to those which had been provided with the outline application ref. 0/2001/4433. The reserved matters application showed the bungalow is intended to be in the same location as shown on the plans which accompanied the outline application. (See section 3.00).

1.08 The appellant was therefore confident that permission for the reserved matters would be granted as the application contained nothing in the way of substantial detail which the LPA had not previously seen and had not taken into account when approving the outline application.

1.09 The site is relatively small in area, it follows that the scope for positioning the bungalow is extremely limited and the appellant is not aware of any other layout configuration which would be practical - other than the one shown on drawings submitted as part of the outline application and virtually repeated as part of the reserved matters application.

1.10 As part of the preparation of this Statement of Case, the appellant's agent obtained from the LPA a full copy of the outline planning application. It was then seen that the drawings submitted with the outline application were not, as previously thought, marked to indicate that they were for illustrative purposes only, nor is there any correspondence or other record which indicates that the details were not a formal part of the application. The siting of the bungalow is shown on drawings submitted with the outline application and approved by the LPA. This matter no longer falls for consideration as part of the reserved matters as the LPA commitment to this form of development has already been made. (an alteration to the position of the bungalow would of course need fresh consideration if this were to be the case - which patently it is not)

1.11 The only ground given for refusal of the reserved matters application is that of siting / location. It is averred that the LPA is acting unreasonably in refusing the application on this ground and that the refusal reason cannot lawfully be sustained.

2.00 The following facts are material to the determination of this appeal : -

2.01 With the introduction of Section 54A of the Town and Country Planning Act 1990, the development plan has assumed statutory significance. It is now a statutory obligation to determine planning applications and appeals in accordance with the development plan unless material considerations indicate otherwise.

2.02 The requirement to have regard to other material consideration is re affirmed at Section 70 (2) which states that *"the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."*

2.03 The definition of other material considerations has been considered by the courts and the concept of such other material considerations is now well

understood. In *Stringer v Minister of Housing and Local Government* [1971] JPL 114; 1 All ER 65 [1970] 1 WLR 1281 Cooke J held that "any consideration which related to the use and development of the land was capable of being a planning consideration" subsequent cases have affirmed the *dictum* of Cooke J to be "still good law"

2.04 PREVIOUS PERMISSION Ref 97/66851/0.

2.05 An outline planning application with the LPA ref 97/66851/0 was approved on 17 February 1998. The application included a drawing number 97111/01A. This drawing is provided at appendix 1 of this Statement. The drawing shows a bungalow of identical plan form and size and situated in an identical location to the bungalow which is the subject of this appeal. The only variation in detail is that the appeal proposal has a higher pitched roof with small hips at each end as this is considered to be a more satisfactory detail. The Plan and Elevation at a scale of 1:100 is marked "Illustrative Purposes Only, the Site Plan at a scale of 1:200 (on the same sheet) is not marked and must be taken to be a formal part of the application.

2.06 Unlike the extant permission, even though the details provided were similar the permission granted under ref 97/66851/0 does not reserve siting or means of access. The (lapsed) permission ref 97/66851/0 is shown at appendix 2

2.07 The approval of this application (ref 97/66851/0) was made under the development plan which remains current i.e. Berkshire Structure Plan 1991 - 2006 and the Loddon Area Local Plan adopted May 1995.

2.08 In *South Oxfordshire District Council v Secretary of State* [1981] JPL 359; 1 WLR 1092 it was held that a previous planning permission is capable of being a material consideration (even if it has expired).

2.09 DETERMINATION OF OUTLINE APPLICATION Ref 0/2001/4433

2.10 In determining the approval of the outline application 0/2001/4433 the LPA took account of the advice of the Senior Arboriculturist to the LPA That advice was refuse planning consent on the basis that the bungalow was located too near to the protected tree. Clearly this advice was not given sufficient weight to result in a refusal of permission. A copy of the internal memorandum setting out the advice is given at appendix 3. In determining the reserved matters application the council received similar advice from the same Senior Arboriculturist. A copy of the internal memorandum setting out this advice is also shown at appendix 3 However, in the case of the reserved matters application the LPA appear, somewhat bizarrely, to have taken a different view of the weight to attach to the advice and refused the application.

2.11 From a recent inspection of the LPA's file relating to the all applications on the appeal site it is seen that the file copies of the drawings for this appealed reserved matters application that the file copies are marked up as approved and that the approval was about to be issued under officer delegated authority. It will also be seen that the "approved" stamp mark is crossed through and that a hand-written "refused" has been added. There is no indication as to why the last minute change was effected. There is also no rational explanation given the aboriculturist's advice remained constant at both the outline and reserved matters stage. These drawings are shown at appendix 4

2.12 The behaviour of the LPA in this matter appears to be unreasonable.

2.13 THE HEALTH OF THE TREE IS NOT JEOPARDISED BY THE SITING OF THE BUNGALOW

2.14 Site inspection will reveal that the proposed bungalow can be constructed without detriment to the health of the tree which is the subject of the TPO, albeit some modest specialist pruning may be required.

2.15 The protected tree is a Tree of Heaven (*Ailanthus altissima*), a non native tree imported from northern China. It is of reasonable upright habit. However, the

tree in question has a number of young low horizontal branches which in any event need pruning back to encourage the proper upright nature of future growth. Once these small branches are cut back there will be no interference with the tree from the proposed bungalow.

2.16 Further, the foundations of the bungalow are unlikely to have anything other than the most minimal effect upon the root structure of the tree. Any incursion at the front west corner of the bungalow will be minimal, if at all.

2.17 IT IS LAWFUL FOR THE APPELLANT TO CUT BACK THE TREE TO PREVENT INTERFERENCE WITH THE USE OF THE LAND

2.18 The tree is on neighbouring land, not the appeal site. The appellant has no interest in that neighbouring land It is averred that, at common law, should the overhanging branches and intruding root structure be deemed to constitute an actionable nuisance the appellant has a right to cut back the intruding roots or overhanging branches in order to abate the nuisance. Under s. 198 (6)(b) abating such nuisance by lopping or topping is legally allowed providing such nuisance is a tort actionable at law.

2.19 What constitutes an actionable nuisance has been established in a series of cases. In *Crowhurst v Amersham Burial Ground* [1878] 48 ExD 5, the poisoning of ground by a yew tree was held to be an actionable nuisance. In *King v Taylor* [1976] 238 EG 265, the extraction of water by tree roots, thus making the soil less suitable than formerly, was also held to be an actionable nuisance. It is therefore the case that if a neighbour is able to prove that the effect of tree upon his property is nuisance actionable in law he may take the appropriate action to overcome the problem irrespective of the fact that the tree is the subject of a TPO.

2.20 If the inconvenience which results from the encroachment of the protected tree becomes unreasonable interference with the beneficial use of the land it is actionable nuisance. The appellant may lawfully remove all overhanging

branches and cut back the root structure to the fence line without regard to the future health of the tree.

2.21 Such action will need to be taken if the appellant is prevented for implementing the outline consent and therefore beneficially using the land.

2.22 INCONSISTENCY

2.23 The approach of the LPA is inconsistent and irrational in that outline planning permissions have twice been granted for the development of this site with a bungalow. On each occasion formal plans have been provided indicating the siting of the proposed bungalow. The reserved matters application indicates the siting of the bungalow in the same position considered by the LPA when they approved both Outline applications

2.24 The inconsistent approach of an LPA was considered by Lightman J in *R v East Hertfordshire District Council ex p Beckman* (1997) EGCS 104 when he observed "Where a decision of the council is made to reverse a position taken twice in so recent a period, fairness and good administration require that the reasoning advanced by the council should be clear and unambiguous; it should not be contradictory, unsatisfactory of pregnant with possibilities of error."

2.25 In the present case the approval of two Outline applications does not sit comfortably with the refusal of reserved matters on the basis that the location of the bungalow will be in close proximity to a preserved tree. The tree has not been moved at any time, the proposed position of the bungalow has remained constant and has twice been indicated on drawings submitted with Outline applications which were both approved.

2.26 In particular:-

Outline Consent was granted for the construction of a bungalow on this site a mere seven weeks prior to the application for reserved matters being made. During that period the physical conditions on the site did not change, there was

no change in relevant central government guidance, there was no change in the Development Plan. The recommendations of the LPA tree officer in respect of the outline and reserved matters application did not change.

2.27 Refusal of the reserved matters application is tantamount to a complete reversal of an earlier decision without there having been any material change in circumstances and is therefore unreasonable and unsustainable.

3..00 Position of the bungalow.

3.01 The 1:100 drawing submitted with the outline application 0/2001/4433 shows the depth of the plot on the short north west boundary at 18.6 metres. The 1:200 drawing submitted with the outline application 97/66851/0 gives the same scaled dimension.

3.02 As part of the preparation work for this appeal the dimension was checked physically on site and found to be correct.

3.03 In both cases the scaled dimension of the distance from the front west corner of the bungalow to the road side wall (taken by projecting the line of the west flank wall of the bungalow forward) is 4.00 metres. For the avoidance of doubt it is intended that the distance from the front wall of the proposed bungalow which is the subject of this appeal is to be identical to that shown on both the extant outline consent and the lapsed outline consent i.e. fixed by the 4.00 metre dimension.

3.04 Given that the front wall position of the bungalow has not altered from that shown on the drawing submitted as part of the formal outline application and that the drawing was not marked for illustrative purposes only, nor was it indicated to the LPA in correspondence or any other way that the drawing did not form part of the formal application, then the position of the bungalow is fixed by the outline approval and does not need further consideration.

3.05 The LPA gave no other reason for refusal and appear satisfied with all other aspects of the reserved matters proposal including external appearance / design, means of access, landscaping

For the reasons given in the grounds of appeal and amplified above the Inspector is respectfully urged to allow this appeal.

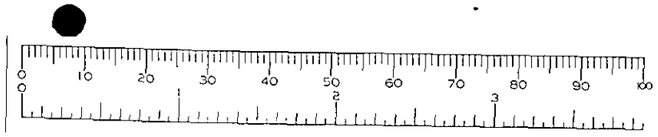
APPENDIX 1

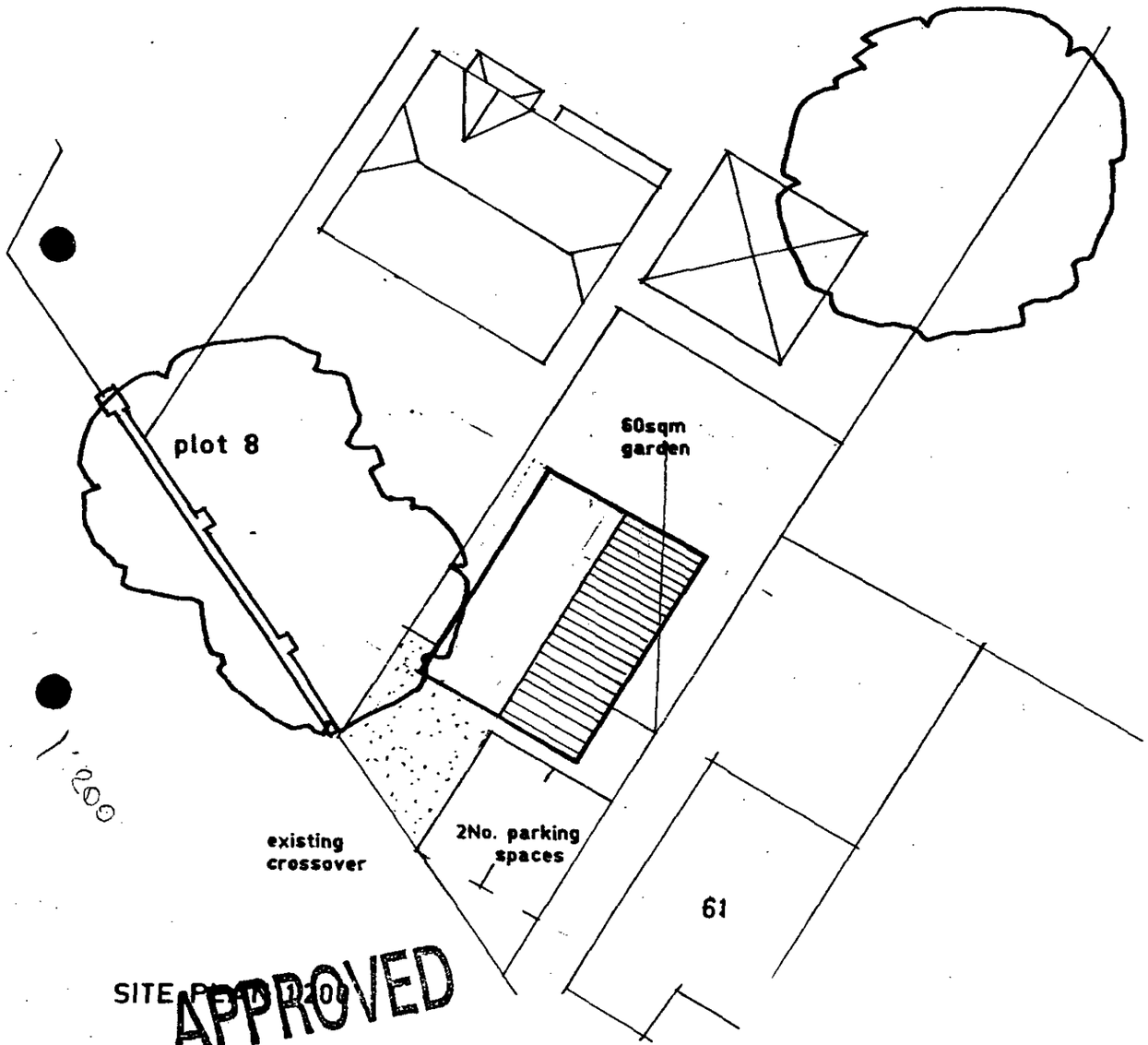
Drawings forming part of lapsed permission 97/66851/0

This drawing is the copyright of Architectus Limited. The contractor shou
check all dimensions on site. No dimensions are to be scaled from th
drawing. It is the contractors responsibility to ensure that all works c
in compliance with the current requirements of statutory regulatio

T/ 6685 1/ 0

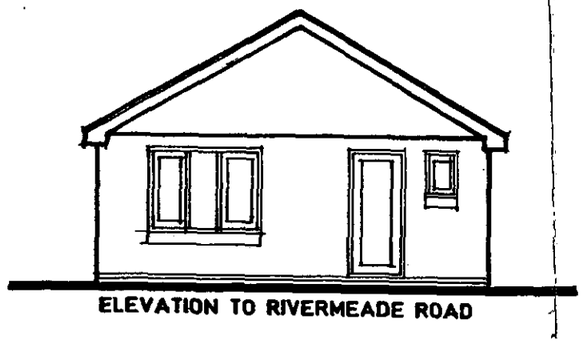
17 DEC 1997

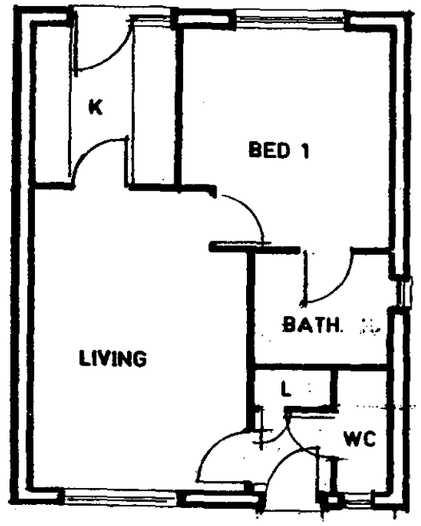




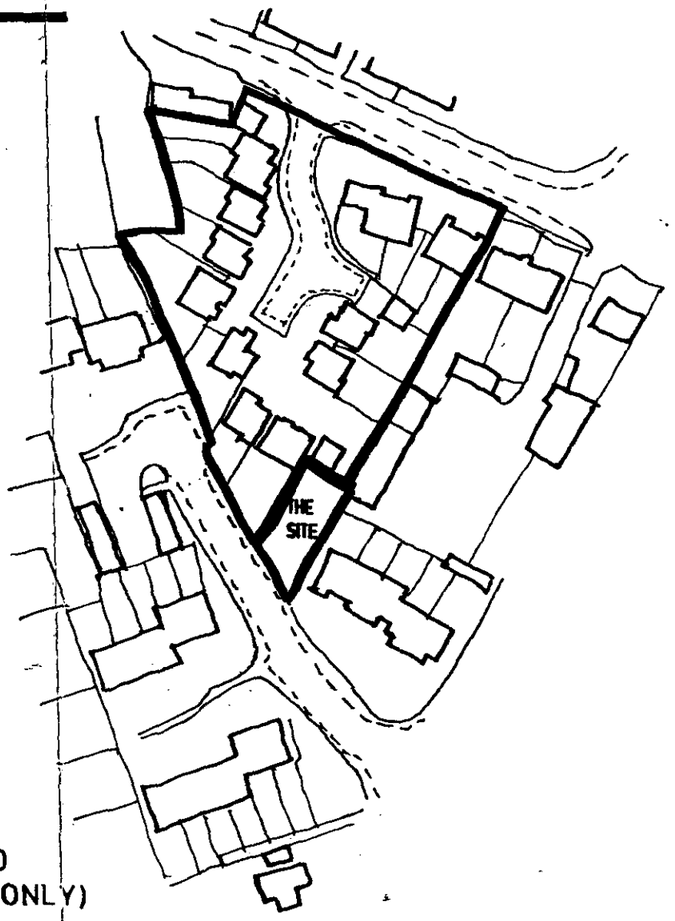
SITE PLAN 1:200

APPROVED





PLAN AND ELEVATION 1:100
(ILLUSTRATIVE PURPOSES ONLY)



LOCATION PLAN 1:1250

ARCHITECTUS

ARCHITECTS & ARCHITECTURAL TECHNOLOGISTS

MUIR HOUSE BROADWATER ROAD WORTHING WEST SUSSEX BN14 8HY

TEL 01903 821001 FAX 01903 821711

CLIENT: BARRATT HOMES LIMITED
THAMES VALLEY

PROJECT: LAND ADJACENT TO 61 RIVERMEADE ROAD
WOODLEY

DRAWING: OUTLINE PLANNING APPLICATION

A: 151297 GM Redrawn for application.
REV DATE AMEN APP REVISION

DRG. NO.: 97111/01A

SCALE: as shown DATE: DECEMBER 199

DRAWN: GM APPROVED:

APPENDIX 2

Copy of lapsed permission 97/66851/0

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF CONSENT FOR OUTLINE PLANNING PERMISSION

Barratt Homes Ltd
C/O Architectus Ltd
Muir House Broadwater Road
Worthing
West Sussex
BN14 8HY

Removal Permitted Development Rights

Application No : 97/66851/O

Parish : WOODLEY PARISH

Proposal : OUTLINE APPLICATION FOR PROPOSED ERECTION OF BUNGALOW

Location : Land Adjoining 61 *Rivermead Road* Woodley

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby GRANT **OUTLINE PLANNING PERMISSION** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

CONDITION(S) :

01

a) Approval of the details of the design and external appearance of the building and the landscaping (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

b) Application for approval of the reserved matters referred to in a) above shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

*

c) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the sooner.

02

No enlargement, improvement or other alteration to the dwelling hereby permitted, by Part 1 classes A to D to the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order) shall be carried out.

03

Construction work of any sort shall only take place within the area covered by the application between the hours of 7.00am & 7.00pm Mondays to Fridays and 7.00am to 1.30pm Saturdays and no construction work shall take place on Sundays and Bank Holidays.

04

The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting

Wokingham District Council
01189 746000

Mrs Pollock
01189/746450

that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this parking space.

05

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure, car parking layout and hard surfacing materials.

06

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation and maintenance programme.

07

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

08

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (1st November - 31st March) following the first 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 dangerous, damaged or diseased shall be replaced in the next planting season with others of similar size and species.

09

The development shall not commence until details of all boundary treatment 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.

10

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 and no external materials shall be used other than those approved.

REASON(S) :

01

a) No such details have been submitted.

b) & c) In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

02

To safeguard the amenities of neighbouring residents and the locality.

03

In the interests of residential amenity.

04

Development without adequate provision for vehicle parking would lead to parking inconvenient to other road users and detrimental to highway safety.

05

To enable the development to assimilate into its surroundings.

06

To enable the development to assimilate into its surroundings.

07

To enable the development to assimilate into its surroundings.

08

To enable the development to assimilate into its surroundings.

09

To safeguard the amenities of neighbouring residents and the locality.

10

To ensure a satisfactory external appearance.

Date 17 February 1998

C.E. Kinmer

Head of Development Control

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

APPENDIX 3

Copies of LPA memorandum

File on 4433

TO: **DEVELOPMENT CONTROL**
Joss Miller

FROM: Environmental Design

DATE: 19th November 2001

Location: 61 Rivermead Drive, Woodley.

Proposal: Proposed new dwelling.

Application Number: O/2001/4433

In response to your consultation dated 2nd August 2001 for the above application, the arboricultural comments are as follows:

There are three Tree of Heaven's growing on adjoining land which are included in Tree Preservation Order No. 952/1999. These trees are not shown on the applicant's drawings. As far as I can tell the nearest tree is approximately 1.5 metres from the edge of the proposed building. This is too close and will result in significant damage being caused. In addition its canopy overhangs the proposed building and would have to be heavily pruned to allow the building to be constructed. This would adversely effect both the health and appearance of the tree.

In view of the above I would recommend refusing consent to this application (contrary to Policy WBE11).

Neil Etherington
Senior Arboriculturist

TO: **DEVELOPMENT CONTROL**
Nicola Lake

FROM: Environmental Design

DATE: 20th December 2001

Location: Land adjoining 61 Rivermead Road, Woodley.

Proposal: Application for reserved matters on outline consent O/2001/443 for the erection of a detached dwelling.

Application Number: RM/2001/5203

In response to your consultation dated 14th November 2001 for the above application, the arboricultural comments are as follows:

I would recommend that planning permission be refused. The siting of the bungalow will, if constructed in the position shown, result in the destruction of a Tree of Heaven growing at 8 Triumph Close and included in Tree Preservation Order No. 952/1999. This Order was made in connection with a previous decision to refuse planning permission to develop this site.

The trees are not shown accurately on the plan. The above tree is immediately adjacent to the boundary and overhangs the site by around 4.5 – 5 metres! Please ask the applicant to produce an accurate plan and then to look at siting the bungalow so that its construction does not cause damage to the roots, rooting area or branches of this tree. This is likely to entail siting the bungalow at least 4.5 – 5 metres from the tree.

Neil Etherington
Senior Arboriculturist

Application No: F/2001/4433

Appraisal:

Outline application is for a small single storey bungalow, approx 7.6m x 6.2m and 4.2m high to ridge level. Previous refused scheme (2954) was for a chalet bungalow of 6.5m height and deeper flor plan, projecting c. 6m behind No 61 Rivermead Road – new scheme only projects c. 5m, with lower profile. (No 61 is over 1m lower than the site.). Also earlier refusals plus approval for chalet.

No flank windows apart from a bathroom.
No material impact on No 61, or No 8 Triumph Close to West.
Small plot, but only 1 bed dwelling.

Street scene – very low building – 2m wall at front to be retained – barely visible as result.
Mature trees at front of site and in front of front boundary – tree survey required.
Objections of neighbour at No 8 Triumph Close – amenity/ overdevelopment: very low ridge height and reduced floor plan, plus retention of 2m fence will mitigate effect sufficiently. The ornate wall to the street frontage will be retained, albeit minus the low entrance arch – structure not listed (not of sufficient age & interest, but an interesting feature anyway in street scene), so no objection. Effect on preserved tree at No 8 – no likely effect on root system – add conditions. Dimensions – plans to scale even though outline.

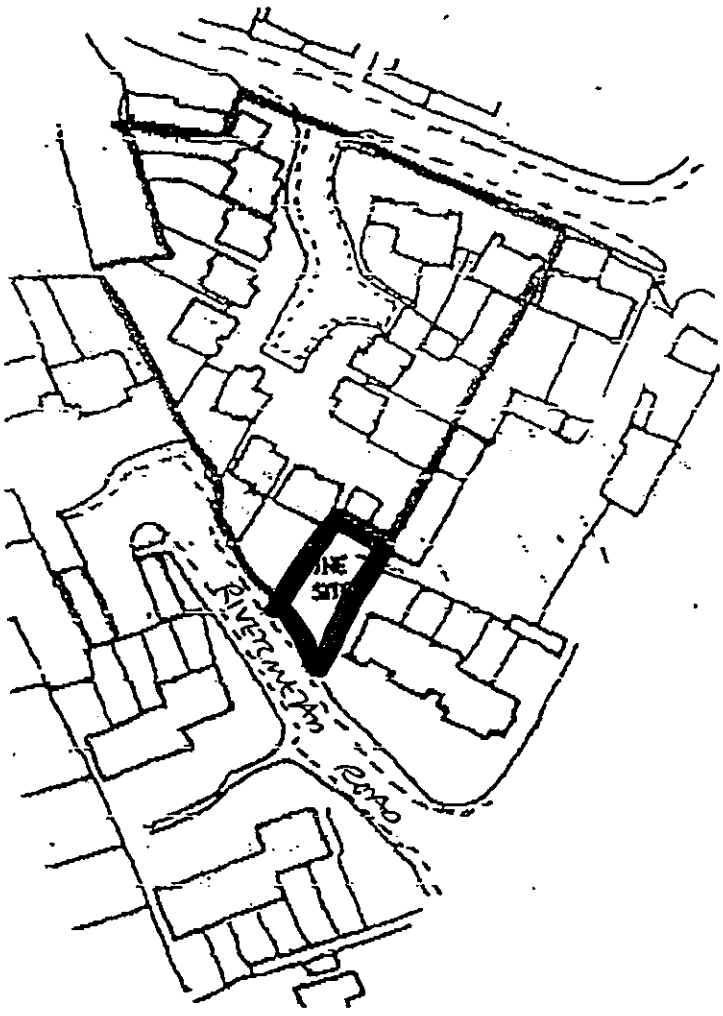
Recommendation: Grant conditional permission (outline)

RPM

APPENDIX 4

Copy of application drawings marked as "Approved"

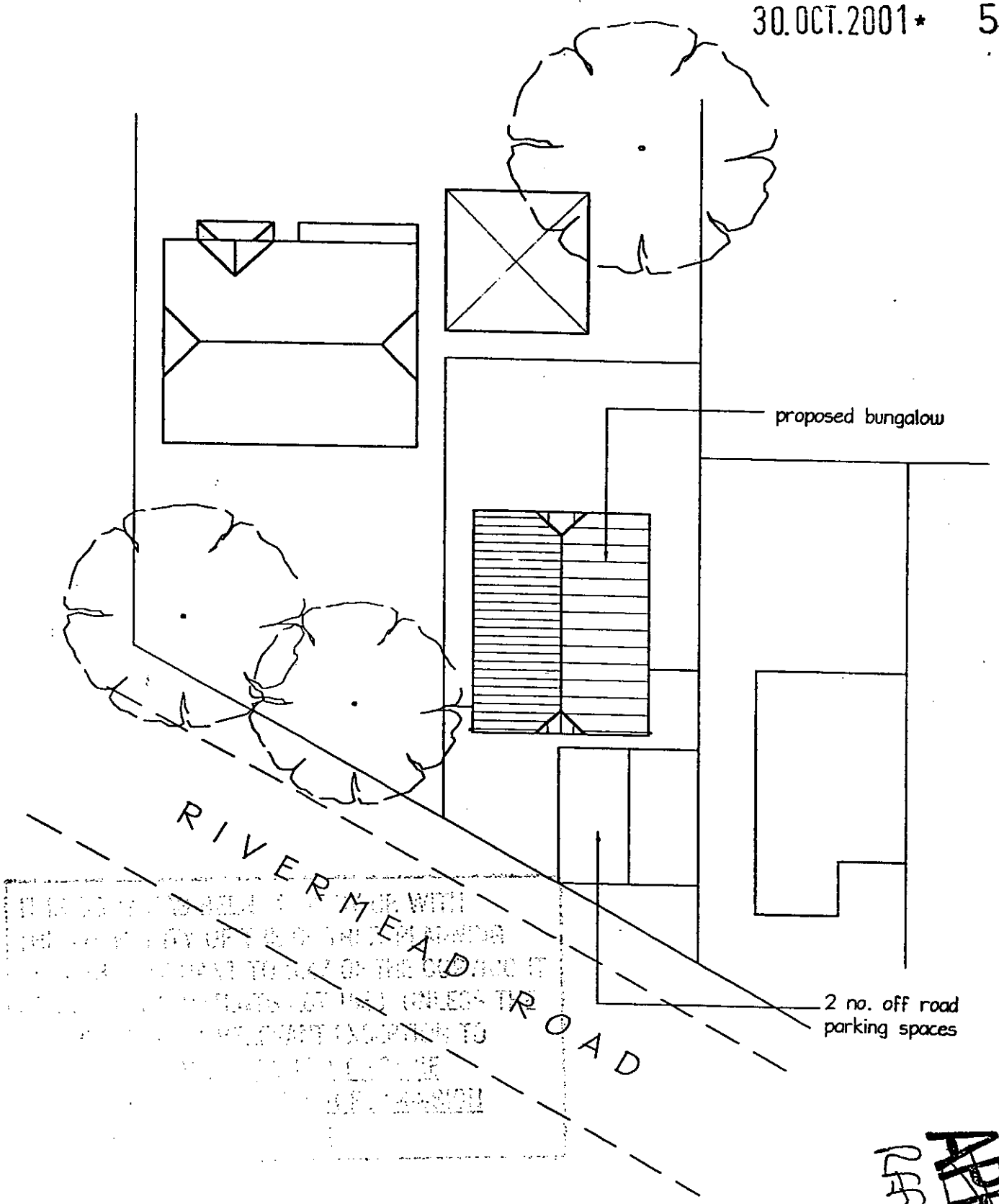
30.OCT.2001* 5203



APPROVED

Job Land adjacent to 61 Rivermead Rd, Woodley, Reading	Date Oct 01 Scale 1:1250	Building contractor to verify all dimensions prior to setting out, commencing works or detailing shop drawings. Any discrepancies are to be reported to the supervising officer immediately. Do not scale from this drawing. © Copyright	Architectural Services 21 Fairway Avenue, Tilehurst, Reading RG30 4QA Tel: Reading (0118) 942 1655 Architectural Design–Planning–Appeals–Surveys
Drawing Title Proposed Bungalow Location Plan	Drawn by PS	Drawing No 01886/01 Revision	

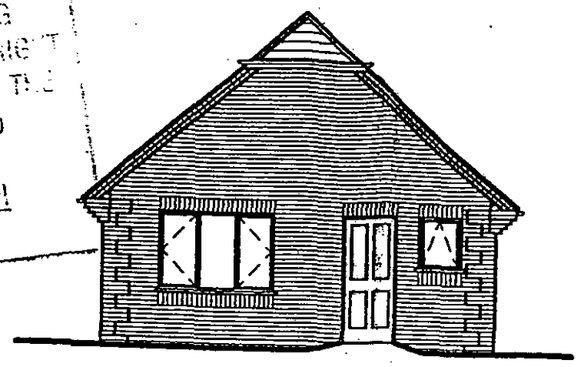
30.OCT.2001* 520



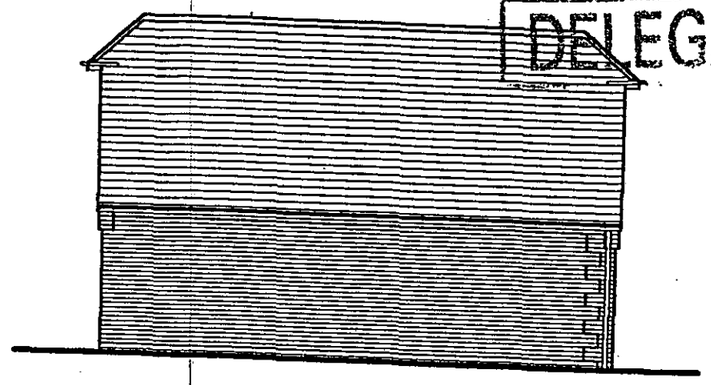
APPROVED

Job: Land adjacent to 61 Rivermead Rd, Woodley, Reading	Date: Oct 01	Building contractor to verify all dimensions prior to setting out, commencing works or detailing shop drawings. Any discrepancies are to be reported to the supervising officer immediately. Do not scale from this drawing. © Copyright	Architectural Services 21 Fairway Avenue, Tilehurst, Reading RG30 4QA Tel: Reading (0118) 942 1655 Architectural Design–Planning–Appeals–Surveys
Drawing Title: Proposed Bungalow Block Plan	Scale: 1:200		
	Drawn by: PS	Drawing No: 01886/02 Revision	

PART 1 REGISTE
20 OCT 2001* 5203
DELEGATE



Front Elevation
Obscure glass to WC window

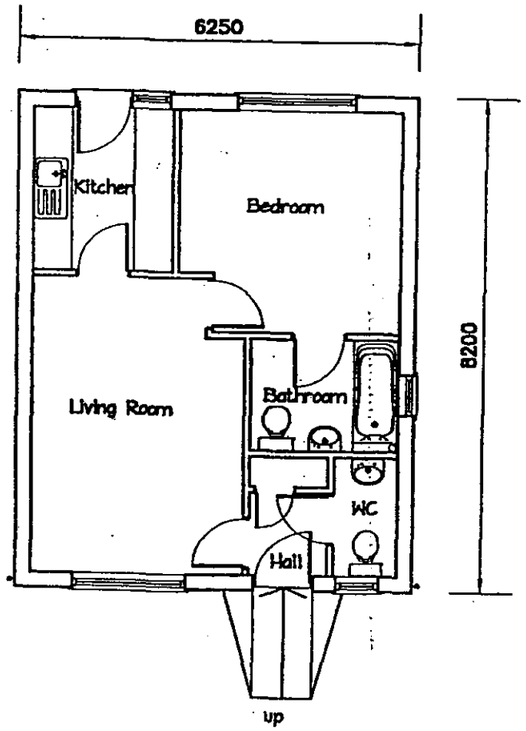


Side Elevation

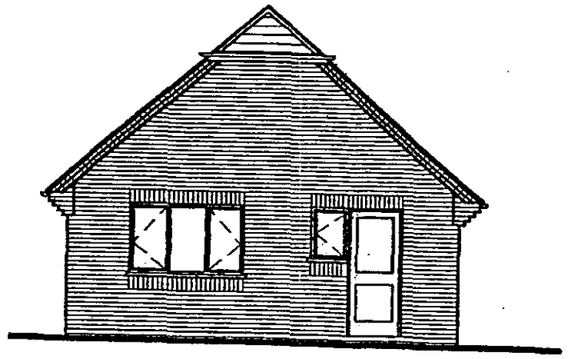
Materials

Roof: Interlocking concrete roof tiles
Walls: Facing brickwork
Windows: White pvc-u double glazed units

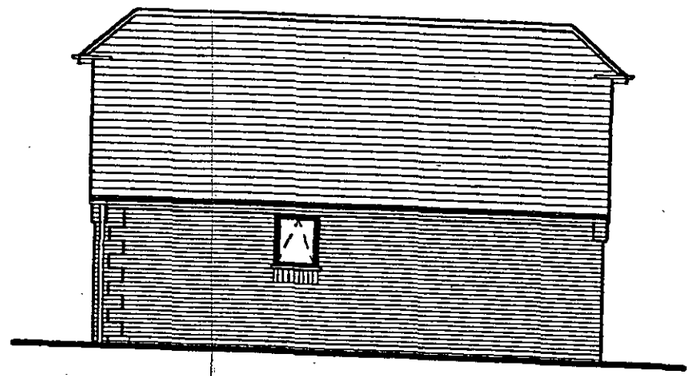
APPROVED
REFUSED



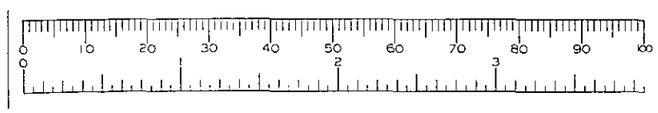
Ground Floor Plan



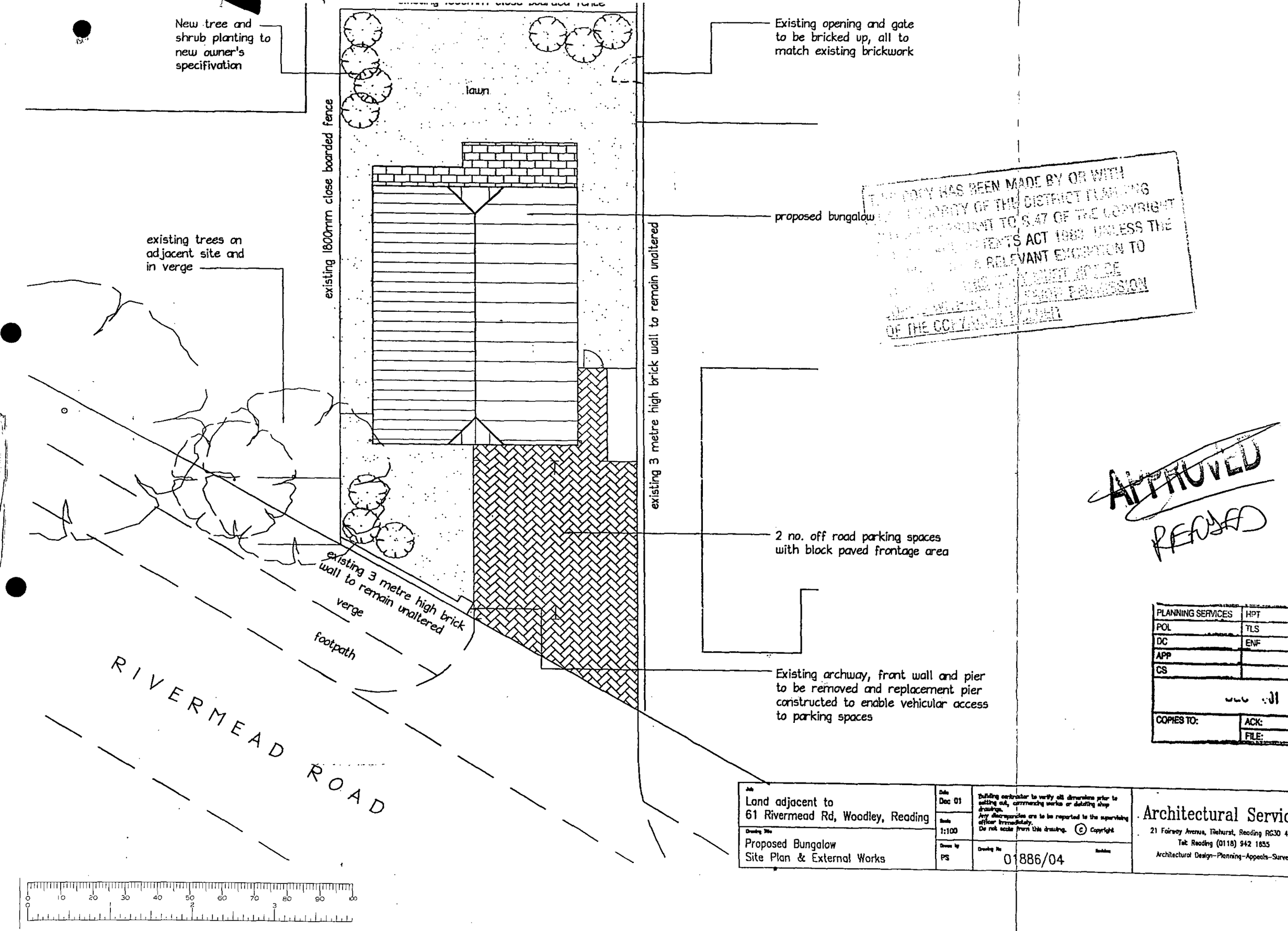
Rear Elevation



Side Elevation
Obscure glass to bathroom window



Job: Land adjacent to 61 Rivermead Rd, Woodley, Reading	Date: Oct 01	Building contractor to verify all dimensions prior to setting out, commencing works or detailing shop drawings. Any discrepancies are to be reported to the supervising officer immediately. Do not scale from this drawing. © Copyright	Architectural Services 21 Fairway Avenue, Tilehurst, Reading RG30 4QA Tel: Reading (0118) 942 1655 Architectural Design–Planning–Appeals–Surveys
Drawing Title: Proposed Bungalow Proposed Plan and Elevations	Scale: 1:100		
	Drawn by: PS	Drawing No: 01886/03	Revision: -



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APPROVED
REFUSED

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POL	TLS
DC	ENF
APP	
CS	
	DEC 01
COPIES TO:	ACK:
	FILE:

Job: Land adjacent to 61 Rivermead Rd, Woodley, Reading	Date: Dec 01	Building contractor to verify all dimensions prior to setting out, commencing works or detailing shop drawings. Any discrepancies are to be reported to the supervising officer immediately. Do not scale from this drawing. © Copyright	Architectural Services 21 Fairway Avenue, Tilehurst, Reading RG30 4QA Tel: Reading (0118) 942 1855 Architectural Design–Planning–Appeals–Surveys
Drawing Title: Proposed Bungalow Site Plan & External Works	Scale: 1:100		
	Drawn by: PS	Drawing No: 01886/04	

APPENDICES

APPENDIX 1



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Development Control Section, Environmental Services, Wokingham District Council.

21 May 2002

Scale: 1 : 1250

N
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APPENDIX 2

Plan showing tree positions



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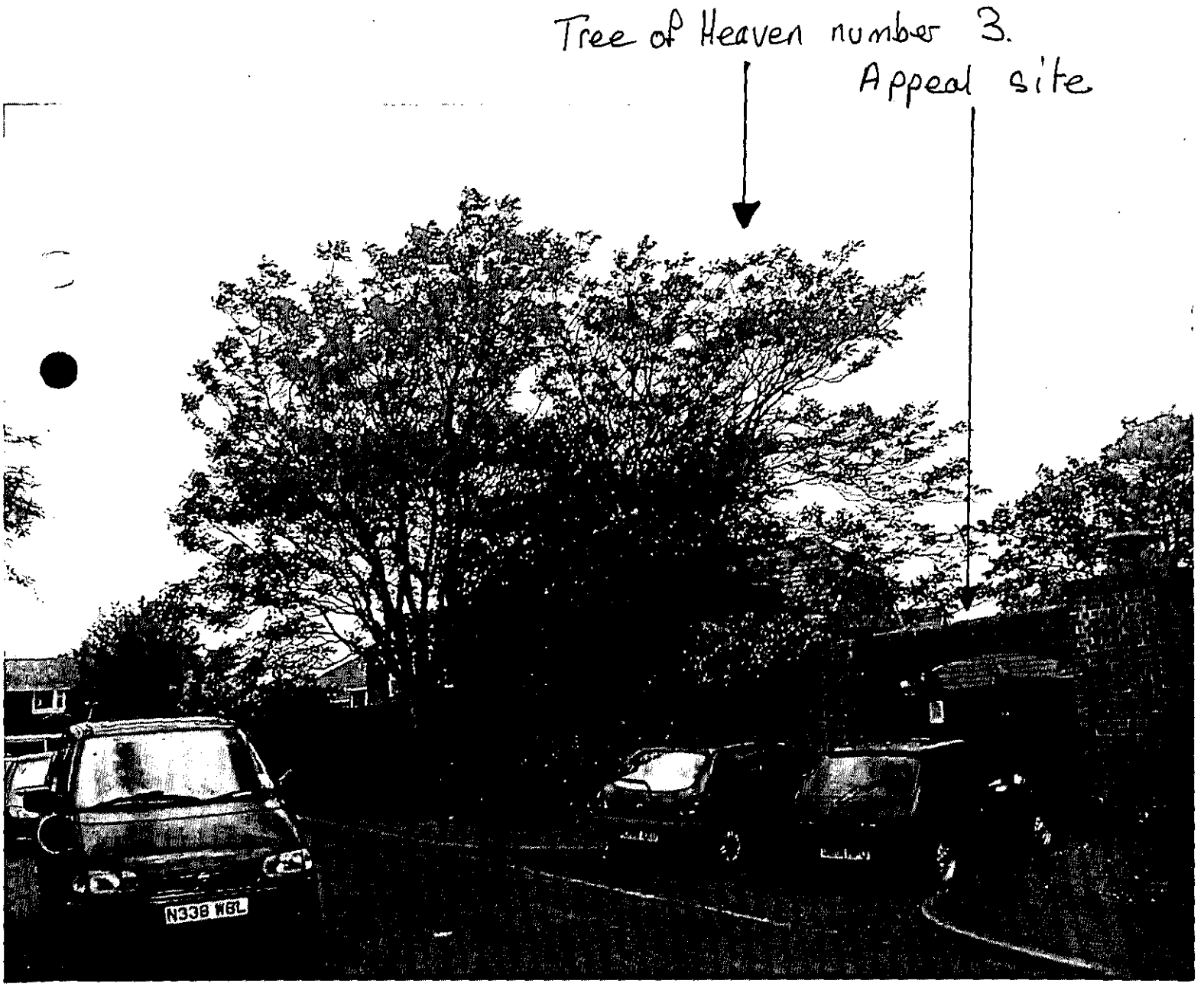
Landscape Section, Environmental Services, Wokingham District Council.

23 May 2002

Scale: 1 : 500

N W E S

APPENDIX 3


Tree of Heaven number 3.
Appeal site
N338 WBL

APPENDIX 4

30th July 1999

Town and Country Planning Act 1990

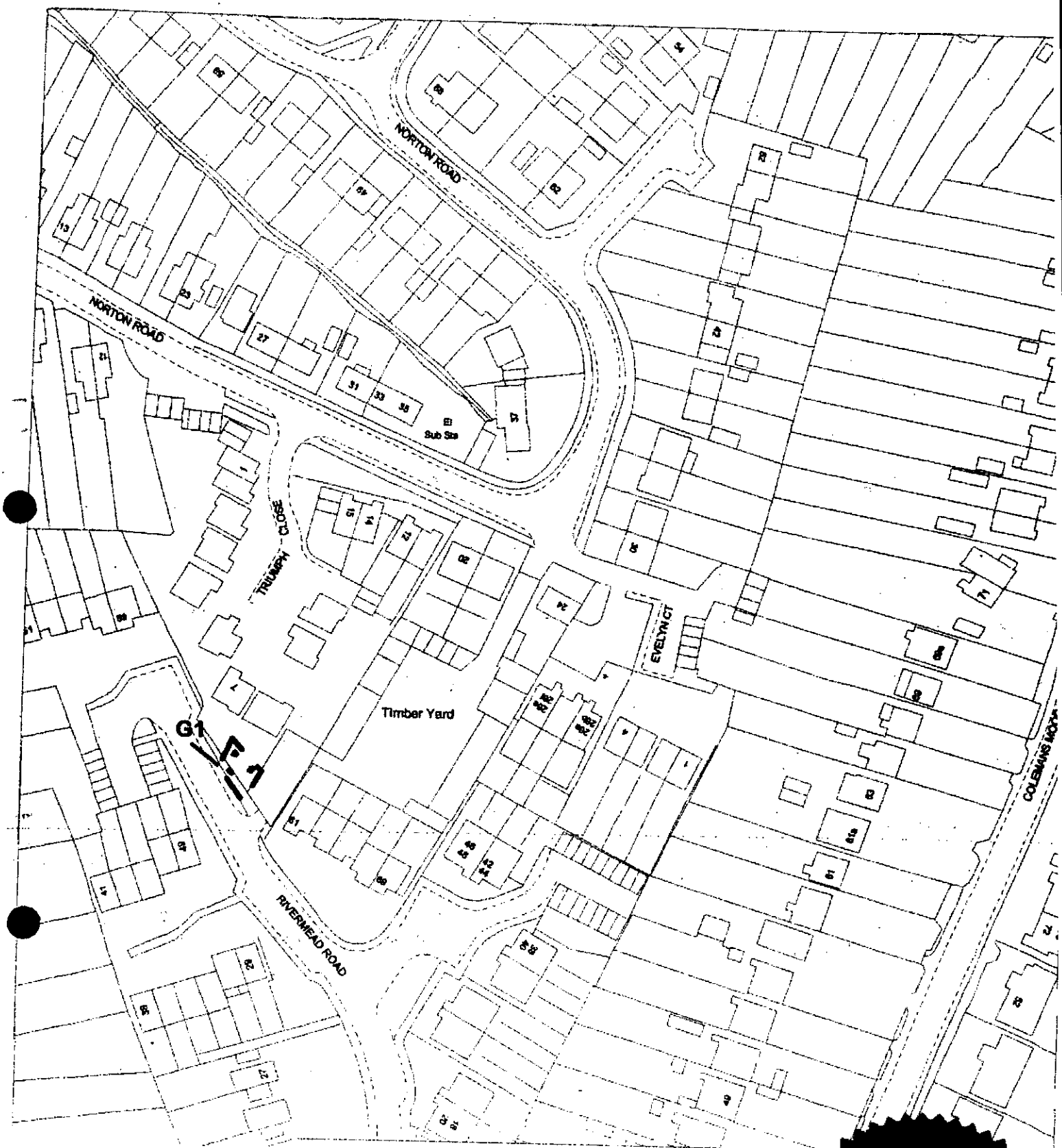
THE WOKINGHAM DISTRICT COUNCIL

(PARISH OF WOODLEY)

TREE PRESERVATION ORDER NO. 952/1999

(Emergency Order Made in accordance with Sections 198 and 201 of the Act)

Relating to trees on land in the rear garden of 8 Triumph Close, and the verge next to Rivermead Road, Woodley, Reading, Berkshire



MAP REFERRED TO IN THE WOKINGHAM DISTRICT COUNCIL (PARISH OF WOODLEY)
TREE PRESERVATION ORDER NO 952/1999

SOLICITOR

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Landscape Section, Environmental Services, Wokingham District Council.

1413Y

Scale: 1 : 1250

THE WOKINGHAM DISTRICT COUNCIL in exercise of the powers conferred on them in that behalf hereby confirm the foregoing Order No. 952/1999 relating to trees on land in the rear garden of 8 Triumph Close, and the verge next to Rivermead Road, Woodley, Reading, Berkshire

without modification.

IN WITNESS whereof the Common Seal of the WOKINGHAM DISTRICT COUNCIL was hereunto affixed in the presence of

C.J.L

Solicitor

Dated 28.1.00

14346

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(Encircled in black on the map)

No. on Map	Description	Situation
	NONE	

TREES SPECIFIED BY REFERENCE TO AN AREA
(Within a dotted black line on the map)

No. on Map	Description	Situation
	NONE	

GROUPS OF TREES
(Within a broken black line on the map)

No. on Map	Description	Situation
G1	3 x Tree of Heaven (Ailanthus altissima)	In the rear garden of 8 Triumph Close, and verge next to Rivermead Road, Woodley, Reading, Berks. Grid Ref: SU 767 722

WOODLANDS
(Within a continuous black line on the map)

No. on Map	Description	Situation
	NONE	

Tel. 0118 974 6477 (Direct Line)
Fax. 0118 974 6486
Email. Eileen.Davis@wokingham.gov.uk
Date 30th July 1999
My ref. TPO 952/1999

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

Owner/Occupier
61 Rivermead Road
Woodley
Reading, RG5 4DH

Dear Sir/Madam,

THE WOKINGHAM DISTRICT COUNCIL (PARISH OF WOODLEY) TREE PRESERVATION ORDER NO. 952/1999

The Council has decided to make a Preservation Order in respect of trees on land in the rear garden of 8 Triumph Close and the verge next to Rivermead Road, Woodley, Reading, Berks. I enclose a copy of the Order and Notice of its making, a Requisition for Information, and a DoE leaflet on Protected Trees.

The Tree Preservation Order is a legal document which takes away your rights to deal with protected trees on or overhanging your property. **You must not carry out any work to these trees, including pruning to branches or roots, without prior written permission from the Council (certain exemptions apply).**

- Please look at page 5 of the Order (the First Schedule), and the map at the end to identify the protected trees.
- The first page of the Requisition for Information is for your records: please fill in the second page indicating your interest in the land affected by the Order, i.e. whether you are the owner or a neighbour, and return it in the prepaid envelope within 14 days. If you are aware of anyone else owning or having an interest in the land, I should be grateful for their name and address so that a copy of the Order may be sent to them.
- The DoE leaflet gives you more information, in layman's terms, about the scope of Tree Preservation Orders.

Tree Preservation Orders are made because the trees in question enhance the local environment. The proposal to erect one dwelling on the land adjoining 61 Rivermead Road (Planning Application no. 99/69925/F) would result in the loss of the Tree of Heaven growing in the garden of 8 Triumph Close immediately next to the boundary. This tree forms part of a group of 3 which are highly significant in the surrounding landscape. The District Council is refusing planning permission for the proposed development, and to ensure the long term protection and replacement when appropriate of the trees, has made this Tree Preservation Order. This is in accordance with Policy WBE11 of the Wokingham District Local Plan Deposit Draft 1997 (copy enclosed). If you wish to discuss this Order further, or you would like any advice about the trees, please do not hesitate to ring Neil Etherington, one of the Council's Tree Officers, on 0118 974 6469.

Yours ~~sincerely~~ faithfully

Eileen Davis
Admin. Officer, TPOs
Encs.

APPENDIX 5

Royal County of BERKSHIRE



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





Babtie

3.7 Sustainable levels, forms and locations for development are therefore sought which contribute towards meeting the needs and aspirations of today's society for homes, jobs and services, without compromising the ability of future generations to meet their own needs. This implies a greater reliance on the use of renewable resources at an acceptable level, coupled with the conservation of non-renewable resources and the reduction of land, water and air pollution. In addition, growth during the Plan period needs to be kept down to levels which can be accommodated within the environmental and other limits described in Chapter 2.

3.8 This approach is considered appropriate in view of :

- the limited capacity of the County to absorb further development;
- the need to husband land so that there is scope for development beyond 2006;
- the cumulative impact of development on existing communities, on the transport network and on pollution;
- the extent of existing commitments;
- uncertainties as to the timing and extent of recovery from the recent recession;
- changing economic factors which may affect people's aspirations and ability to form new households in separate accommodation;
- emphasis in the Regional Guidance on sustainable development, respecting environmental constraints and reducing rates of development in the west of the region.

3.9 Wthin this framework it is intended that scope and flexibility should be provided for helping to meet local housing needs, to secure and maintain a balanced local economy and to allow the provision of a wide range of job opportunities.

The Overall Strategy

Policy OS1 **The overall strategy of the Plan is to seek sustainable development and improvement to the quality of life in Berkshire by pursuing the following objectives :**

(i) to restrain development to levels that respect the limits set by environmental, infrastructure and other constraints upon the development of land;

(ii) to give priority within (i) to meeting Berkshire's economic and social needs, including the provision of low-cost housing and wider employment opportunities;

(iii) to protect and enhance the character and quality of Berkshire's landscape, environment and heritage;

(iv) to steer development to locations which minimise the need for travel and can be well served by public transport;

(v) **to conserve natural resources;**

(vi) **to minimise pollution;**

(vii) **to seek improvements to infrastructure, services and amenities;**

(viii) **to promote an appropriate balance between all forms of transport by continuing to develop an integrated transport strategy.**

MAIN THEMES OF THE STRATEGY

3.10 The main themes of the Structure Plan strategy are outlined below and developed in more detail in subsequent chapters. Environmental concerns are reflected in policies in all sections of the Plan. References to policies in the Plan of particular relevance are listed under each sub-heading.

Restraining Levels of Growth

3.11 The Plan seeks to keep growth down to levels which can be accommodated within the limits set by environmental, infrastructure and other considerations (Policies OS1; LD1, LD3, LD6, LD7; H1, H2; BU1; TC1; R1; M1, M3).

3.12 A restrained level of growth will generally take less open land for development, generate less traffic and waste and help towards reducing pollution, energy consumption, the depletion of water resources and the demand for minerals and aggregates. It will also allow more scope for catching up in the provision of social and physical infrastructure (subject to the environmental acceptability of proposals and availability of the necessary resources).

3.13 This approach is in line with key objectives in the regional planning guidance for the South East, in which it is suggested that levels of development should respect the region's valuable environmental features and avoid the wasteful use of land and other natural resources. The regional guidance also states that a reducing rate of growth is appropriate in the west of the region to enable infrastructure and services to catch up with rapid rates of development in the recent past.

3.14 The overall housing provision for the period 1991-2006 was increased by the County Council from 37,000 to 40,000 dwellings in response to a direction issued by the Secretary of State for the Environment on 29 June 1995. While the Council has welcomed the fact that the Secretary of State has not pressed it to accept the total of 48,000 dwellings recommended by the Panel which conducted the Examination in Public in 1993, it remains concerned that increasing the provision above 37,000 dwellings could have serious environmental consequences contrary to the overall objectives of the Structure Plan.

(v) ***Conservation interests***
In addition to its scenic qualities, it should include other notable conservation interests, such as features of historical, wildlife or architectural interest.

(vi) ***Consensus***
There should be a consensus of both professional and public opinion as to its importance, for example, as reflected through writings and paintings about the landscape.

5.37 Protecting the special character and qualities of the landscape and the settlements in the AONB and ASLIs involves ensuring that any development that takes place respects and perpetuates their natural beauty and special landscape character respectively, and respects those local traditions in building which help to create their character. In the AONB, particular attention will be paid to protection and enhancement of the open downland which forms a specific feature sustaining the purposes of designation. Even where the principle of development can be justified in the AONB and ASLIs, the acceptability of specific proposals will depend on whether they can be satisfactorily fitted into the landscape. The County Council will work closely with other agencies to encourage measures to maintain and enhance the character of these areas as part of the development and implementation of a Landscape Strategy and Action Plan for Berkshire.

Other Landscape Features

5.38 There are a number of features which contribute to the character of the countryside in Berkshire. These features should be retained, in order to conserve the richness and diversity of the landscape and a sense of history.

Protection and Enhancement of Landscape Features

Policy C9 **The character and quality of the landscape and features important to its character and history will be protected and enhanced.**

5.39 Examples of landscape features which the policy seeks to protect and enhance include: tree cover; beech 'hangars'; hedgerows; flower rich meadows; chalk grassland; established and ancient woodland; heathland; and water courses and their associated corridors, ponds, lakes and wetlands.

5.40 The County Council will encourage that protection and enhancement by acting in co-operation with other organisations, particularly in the areas of special landscape quality referred to in Policies C7 and C8, and in areas where the landscape is under pressure. Among the initiatives which will further the objectives of the policy are :

(i) establishing area-based projects to secure co-ordinated conservation, enhancement and access improvements;

(ii) responding to changes in farming by providing advice on acceptable kinds of "diversification", and landscape and habitat conservation;

(iii) promoting appropriate management of established and neglected woodland, heathland, unimproved grassland and other habitats and features under threat;

(iv) promoting "management agreements" with landowners to secure nature conservation and associated landscape conservation benefits.

5.41 Most of the initiatives cited in paragraph 5.37 can be collectively described as "countryside management", the aim of which is to complement planning policies (which protect the countryside from inappropriate development), by encouraging appropriate use and management of rural land. This in turn helps to safeguard and enhance its landscape and nature conservation value and provide for public access.

5.42 The County Council is already involved in joint projects concerned with countryside management in the Slough, Colne, Blackwater and Pang Valleys, and the 'Windsor Forest' area. The Council is also working with district councils to seek the establishment of another countryside management project in the Kennet Valley and to enhance the landscape at Membury Airfield.

5.43 All the initiatives referred to above form part of the County Council's Landscape Strategy to guide change in the countryside and help to provide the practical basis for "keeping Berkshire beautiful". Policies for countryside recreation are discussed in more detail in Chapter 12.

FARMING

5.44 The County's countryside relies largely (though not exclusively) on farming for its management and the maintenance of its character. As the economic basis for farming changes, pressures are increasing for conversion of farmland to other uses. There is therefore a need :

- to ensure in the allocation of land for development in local plans that the land remaining can be satisfactorily farmed;
- to safeguard the productive potential of the best land; and
- for planning policies to allow farmers who wish to do so to be able to keep their farms as viable units, by diversifying their activities, where this would not prejudice other countryside planning objectives.

Protection of Agricultural Land

Policy C10 **The best and most versatile land will be protected from development which will irreversibly prevent its future use for agricultural production.**

5.45 The best and most versatile land is identified by the Ministry of Agriculture as Grades 1, 2 and 3a. Whilst the policy itself does not protect existing viable farm units from fragmentation, local plans will be expected to take this issue into account. Once agricultural land is developed, even for 'soft' uses such as golf courses, return to best quality agricultural land is seldom practicable.

LODDON AREA LOCAL PLAN

Adopted 5 May 1995

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR

1.4 QUALITY AND 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 development, 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. For particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers. 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 the 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 proposing 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 or required to establish the wider context within which applications will be considered.

❖ LBE1 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.

❖ LBE2 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 ING, 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 also to seek opportunities to enhance the quality of the built environment.

4.05 Often the more attractive and successful an 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, district and local shopping centres in particular, where large scale redevelopment 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.

❖ LBE3 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.

❖ LBE4 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.

❖ LBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND REFURBISHMENT THE DISTRICT COUNCIL WILL

STREET FURNITURE

1.4.12 Many elements of the built form have an important effect upon the quality 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.

❖ LBE7 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. 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.

❖ LBE8 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.

❖ LBE9 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 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 District Council 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.

❖ LBE10 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 ADVERTISEMENTS 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.



❖ LBE11 SHOP FRONTS

NEW SHOP FRONTS WILL BE PERMITTED WHERE THEY RELATE SATISFACTORILY TO THE ARCHITECTURAL FRAMEWORK OF THE BUILDING, ARE COMPATIBLE WITH THE CHARACTER OF THE AREA AS A WHOLE AND USE APPROPRIATE MATERIALS AND STYLES. ADDITIONALLY WITHIN CONSERVATION AREAS TRADITIONAL SHOPFRONTS OR REMAINING FEATURES SHOULD BE RETAINED.

APPENDIX 6

Appeal Decision

Site visit made on 12 February 2002

by Ruth V MacKenzie BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

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

Date
22 FEB 2002

SUMMARY

Appeal Ref: APP/X0360/A/01/1076749
8 Triumph Close, Woodley, Reading

- 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 B K Higham against the decision of Wokingham District Council.
- The application (Ref No F/2001/4358, dated 22 June 2001) was refused by notice dated 31 August 2001.
- The development proposed is a single storey building to form a conservatory at the rear.

Decision: The appeal is dismissed.

Background Information

1. The outer edge of the proposed conservatory would be under the canopy of a Tree of Heaven (*Ailanthus altissima*). The tree, along with 2 others of the same species, forms a group (G1) protected by a Tree Preservation Order (TPO 952/1999). The other 2 trees in the group are unaffected by the proposal.

Main Issue

2. I consider that the main issue in this appeal is the effect of the proposed conservatory on the appearance and life expectancy of the protected tree.

Planning Policy

3. The development plan for this area includes the Loddon Area Local Plan (LP), adopted in 1995. LP policy LBE1 requires, amongst other things, that development should be appropriate to the character of the area and retain important landscape features of the site.

4. The thrust of this policy is carried forward into various policies in the emerging Wokingham District Local Plan. Policy WBE11, as proposed to be modified, establishes that damage to protected trees will be resisted. This emerging policy is not yet part of the development plan. Nevertheless I shall give it weight in accordance with the advice in paragraph 48 of Planning Policy Guidance No 1.

Inspector's Reasons

5. The Tree of Heaven is still semi-mature. It is vigorous, and appears to be in good health with no evidence of dieback. There is a small area of decay at the base of one of the branches, but the decay appears to be dormant. The tree has had some surgery in the past, but it still retains a reasonably balanced form.

6. The appellant is proposing to carry out some minor pruning, to increase the distance between the tree's canopy and the proposed conservatory. In the short-term, this would not be of great significance to the appearance of the tree. However, I must take a longer-term view.

7. The tree is currently about 10m tall. If allowed to develop naturally, it should grow to about double that height. The spread of its canopy would increase proportionately. In the next few decades, as the tree grows, regular surgery would be required to keep the branches a safe distance from the conservatory. The conservatory's fragile structure would be vulnerable to falling branches. This particular species of tree has a propensity to drop branches unexpectedly. In my view, the regular pruning would result in a stunted and unattractive specimen. The debris of fruit, flowers and leaves falling onto the conservatory's roof would be a long-term and continual inconvenience. To my mind, the potential hazards of having a tree so close to the conservatory, and the long-term inconvenience, could eventually lead to pressure for the tree's removal; pressure that the Council would have difficulty resisting once the conservatory had been built.

8. Trees protected by TPOs merit special care. This tree is no exception. If its development were to be stunted by regular pruning, or if the tree were eventually to be removed, the amenity value of this group of 3 trees would be diminished. The visual appearance of the surrounding residential area would suffer as a result. LP policy LBE1 seeks to protect landscape features. Emerging local plan policy WBE11 does the same. I consider that the proposal fails to comply with the objectives of these policies.

Conclusion

9. I have concluded that the proposed conservatory, because of its proximity to the protected tree, would have a harmful effect on the tree's appearance and life expectancy. The proposal is therefore unacceptable.

10. In reaching this decision I have taken into account all other matters raised. I note that the appellant is prepared to be flexible about the size and shape of the conservatory. However, my consideration of this appeal must be based on the 3.8m x 3.3m conservatory shown on the plans refused by the Council. The appellant has drawn my attention to a recent outline planning permission for a detached dwelling on an adjoining piece of land. However, the siting of the dwelling has not yet been determined. Its effect on another Tree of Heaven cannot therefore be predicted. Neither these, nor any other matters, are sufficient to outweigh the considerations that have led me to my conclusion.

Formal Decision

11. In exercise of the powers transferred to me, I dismiss the appeal.

Information

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

Ruth V. MacKenzie

Inspector



Wokingham District Local Plan
Deposit Draft

With Proposed Amendments Highlighted

February 2000

- **Proposed Amendments April 1999**
- **Additional Proposed Amendments September 1999**
- **Proposed Transport Amendments February 2000**

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

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

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

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

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

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

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

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

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

Cont.

A) PROTECTION OF NATURAL FEATURES

B) THE LAYOUT SHOULD BE APPROPRIATE IN SCALE, FORM, AND CONTINUITY WITH THE LOCAL CONTEXT

C) THE APPROPRIATE USE OF SPECIES OF, *PREDOMINANTLY NATIVE*, **(PA 4/5)** TREES AND SHRUBS TO CREATE CLEARLY IDENTIFIED 'THEMES'

D) THE PROTECTION, ENHANCEMENT AND CREATION OF WILDLIFE CORRIDORS IN ACCORDANCE WITH POLICY WNC6. **(PA 4/6)**

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, as they make a fundamental contribution to its character and appearance, and may also have ecological value. 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: PROTECTION OF TREES AND WOODLAND

THE COUNCIL WILL PROTECT TREES AND AREAS OF WOODLAND BY:

A) RESISTING DEVELOPMENT PROPOSALS THAT WOULD CAUSE THE LOSS OF, OR DAMAGE TO, TREES OR GROUPS OF TREES RECOGNISED AS HAVING AMENITY OR CONSERVATION VALUE.

b) ~~APPLYING TREE PRESERVATION ORDERS AS APPROPRIATE, INCLUDING ON IMPORTANT AREAS OF STRUCTURAL TREE PLANTING ASSOCIATED WITH NEW DEVELOPMENT, AND ON IMPORTANT INDIVIDUAL TREES, PARTICULARLY ON SMALL SITES~~ **[A6]**

B) APPLYING TREE PRESERVATION ORDERS AS APPROPRIATE. **[A6]**

c) ~~REQUIRING TREES THAT ARE TO BE RETAINED ON DEVELOPMENT SITES ARE ADEQUATELY PROTECTED DURING ASSOCIATED WORKS~~ **[A6]**

C) *SEEKING MAINTENANCE OF AREAS OF STRUCTURAL TREE PLANTING AND IMPORTANT TREES.* **[A6]**

d) ~~REQUIRING REPLACEMENT PLANTING OF TREES AS RESULT OF ANY LOST DURING DEVELOPMENT WORKS.~~ **[A6]**

D) *REQUIRING TREES THAT ARE TO BE RETAINED ON DEVELOPMENT SITES ARE ADEQUATELY PROTECTED DURING ASSOCIATED WORKS. 'DETAILS WILL BE EXPECTED TO ACCOMPANY ANY PROPOSED DEVELOPMENT SUBMISSION THAT INVOLVES TREES AND WOODLANDS* **[A6]**

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

Monitoring: Check quality of tree cover on the ground.

The Planning Inspectorate

For offical use only
Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/X0360/A/02/1087824 **GRID REF:** _____

APPEAL BY: CRESSWELL CONSTRUCTION

SITE: LAND ADJOINING 61 RUSHMEAD RD, WOODLEY

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks from 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?	YES / ~~NO~~
OR	Do you wish to be heard by an Inspector at: a. a local inquiry?	~~YES~~ / NO
	or b. a hearing?	~~YES~~ / NO
2.	If the written procedure is agreed, could the Inspector make an unaccompanied site visit?	~~YES~~ / NO
	(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)	
3.	Does the appeal relate to an application for approval of reserved matters?	YES / ~~NO~~
4.	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES~~ / ~~NO~~ / NA
5.	Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	~~YES~~ / NO

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

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

a	Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.	~~YES~~ / (NO) Sch1 Sch 2 col 1
b.	Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	~~YES~~ / (NO)
c.	Has a screening opinion been placed on Part 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 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;		✓
g.	Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓
h.	Details of any other applications or matters you are currently considering relating to the same site;		✓
i.	**For all appeals, including those against non determination, you must provide details of all relevant development plan policies.** ***Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.***	3	
j.	Any supplementary planning guidance, together with its status, that you consider necessary.		✓
k.	Any other relevant information or correspondence you consider we should be aware of.		✓

16. a. What is the date you told those you notified about the appeal that we must receive any further comments by?	27/05/02	
b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application	3	
ii) the planning officer's report to committee		✓
iii) any relevant committee minute		✓
17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY		
Do you intend to send another statement about this appeal? If NO, please send the following information:-	YES / ~~NO~~	
a. In non-determination cases:		
i) what the decision notice would have said;		
ii) how the relevant development plan policies relate to the issues of this appeal.		
b. In all cases:		
i) the relevant planning history;		
ii) any supplementary reasons for the decision on the application;		
iii) matters which you want our Inspector to note at the site visit.		
18. THE MAYOR OF LONDON CASES ONLY		
a. Was it necessary to notify the Mayor of London about the application? If YES, please attach a copy of that notification.	YES / NO	
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: _____ on behalf of WOKINGHAM UNITARY ~~Council~~

Date sent to us and the appellant 22/04/02 – our ref : RM/2001/5203

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

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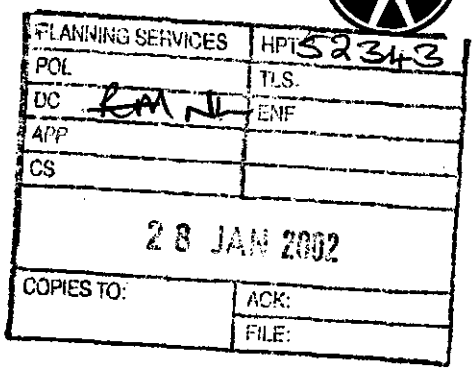
Norwich NR3 1BQ

Our Ref : SP/2001/004879-1/1
Your Ref : RM/2001/5203

Date : 23 January 2002

District Planning Officer
Wokingham District Council
Council Offices
PO Box 157 Shute End
Wokingham
Berkshire
RG40 1WR

ENVIRONMENT AGENCY



Dear Sir/Madam

RESERVED MATTERS ON OUTLINE CONSENT O/2001/4433 FOR THE ERECTION OF A DETACHED DWELLING
LAND ADJOINING 61 RIVERMEAD ROAD, WOODLEY

Thank you for your letter dated 14 November 2001, received on 16 November 2001. Please quote the following reference in any correspondence: SU77SE/12/17. The Environment Agency has the following comments:

The Environment Agency has no objection, in principle, to the proposed development provided that the following conditions are imposed on any planning permission granted:

CONDITION: No development approved by this permission shall be commenced until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.
REASON: To protect people on or close to the site from the risks associated with migrating landfill gas.

ADVICE TO PLANNING AUTHORITY

Landfill Gas Risk

According to our records, there is one landfill site within 250 metres of the site, as follows:

Grid reference	Distance from site	Landfill name
SU 768 723	0m	Loddon Bridge Road

In view of the close proximity of this landfill to the application site, it is possible that landfill

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

gas may present a risk to this proposal. The Agency would therefore recommend the imposition of the above condition Based on this assessment, there may be a need to incorporate certain precautionary measures into the design of the building.

Land Drainage

We are not aware of any watercourses on the site, but should there be any, we advise that:
(1) they should not be culverted; and
(2) a buffer zone is left on either side of any watercourse, and
(3) culverted watercourses should not be built over, but should ideally be opened up and made a feature of the site.

In any case, you should note that culverting of a watercourse requires the prior written approval of the local authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will normally be withheld.

PLANNING INFORMATIVES

The following planning informatives should be attached to any planning permission granted:

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is currently required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions. *Contact Claire Murphy on 01276 45 4509 for details.*

ADVICE TO APPLICANT

Environment Protection

Surface water from hard standing areas should discharge via deep seal trapped gullies incorporating a minimum water seal of 85mm or similar.

Roof water down-pipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.

No soakaways shall be constructed to a depth exceeding 3 metres below existing ground level, and under no circumstances shall the water table be intersected.

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

Decision Notice:

Would you please forward a copy of the decision notice to this office quoting our reference. If you have any further queries please do not hesitate to contact Sarah Paxman on 01276

454323, quoting the reference cited at the beginning of this letter.

Yours faithfully

SARAH PAXMAN
Development Planning Officer

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

HIGHWAYS CONSULTATION SHEET

From: Nicola Lake **Date:** 14 November 2001

Application Number: RM/2001/5203

Proposal: Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

Parish: WOODLEY TOWN

Site Address:
Land Adjoining 61, Rivermead Road, Woodley, Reading.

Applicant:
Cresswell Construction C/O Architectural Services.

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).

COMMENTS AS PREVIOUS.

Signed: _____ **Print name:** AC 14/11/01

HIGHWAYS CONSULTATION SHEET

From: Ron Madell **Date:** 20 July 2001

Application Number: O/2001/4433

Proposal: Outline application for the proposed erection of one detached dwelling.

Parish: WOODLEY TOWN

Site Address:
Land Adjoining 61, Rivermead Road, Woodley, Reading.

Applicant:
Claughton Developements Co Ltd C/O Andrews Kalik Associates.

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

✓ below as applicable;

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

C120, R120.
Notwithstanding the plans submitted; C128, R128.
C129, R129.
C130, R130.
C140 (INSERT: 10 metres), R140.
NO7.

Signed: _____ **Print name:** Adam Coggins 25/07/01

TO: **DEVELOPMENT CONTROL**
Nicola Lake

FROM: Environmental Design

DATE: 20th December 2001

Location: Land adjoining 61 Rivermead Road, Woodley.

Proposal: Application for reserved matters on outline consent O/2001/443 for the erection of a detached dwelling.

Application Number: RM/2001/5203

In response to your consultation dated 14th November 2001 for the above application, the arboricultural comments are as follows:

I would recommend that planning permission be refused. The siting of the bungalow will, if constructed in the position shown, result in the destruction of a Tree of Heaven growing at 8 Triumph Close and included in Tree Preservation Order No. 952/1999. This Order was made in connection with a previous decision to refuse planning permission to develop this site.

The trees are not shown accurately on the plan. The above tree is immediately adjacent to the boundary and overhangs the site by around 4.5 – 5 metres! Please ask the applicant to produce an accurate plan and then to look at siting the bungalow so that its construction does not cause damage to the roots, rooting area or branches of this tree. This is likely to entail siting the bungalow at least 4.5 – 5 metres from the tree.

Neil Etherington
Senior Arboriculturist

FROM: Nicola Lake

DATE: 14 November 2001

DELEGATED

WOODLEY TOWN CONSULTATION SHEET

Application Number: RM/2001/5203

Proposal: Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling..

Site Address: Land Adjoining 61, Rivermead Road, Woodley, Reading.

Applicant: Cresswell Construction C/O Architectural Services.

Your observations are required in respect of this application **by 08/12/2001** .

The committee noted a letter from the neighbour at No. 8 Triumph Close.

Members had no objection to this application but asked that every effort should be made to ensure that materials used were in keeping with the neighbouring properties.

SERVICES	HPT
	TLS
	ENF
11 DEC 2001	
COPIES TO:	

SIGNED: _____ DATE: 6.12.01.

Clerk To Woodley Parish/Town Council.

WOKINGHAM DISTRICT COUNCIL
ENVIRONMENTAL PROTECTION AND HOUSING

MEMORANDUM

To:	Nicola Lake Development Control	Your Ref:	RM/2001/5203
From:	Tom Payne Environmental Heath	My Ref:	20015349
		Date.	26 November 2001

APPLICATION FOR RESERVED MATTERS ON OUTLINE CONSENT O/2001/4433 FOR THE ERECTION OF A DETACHED DWELLING.
LAND ADJOINING 61 RIVERMEAD ROAD, WOODLEY

These proposals have been evaluated and I have no environmental health objections to the application.

T. Payne.

TOM PAYNE
SENIOR ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL PROTECTION & HOUSING

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: April 22, 2002
My ref: **RM/2001/5203**

The Owner / Occupier
8
TRIUMPH CLOSE
WOODLEY
READING
RG5 4AQ

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

Dear Sir/Madam

APPLICATION No: RM/2001/5203
APPEAL BY: Cresswell Construction
SITE: Land Adjoining 61 Rivermead Road Woodley Reading
PROPOSAL: Application for Reserved Matters on Outline consent O/2001/4433 for the erection of a detached dwelling.

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

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

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. Please quote reference **APP/X0360/A/02/1087824**. Comments received after **27/05/2002** will not normally be seen by the Inspector & will be returned.

The application, and the appellant's grounds of appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during office hours (08:30- 17:00 Monday to Thursday, & 08:30-16:00 Friday).

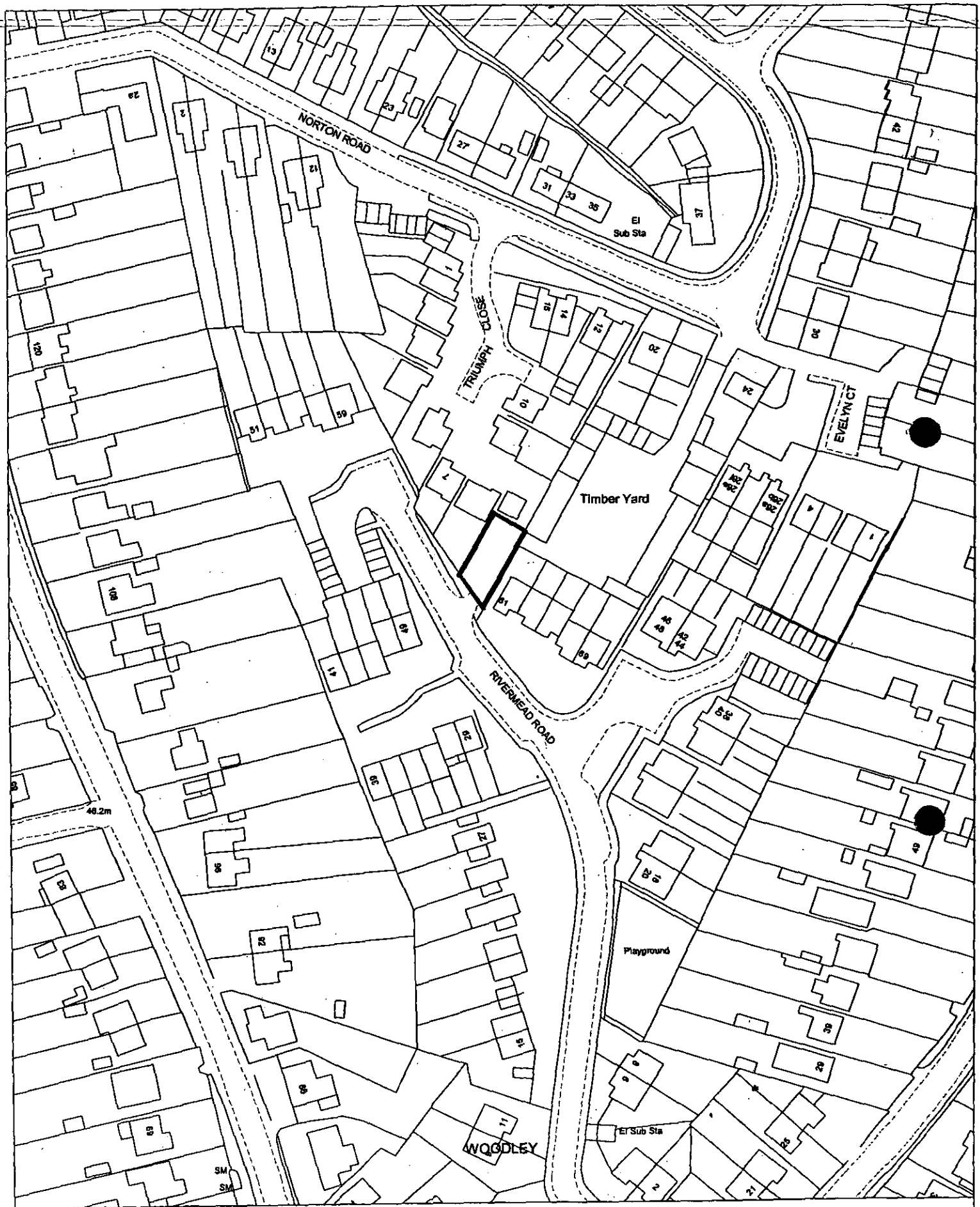
A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the Appeal decision, please request one from Mrs Pocock at the Inspectorate.

Yours faithfully

Denise Gumbrell

Appeals Assistant



Site Plan, Scale: 1 to 1250

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Date: 19 April 2002

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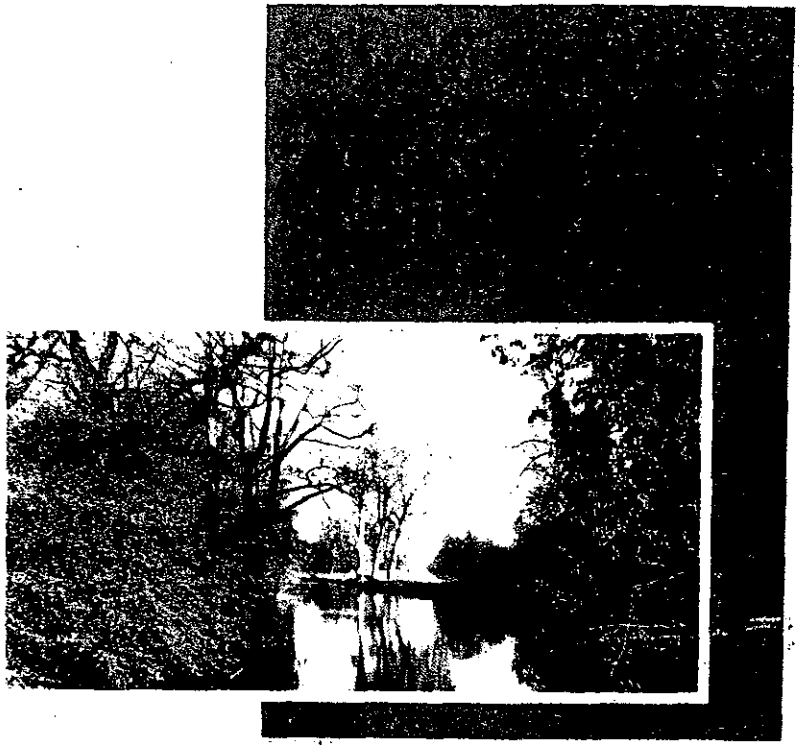


BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





Babtie

3.7 Sustainable levels, forms and locations for development are therefore sought which contribute towards meeting the needs and aspirations of today's society for homes, jobs and services, without compromising the ability of future generations to meet their own needs. This implies a greater reliance on the use of renewable resources at an acceptable level, coupled with the conservation of non-renewable resources and the reduction of land, water and air pollution. In addition, growth during the Plan period needs to be kept down to levels which can be accommodated within the environmental and other limits described in Chapter 2.

3.8 This approach is considered appropriate in view of :

- the limited capacity of the County to absorb further development;
- the need to husband land so that there is scope for development beyond 2006;
- the cumulative impact of development on existing communities, on the transport network and on pollution;
- the extent of existing commitments;
- uncertainties as to the timing and extent of recovery from the recent recession;
- changing economic factors which may affect people's aspirations and ability to form new households in separate accommodation;
- emphasis in the Regional Guidance on sustainable development, respecting environmental constraints and reducing rates of development in the west of the region.

3.9 Wthin this framework it is intended that scope and flexibility should be provided for helping to meet local housing needs, to secure and maintain a balanced local economy and to allow the provision of a wide range of job opportunities.

The Overall Strategy

Policy OS1 **The overall strategy of the Plan is to seek sustainable development and improvement to the quality of life in Berkshire by pursuing the following objectives :**

(i) to restrain development to levels that respect the limits set by environmental, infrastructure and other constraints upon the development of land;

(ii) to give priority within (i) to meeting Berkshire's economic and social needs, including the provision of low-cost housing and wider employment opportunities;

(iii) to protect and enhance the character and quality of Berkshire's landscape, environment and heritage;

(iv) to steer development to locations which minimise the need for travel and can be well served by public transport;

(v) **to conserve natural resources;**

(vi) **to minimise pollution;**

(vii) **to seek improvements to infrastructure, services and amenities;**

(viii) **to promote an appropriate balance between all forms of transport by continuing to develop an integrated transport strategy.**

MAIN THEMES OF THE STRATEGY

3.10 The main themes of the Structure Plan strategy are outlined below and developed in more detail in subsequent chapters. Environmental concerns are reflected in policies in all sections of the Plan. References to policies in the Plan of particular relevance are listed under each sub-heading.

Restraining Levels of Growth

3.11 The Plan seeks to keep growth down to levels which can be accommodated within the limits set by environmental, infrastructure and other considerations (Policies OS1; LD1, LD3, LD6, LD7; H1, H2; BU1; TC1; R1; M1, M3).

3.12 A restrained level of growth will generally take less open land for development, generate less traffic and waste and help towards reducing pollution, energy consumption, the depletion of water resources and the demand for minerals and aggregates. It will also allow more scope for catching up in the provision of social and physical infrastructure (subject to the environmental acceptability of proposals and availability of the necessary resources).

3.13 This approach is in line with key objectives in the regional planning guidance for the South East, in which it is suggested that levels of development should respect the region's valuable environmental features and avoid the wasteful use of land and other natural resources. The regional guidance also states that a reducing rate of growth is appropriate in the west of the region to enable infrastructure and services to catch up with rapid rates of development in the recent past.

3.14 The overall housing provision for the period 1991-2006 was increased by the County Council from 37,000 to 40,000 dwellings in response to a direction issued by the Secretary of State for the Environment on 29 June 1995. While the Council has welcomed the fact that the Secretary of State has not pressed it to accept the total of 48,000 dwellings recommended by the Panel which conducted the Examination in Public in 1993, it remains concerned that increasing the provision above 37,000 dwellings could have serious environmental consequences contrary to the overall objectives of the Structure Plan.

6 ENVIRONMENT AND CONSERVATION

MAINTAINING ENVIRONMENTAL QUALITY

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

The Environment of the Built-up Areas

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

Protection and Enhancement of the Environment of Built-Up Areas

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

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

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

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

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

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

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

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

Environmental Nuisance

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

Protection from Environmental Nuisance

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

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

Flooding

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

(v) ***Conservation interests***
In addition to its scenic qualities, it should include other notable conservation interests, such as features of historical, wildlife or architectural interest.

(vi) ***Consensus***
There should be a consensus of both professional and public opinion as to its importance, for example, as reflected through writings and paintings about the landscape.

5.37 Protecting the special character and qualities of the landscape and the settlements in the AONB and ASLIs involves ensuring that any development that takes place respects and perpetuates their natural beauty and special landscape character respectively, and respects those local traditions in building which help to create their character. In the AONB, particular attention will be paid to protection and enhancement of the open downland which forms a specific feature sustaining the purposes of designation. Even where the principle of development can be justified in the AONB and ASLIs, the acceptability of specific proposals will depend on whether they can be satisfactorily fitted into the landscape. The County Council will work closely with other agencies to encourage measures to maintain and enhance the character of these areas as part of the development and implementation of a Landscape Strategy and Action Plan for Berkshire.

Other Landscape Features

5.38 There are a number of features which contribute to the character of the countryside in Berkshire. These features should be retained, in order to conserve the richness and diversity of the landscape and a sense of history.

Protection and Enhancement of Landscape Features

Policy C9 **The character and quality of the landscape and features important to its character and history will be protected and enhanced.**

5.39 Examples of landscape features which the policy seeks to protect and enhance include: tree cover; beech 'hangars'; hedgerows; flower rich meadows; chalk grassland; established and ancient woodland; heathland; and water courses and their associated corridors, ponds, lakes and wetlands.

5.40 The County Council will encourage that protection and enhancement by acting in co-operation with other organisations, particularly in the areas of special landscape quality referred to in Policies C7 and C8, and in areas where the landscape is under pressure. Among the initiatives which will further the objectives of the policy are :

(i) establishing area-based projects to secure co-ordinated conservation, enhancement and access improvements;

(ii) responding to changes in farming by providing advice on acceptable kinds of "diversification", and landscape and habitat conservation;

(iii) promoting appropriate management of established and neglected woodland, heathland, unimproved grassland and other habitats and features under threat;

(iv) promoting "management agreements" with landowners to secure nature conservation and associated landscape conservation benefits.

5.41 Most of the initiatives cited in paragraph 5.37 can be collectively described as "countryside management", the aim of which is to complement planning policies (which protect the countryside from inappropriate development), by encouraging appropriate use and management of rural land. This in turn helps to safeguard and enhance its landscape and nature conservation value and provide for public access.

5.42 The County Council is already involved in joint projects concerned with countryside management in the Slough, Colne, Blackwater and Pang Valleys, and the 'Windsor Forest' area. The Council is also working with district councils to seek the establishment of another countryside management project in the Kennet Valley and to enhance the landscape at Membury Airfield.

5.43 All the initiatives referred to above form part of the County Council's Landscape Strategy to guide change in the countryside and help to provide the practical basis for "keeping Berkshire beautiful". Policies for countryside recreation are discussed in more detail in Chapter 12.

FARMING

5.44 The County's countryside relies largely (though not exclusively) on farming for its management and the maintenance of its character. As the economic basis for farming changes, pressures are increasing for conversion of farmland to other uses. There is therefore a need :

- to ensure in the allocation of land for development in local plans that the land remaining can be satisfactorily farmed;
- to safeguard the productive potential of the best land; and
- for planning policies to allow farmers who wish to do so to be able to keep their farms as viable units, by diversifying their activities, where this would not prejudice other countryside planning objectives.

Protection of Agricultural Land

Policy C10 **The best and most versatile land will be protected from development which will irreversibly prevent its future use for agricultural production.**

5.45 The best and most versatile land is identified by the Ministry of Agriculture as Grades 1, 2 and 3a. Whilst the policy itself does not protect existing viable farm units from fragmentation, local plans will be expected to take this issue into account. Once agricultural land is developed, even for 'soft' uses such as golf courses, return to best quality agricultural land is seldom practicable.

Countryside

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT :	**Cresswell Construction.**
APPEAL SITE :	**Land adjoining 61 Rivermead Road, Woodley.**
REASON FOR APPEAL :	**Refusal of planning permission for reserved matters on outline consent O/2001/4433 for the erection of a detached dwelling.**

LOCAL PLANNING AUTHORITY REFERENCE: RM/2001/5203

DEPARTMENT OF THE ENVIRONMENT TRANSPORT & THE REGIONS REFERENCE: APP/X0360/A/02/1087824

1.00 LOCATION AND SITE DESCRIPTION

1.01 The appeal site is located on a plot of land located to the west of number 61 Rivermead Road. The site is currently enclosed by a 1.8m high closed board fence to the western and northern boundaries. The eastern boundary to the site is a 3m high brick wall. This wall also encloses much of the front or southern boundary of the site with the exception of a set of large double, wooden doors, which provide access to the appeal site.

1.02 The site is located towards the northern end of Rivermead Road, which is a quiet residential area. The road is made up of predominately terrace properties, with the exception of the houses to the north-west of the application site. These dwellings are more recent detached additions to the area, which back on to Rivermead Road itself and which area accessed via Norton Road and Triumph Close. The Timber Yard as shown on the location plan, to the north-east, has also recently been redeveloped for housing.

1.03 Rivermead Road itself is set on a slope, which rises up towards the appeal site. However the proposed development site is largely level, with a change in ground levels occurring over the boundary between the site and number 61 Rivermead Road to the east.

1.04 Within the rear garden area of number 8 Triumph Close are two Trees of Heaven (Ailanthus Altissima). These two trees, along with a third Tree of Heaven growing on the verge to the rear of the dwelling are included in the Wokignham District Council's Tree Preservation Order Number 952/1999.

1.05 Details of the three trees are scheduled below. Their positions are shown on the plan attached to this statement.

Number on Plan.	**Species**	**Height** (metres)	**Crown Radius** (metres)	**Stem Diameter** (measured at 1.5 metres above ground in centimetres)
1	Tree of Heaven	10	4.8 (north) 4.0 (south) 5.5 (east) 4.0 (west)	39
2	Tree of Heaven	11	3.0 (north) 4.5 (south) 6.0 (east) 3.5 (west)	43
3	Tree of Heaven	10	6.0 (north) 3.0 (south) 6.0 (east) 4.5 (west)	34

1.06 All three trees are relatively young specimens (less than one-third of their normal life expectancy) and in good health. Tree number 1 has a small pocket of decay in the secondary stem growing towards the house (8 Triumph Close). Although this does not appear significant at the present time it will need to be monitored.

2.00 RELEVANT PLANNING HISTORY.

2.01 The Tree Preservation Order Number 952/1999 was made on 13 July 1999 and confirmed without modification on 28 January 2001. A copy of the plan, schedule and notice of confirmation along with a letter explaining the grounds for making the notice are attached.

2.02 There have been 5 previous planning application which are relevant to this appeal. These applications are set out in the table below.

APPLICATION	DESCRIPTION	DECISION	DATE.
97/66851/O	Outline permission for a bungalow	Conditional approval.	17.02.98
99/69925/F	Full permission for one dwelling.	Refusal.	02.08.99
F/2000/1223	Full permission for one dwelling.	Refusal.	06.06.00
F/2000/2954	Full permission for one dwelling.	Refusal.	12.03.01
O/2001/4433	Outline permission for one dwelling.	Conditional approval.	05.09.01
RM/2001/5203	Reserved matters application for O/2001/4433.	Refusal (subject of this appeal).	12.02.02

3.00 RELEVANT PLANNING POLICY.

3.01 The appeal needs to be considered in the context of Policies OS1 – 'The Overall Strategy' and C9 - 'Protection and Enhancement of Landscape Features' of the Berkshire Structure Plan, which was adopted by the Berkshire County Council in November 1995.

3.02 Policies LBE1 – 'Design of New Development' and LBE9 – 'Existing Trees' of the Loddon Area Local Plan, which was adopted on the 5 May 1995.

3.03 Material Consideration must also be given to the emerging Wokingham District Local Plan (Deposit Draft October 1997) and as amended in April 1999. The County Council issued a statement of general conformity with the Structure Plan in May 1997 and the document has formed the basis of Development Control decisions since the 21 October 1997. The Public Inquiry for the plan commenced on the 6 October 1998 and was closed on the 29 November 2000. The inspector's report on part 2 of the Local Plan Inquiry has now been received and was published on the 22 November 2001.

3.04 Policies WOS3 – 'Development control Principles' and WBE11 – 'Protection of Trees and Woodland'. The inspector's recommendations from the Public Inquiry are a material consideration in the determination of this appeal. In consideration of policy WOS3 the inspector stated that the policy is amended in accordance with PA1/6 and the inclusion of PA1/5 to create paragraph 1.12A. These

amendments where as set out in the Council's amendments as shown on the policy extract.

3.05 In relation to policy WBE11 the inspector recommended that the policy be deleted and replaced with as follows:

"In considering the 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 the 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."

4.00 RESPONSE TO APPELLANT'S GROUNDS OF APPEAL.

4.01 The Councils reason for refusal concerns the impact the proposed development would have on the Tree of Heaven growing closest to the boundary of the appeal site. This tree is numbered 3 on the plan attached to this statement.

4.02 British Standard 5837:1991 'Guide for trees in relation to construction' recommends that for a tree of its age, size and vigour no construction works should take place within 3 metres of the centre of its trunk.

4.03 The applicants drawing (number 01886/04) shows this tree as being 2.6 metres from the proposed dwelling. However the tree is incorrectly plotted on this drawing and is in fact 2 metres from the proposed dwelling. In addition its crown is extends 4.5 to 5 metres in to the appeal site and not 1.5 metres as shown on the applicants drawing.

4.04 The siting of the dwelling in the position shown will result in root loss and damage which is likely to cause a deterioration in the health of the tree possibly leading to its demise. The damage could also make the tree vulnerable to falling over in high winds.

4.05 Extensive pruning of the trees crown would also be required. This would result in a loss of leaf area and multiple wounding which will

impair the tree's defences against disease and decay. It will put the tree under further stress. The reduction of branches can promote structural weakness. These works will also lessen the tree's visual amenity from public places.

4.06 Tree of Heaven are a fast growing species of tree and as they get older branches are liable to breaking. As the tree is relatively young, this is not likely to occur for many years. This species produce large pinnate leaves with fifteen to thirty leaflets and can flower freely which in turn produce seeds which revolve when they fall. These can lead to problems when the tree is close to a building. It is likely that the future growth of the tree, combined with these characteristics will result in pressure to allow the tree's removal.

4.07 Siting of the dwelling was not approved as part of the outline consent (O/2001/4433). Any proposal which will have an adverse effect on the Tree of Heaven is clearly unacceptable. It is considered that the dwelling will need to be sited ,at least 4.5 to 5 metres from the tree. Careful consideration will need to be given to both the design and siting to achieve this.

4.08 A recent application to build a conservatory at 8 Triumph Close, where the tree is growing was refused planning permission because of the impact another Tree of Heaven in this group would have on it (application number F/2001/4358). The subsequent appeal (APP/X0360/A/01/1076749) was dismissed. A copy of the appeal decision is attached. In paragraph 10 of the decision notice the Inspector noted that outline consent had been granted for a dwelling on this site. However, as the siting of the dwelling had not yet been determined its effect on another Tree of Heaven could not be predicted.

4.09 The Tree Preservation Order takes away the neighbours common law rights to prune overhanging roots and branches of this tree. Should this appeal be dismissed the appellant will not have a right to do this to abate a nuisance. If however the appeal is allowed, or subsequently planning permission is granted for a new application then branches or roots which are immediately in the way of construction could be

removed without further consent being required under the Tree preservation Order.

5.00 CONCLUSIONS

5.01 The siting of the dwelling in the position shown would cause serious damage to and possibly the death of the Tree of Heaven growing nearest to the appeal site. There would also be future pressure to allow its removal due to the nuisance caused by overhanging branches, falling seeds and leaves and the threat of branch breakage.

5.02 A carefully designed and sited dwelling could be constructed without causing harm to the tree.

PROPOSED CONDITIONS IN THE EVENT OF THE APEAL BEING ALLOWED, WITHOUT PREJUDICE TO THE COUNCIL'S CASE.

1. No development or other operation shall commence on site until a method statement which provides for the retention and protection of the Tree of Heaven growing adjacent to the site boundary has been submitted to and approved in writing by the Local Planning Authority; no development or other operation shall take place except in complete accordance with the approved protection scheme.

   No operations shall commence on site in connection with the development hereby approved (including tree pruning, demolition works, soil moving, temporary access construction and any operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

   No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble shall take place within the area designated as being fenced off or otherwise protected in the approved scheme. No fires or disposal of liquids shall take place on the site.

   The fencing or other works which are part of the approved scheme shall not be moved, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior approval of the LPA has first been sought and obtained.

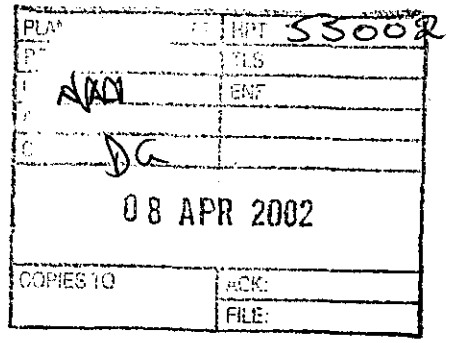
   REASON

   To secure the protection, throughout the time that development is being carried out, of the Tree of Heaven growing adjacent to the site boundary which is included in a Tree Preservation Order and is of amenity value to the area.

APPENDICES.

1. Location plan of site (1:1250 scale).
2. Plan showing the position of trees.
3. Photograph.
4. Tree Preservation Order Number 952/1999, schedule, plan, notice of confirmation and letter explaining grounds for making Order.
5. Relevant policies.
6. Copy of appeal decision APP/XO360/A/01/1076749 – 8Triumph Close.

FRANK H DIXON
Development Economist & Planning Consultant



Breach House
Cholsey
Oxfordshire
OX10 9JN

Tel: 01491 652401
Fax:01491 652600
E-mail: frankhdixon@aol.com

3rd April 2002

Wokingham District Council
Planning Services
PO Box 157
Shute End
Wokingham
Berks, RG40 1WR

Your ref:RM/2001/5203
Our ref: FHD/KC/02

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 - Section 78 Appeal

LPA:- Wokingham District Council - Application Ref RM/2001/5203.
Appellant:- Cresswell Construction
Proposal:- Application for reserved matters on outline consent for erection of detached dwelling
At:- Land adjoining 61 Rivermead Road, Woodley, Reading.

We enclose a copy of a planning appeal submitted today to the Planning Inspectorate.

Would you kindly provide the following documents within the next 14 days if they are not to be included with the questionnaire documents.

1. A copy of the Tree Preservation Order covering the preserved Tree of Heaven mentioned in the Reason for Refusal.

2. Copies of all drawings submitted with the approved outline planning application ref 97/66851/0.

3. Copies of all drawings submitted with the approved outline planning application ref 0/2001/4433.

A copy of this letter has been forwarded to the Planning Inspectorate along with the appeal documents.

Yours faithfully,

F H Dixon

FRANK H DIXON
Development Economist & Planning Consultant

Breach House
Cholsey
Oxfordshire
OX10 9JN

Tel: 01491 652401
Fax:01491 652600
E-mail: frankhdixon@aol.com

3rd April 2002

The Planning Inspectorate
Appeals Registry
Temple Quay House
2 The Square
Temple Quay
Bristol
BS2 6PN

Your ref: -
Our ref: FHD/KC/01

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 - Section 78 Appeal

LPA:-	**Wokingham District Council - Application Ref RM/2001/5203.**
Appellant:-	***Cresswell Construction***
Proposal:-	**Application for reserved matters on outline consent for erection of detached dwelling**
At:-	**Land adjoining 61 Rivermead Road, Woodley, Reading.**

We enclose duly completed forms and supporting documents to appeal a refusal to grant outline planning consent in respect of the above proposed development.

We confirm that a copy of the appeal has today been submitted to the LPA, Wokingham District Council. A copy of our letter to the LPA is enclosed

Yours faithfully,

F H Dixon

cc Wokingham District Council

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 0117-3728764
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8764

PLANNING SERVICES 59594
08 AUG 2002
COPIES TO

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

Your Ref: RM/2001/5203

Our Ref: APP/X0360/A/02/1087824

Date: 6 August 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY CRESSWELL CONSTRUCTION
SITE AT LAND ADJOINING, 61 RIVERMEAD ROAD, WOODLEY, READING, RG5 4DH

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

Mr Graham Cundale BA(Hons) MSc MRTPI MIEEM

The Inspector will visit the appeal site at 15:15 on 27 August 2002. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

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

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

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

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

Tel. (0118) 974 6448 (Direct Line)
Date: May 24, 2002
My ref: RM/2001/5203
Your ref: APP/X0360/A/02/1087824

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: Cresswell Construction
SITE: Land adjoining 61 Rivermead Rd, Woodley

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

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. May 8, 2002
My ref: RM/2001/5203
Your ref: FHD/KC/06

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
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DX: 33506 – Wokingham

Frank H Dixon
Breach House
Cholsey
Oxon
OX10 9JN

Dear Sir

APPEAL BY: **Cresswell Construction**
SITE: **Land adjoining 61 Rivermead Rd, Woodley**

With reference to this appeal, I enclose copies of documents & plans as requested.

I have also sent copies of the documents requested by the Planning Inspectorate direct to Mrs Pocock.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: May 8, 2002
My ref: RM/2001/5203
Your ref: APP/X0360/A/02/1082824

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: Cresswell Construction
SITE: Land adjoining 61 Rivermead Rd, Woodley

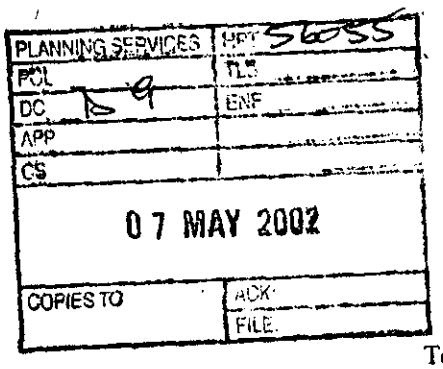
With reference to this appeal, I enclose a copy of documents that the agent requested be sent to you.
I have confirmed with the agent that I have forwarded these documents to you.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

FRANK H DIXON
Development Economist & Planning Consultant



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E-mail: frankhdixon@aol.com

2nd May 2002

Wokingham District Council
Planning Services
PO Box 157
Shute End
Wokingham
Berks, RG40 1WR

Your ref:RM/2001/5203
Our ref: FHD/KC/06

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 - Section 78 Appeal
Planning Inspectorate Ref APP/X03608/A/02/1087824

LPA:-	**Wokingham District Council - Application Ref RM/2001/5203.**
Appellant:-	**Cresswell Construction**
Proposal:-	**Application for reserved matters on outline consent for erection of detached dwelling**
At:-	**Land adjoining 61 Rivermead Road, Woodley, Reading.**

Thank you for your letter dated 29th April 2002. We enclose a cheque in the sum of £17.20 as requested.

Would you kindly advise whether you are able to send a copy of the documents requested by the Planning Inspectorate direct to the Inspectorate or do you require us to send the copies

A copy of this letter has been forwarded to the Planning Inspectorate.

Yours faithfully,

F H Dixon

FRANK H DIXON
Development Economist & Planning Consultant

Breach House
Cholsey
Oxfordshire
OX10 9JN

Tel: 01491 652401
Fax:01491 652600
E-mail: frankhdixon@aol.com

2nd May 2002

The Planning Inspectorate
3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS2 6PN

Your ref:APP/X0360/A/02/1087624
Our ref: FHD/KC/07

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 - Section 78 Appeal
Planning Inspectorate ref:APP/X0360/A/02/1087624

LPA:-	**Wokingham District Council - Application Ref RM/2001/5203.**
Appellant:-	**Cresswell Construction**
Proposal:-	**Application for reserved matters on outline consent for erection of detached dwelling**
At:-	**Land adjoining 61 Rivermead Road, Woodley, Reading.**

We enclose a copy of a letter sent today to the LPA and trust that the documents will be with the Inspectorate in the very near future.

Yours faithfully,

F H Dixon

cc Wokingham District Council

WOKINGHAM UNITARY
Aiming for Excellence

PLANNING SERVICES

Fax Cover Sheet

DATE: 30/04/02

TO: Frank Dixon

FROM: Admin. Planning Services.

NUMBER OF PAGES INCLUDING THIS HEADER SHEET: 2.

RECIPIENT FAX NUMBER: 01491 652600

OUR FAX NUMBER: (0118) 974 6484

SUBJECT: 61 Rivemead Rd.

NOTES:

Tel. (0118) 974 6448 (Direct Line)
Date. April 30, 2002
My ref: RM/2001/5203
Your ref: FHD/KC/03

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

Frank H Dixon
Breach House
Cholsey
Oxon
OX10 9JN

By fax to 01491 652600 & posted

Dear Sir

APPEAL BY: **Cresswell Construction**
SITE: **Land adjoining 61 Rivermead Rd, Woodley**

I refer to your fax of 29th April 2002.

Before I can comply with your request, I require your remittance £17.20. The Tree Preservation Order cost is £15 and the balance is the photocopying charge for the other items.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

cc Margaret Pocock
The Planning Inspectorate

FRANK H DIXON
Development Economist & Planning Consultant

PLANNING SERVICES | APP 55875
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DC DG | ENF
APP |
CS |
30 APR 2002
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Breach House
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Oxfordshire
OX10 9JN

Tel: 01491 652401
Fax:01491 652600
E-mail: frankhdixon@aol.com

29th April 2002

Wokingham District Council
Planning Services
PO Box 157
Shute End
Wokingham
Berks, RG40 1WR

By fax to 0118 974 6484 and First Class Post

Your ref:RM/2001/5203
Our ref: FHD/KC/03

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 - Section 78 Appeal
Planning Inspectorate Ref APP/X03608/A/02/1087824

LPA:- Wokingham District Council - Application Ref RM/2001/5203.
Appellant:- Cresswell Construction
Proposal:- Application for reserved matters on outline consent for erection of detached dwelling
At:- Land adjoining 61 Rivermead Road, Woodley, Reading.

We acknowledge receipt of the Questionnaire but note that the documents requested in our letter dated 3rd April 2002 have not been included.

As a matter of urgency would you kindly provide copies of the Outline application ref 0/2001/4433 together with associated drawings and the Certificate of Ownership. The Planning Inspectorate have also requested copies of these documents. We would therefore be grateful if copies could be sent direct to them (marked for the attention of Ms Margaret Pocock).

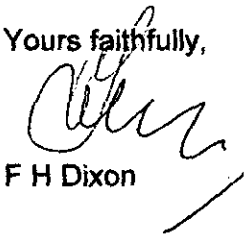
We also await copies of the following

1. Tree Preservation Order covering the preserved Tree of Heaven mentioned in the Reason for Refusal.

2. Copies of all drawings submitted with the approved outline planning application ref 97/66851/0.

A copy of this letter has been forwarded to the Planning Inspectorate.

Yours faithfully,



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Oxfordshire
OX10 9JN

Tel: 01491 652401
Fax:01491 652600
E-mail: frankhdixon@aol.com

29th April 2002

The Planning Inspectorate
3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS2 6PN

Your ref:APP/X0360/A/02/1087624
Our ref: FHD/KC/01

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 - Section 78 Appeal
Planning Inspectorate ref:APP/X0360/A/02/1087624

LPA:-	**Wokingham District Council - Application Ref RM/2001/5203.**
Appellant:-	**Cresswell Construction**
Proposal:-	**Application for reserved matters on outline consent for erection of detached dwelling**
At:-	**Land adjoining 61 Rivermead Road, Woodley, Reading.**

We refer to the telephone call received from your Mrs Pockock requesting copies of certain documents. We enclose a copy of a letter sent today to the LPA and trust that the documents will be made available.

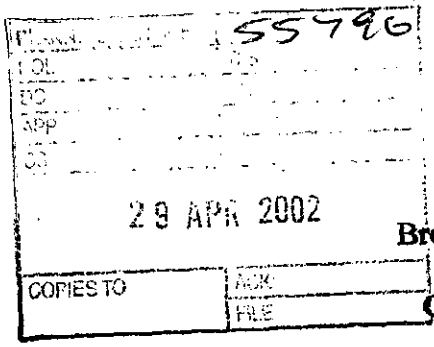
Yours faithfully,

F H Dixon

cc Wokingham District Council

+441491 652600

Reply



FRANK H DIXON

Development Economist & Planning Consultant

Breach House
Cholsey
Oxfordshire
OX10 9JN

Tel: 01491 652401
Fax:01491 652600
E-mail: frankhdixon@aol.com

29th April 2002

Wokingham District Council
Planning Services
PO Box 157
Shute End
Wokingham
Berks, RG40 1WR

By fax to 0118 974 6484 and First Class Post

Your ref:RM/2001/5203
Our ref: FHD/KC/03

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 - Section 78 Appeal
Planning Inspectorate Ref APP/X03608/A/02/1087824

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Proposal:- Application for reserved matters on outline consent for erection of detached dwelling
At:- Land adjoining 61 Rivermead Road, Woodley, Reading.

We acknowledge receipt of the Questionnaire but note that the documents requested in our letter dated 3rd April 2002 have not been included.

As a matter of urgency would you kindly provide copies of the Outline application ref 0/2001/4433 together with associated drawings and the Certificate of Ownership. The Planning Inspectorate have also requested copies of these documents. We would therefore be grateful if copies could be sent direct to them (marked for the attention of Ms Margaret Pocock).

We also await copies of the following

1. Tree Preservation Order covering the preserved Tree of Heaven mentioned in the Reason for Refusal.

2. Copies of all drawings submitted with the approved outline planning application ref 97/66851/0.

A copy of this letter has been forwarded to the Planning Inspectorate.

Yours faithfully,

F H Dixon

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Development Economist & Planning Consultant

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FRANK H DIXON
Development Economist & Planning Consultant

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DC | LHF
APP
CS
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FILE

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Yours faithfully,

F H Dixon

Tel. (0118) 974 6448 (Direct Line)
Date: April 22, 2002
My ref: RM/2001/5203
Your ref: APP/X0360/A/02/1087824

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: Cresswell Construction
SITE: Land adjoining 61 Rivermead Rd, Woodley

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

I have also sent copies to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. April 22, 2002
My ref: RM/2001.5203

Your ref:

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

Frank H Dixon
Breach House
Cholsey
Oxon
OX10 9JN

Dear Sir

APPEAL BY: **Cresswell Construction**
SITE: **Land adjoining 61 Rivermead Rd, Woodley**

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

29/4

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

POL | TLS 55346
DC DG | ENF
APP
CS
16 APR 2002
FILE:

(H)

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

Your Ref: RM/2001/5203

Our Ref: APP/X0360/A/02/1087824

Date: 15 April 2002

NICOLA

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY CRESSWELL CONSTRUCTION
SITE AT LAND ADJOINING, 61 RIVERMEAD RD, WOODLEY, READING, RG5 4DH

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

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

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

<u>You must **submit** the following documents within this timetable:</u>

Within 2 weeks from the starting date -

<u>**You**</u> 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 with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

Within 6 weeks from the starting date -

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

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and 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.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. Our aim is to arrange the visit within 12 weeks of the **starting date**, but from time to time it may take us a little longer.

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

Planning obligations - Section 106 agreements

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

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

Yours faithfully

KF

Mrs Margaret Pocock

102(BPR)

The Planning Inspectorate

FOR OFFICIAL USE ONLY
Date received

PLANNING APPEAL

The appeal must reach the Inspectorate within 6 months of the date of the notice of the Local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)

Full Name: CRESSWELL CONSTRUCTION

Address: UNIT 3A GATEHAMPTON FARM/
GORING-ON-THAMES, READING

Postcode: RG8 9LU Reference: —

Failure to provide the postcode may cause delay in processing your appeal.

Daytime Telephone No: — Fax No: —

Agent's Name (if appropriate): FRANK. H. DIXON

Agent's Address: BREACH HOUSE
CHOLSEY, OXON

Postcode: OX10 9JN Reference: —

Failure to provide the postcode may cause delay in processing your appeal.

Daytime Telephone No: 01491-652401 Fax No: 01491-652600

B. DETAILS OF THE APPEAL

Name of the Local Planning Authority (LPA): WOKINGHAM DISTRICT COUNCIL

Description of the Development:
APPLICATION FOR RESERVED MATTERS ON OUTLINE CONSENT FOR DETACHED BUNGALOW

Address of the Site: LAND ADJOINING :-
61, RIVERMEAD ROAD
WOODLEY, READING
Postcode: RG5 4DH
Failure to provide the postcode may cause delay in processing your appeal

National Grid Reference (see key on OS map for Instructions).
Grid Letters: Grid Numbers
eg TQ:298407
SU7672 SE.

Date and LPA reference number of the application you made and which is now the subject of this appeal:
14TH Nov 2001 REF: RM/2001/5203

Date of LPA notice of decision (if any):
12.02.2002

Are there any outstanding appeals for this site eg Enforcement, Lawful Development Certificate etc? If so please give details and any Planning Inspectorate reference number here:
NONE.

C. REASON FOR THE APPEAL

THIS APPEAL IS AGAINST the decision of the LPA:- **(*Delete as appropriate)** **(✓)**

1. to *refuse/grant subject to conditions, planning permission for the development described in Section B. ☐

2. to *refuse/grant subject to conditions, approval of the matters reserved under an outline planning permission. ☑

3. to refuse to approve any matter (other than those mentioned in 2 above) required by a condition on a planning permission. ☐

Or the failure of the LPA:-

4. to give notice of its decision within the appropriate period on an application for permission or approval. ☐

D. CHOICE OF PROCEDURE

CHOOSE ONE OF THE FOLLOWING TYPES OF PROCEDURES - Appeals decided by written representations are normally decided much quicker than by the hearing/inquiry method. For further information see the booklet "Making your planning appeal" which accompanied this form.

1. WRITTEN REPRESENTATIONS ☑

If you have chosen the written representations procedure, please tick if the whole site can clearly be seen from a road or other public land. (An unaccompanied site visit will be arranged if the Inspector can adequately view the site from public land.) ☑

2. LOCAL INQUIRY Please give reasons why an inquiry is necessary ..... ☐

.....

3. HEARING Although you may prefer a hearing, the Inspectorate must consider your appeal suitable. ☐

E. ESSENTIAL SUPPORTING DOCUMENTS

A copy of each of the following should be enclosed with this form.

1. The application submitted to the LPA; ☑

2. The site ownership details (Article 7 certificate) submitted to the LPA at application stage; ☑

3. Plans, drawings and documents forming part of the application submitted to the LPA; ☑

4. The LPA's decision notice (if any); ☑

5. Other relevant correspondence with the LPA; please identify the correspondence by date or otherwise: LETTER & PLAN SENT TO LPA 12.12.01 ☑

6. A plan showing the site in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS map). **(Failure to submit this can delay your appeal).** ☑

Copies of the following should also be enclosed, if appropriate:

7. If the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission; - COPY OF OUTLINE CONSENT ENCL. ☑

8. Any plans, drawings and documents sent to LPA but which do not form part of the submitted application (eg drawings for illustrative purposes); ☐

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

F. APPEAL SITE OWNERSHIP DETAILS

IMPORTANT: THE ACCOMPANYING NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED. CERTIFICATES A AND B ARE GIVEN BELOW. IF NEEDED, CERTIFICATES C AND D ARE ATTACHED TO THE GUIDANCE NOTES

SITE OWNERSHIP CERTIFICATES

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

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) of any part of the land to which the appeal relates.

~~**OR**~~

~~**CERTIFICATE B**~~

~~I certify that~~:

~~I have/the appellant 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) of any part of the land to which the appeal relates, as listed below.~~

~~Owner's Name~~	~~Address at which notice was served~~	~~Date on which notice was served~~

I further certify that:

AGRICULTURAL HOLDINGS CERTIFICATE (TO BE COMPLETED IN ALL CASES WHERE A, B, C OR D OWNERSHIP CERTIFICATE HAS BEEN COMPLETED)

*• None of the land to which the appeal relates is, or is part of, an agricultural holding.

~~**OR**~~

*• ~~I have/the appellant has *given the requisite notice to every person other than my/him/her*self 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 follows:~~

~~Tenant's Name~~	~~Address at which notice was served~~	~~Date on which notice was served~~

*** Delete as appropriate. If the appellant is the sole agricultural tenant the first alternative should be deleted and "not applicable" should be inserted below the second alternative.**

Signed ..... (on behalf of) CRESSWELL CONSTRUCTION

Name (in capitals) FRANK. H. DIXON Date 3RD APRIL 2002.

G. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE **MUST** be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

PLEASE SEE ATTACHED SHEET

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents relating to the application not previously sent to the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the local planning authority at the same time.

Signed ..... (on behalf of) CRESSWELL CONSTRUCTION

Name (in capitals) FRANK H. DIXON Date 3RD APRIL 2002

The Planning Inspectorate is registered under the Data Protection Act 1984, so that we may hold information supplied by you on our computer system for the purpose of processing this appeal.

CHECKLIST - Please check this list thoroughly to avoid delay in the processing of your appeal.

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section G.
- Relevant ownership certificate A, B, C or D completed and signed.
- Agricultural Holdings Certificate completed and signed.

♦ **1ST COPY: Send one copy of the appeal form** with all the supporting documents to

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

♦ **2ND COPY: Send one copy to the LPA,** at the address from which the decision on the application (or any acknowledgments, etc) was received, enclosing any supporting documents not previously submitted to them as part of the application.

Grounds of Appeal

1. The policy objections given in the single Reason for Refusal are not sustainable.

Site inspection will reveal that the proposed bungalow can be constructed without detriment to the health of the tree which is the subject of the TPO albeit some modest specialist pruning may be required.

Whilst it must be accepted that a TPO cannot prohibit any topping or lopping of a tree in order to carry out development for which full planning permission has been granted (s. 198(6)(b)) should such specialist pruning be required it will only follow a written application to the LPA for consent to do such work, setting out the extent of the work and method of undertaking the work. This can be made the subject of a condition should this appeal be upheld. (i.e. work not to commence until a method of protecting the tree has been agreed in writing with the LPA, and not to lop, top or prune the tree unless express permission in writing obtained from the LPA setting out the extent and method of pruning) .

It follows that even upon the grant of planning consent for Reserved matters the LPA will retain control over the future of the tree and the extent and type of any pruning which may by negotiation with the LPA be considered necessary.

2. The LPA have not shown any degree of consistency in the treatment of this site. The approach of the LPA in this matter amounts to "Wednesbury unreasonableness" and a breach of natural justice.

In particular:-
Outline Consent was granted for the construction of a bungalow on this site a mere seven weeks prior to the application for reserved matters being made. During that period the physical conditions on the site did not change, there was no change in relevant central government guidance, there was no change in the Development Plan.

The recommendations of the LPA tree officer in respect of the outline and reserved matters application did not change.

The siting of the bungalow as shown on the reserved matters application cannot have been a surprise to the LPA particularly as this position was indicated on the Outline application and on an earlier approved Outline application.

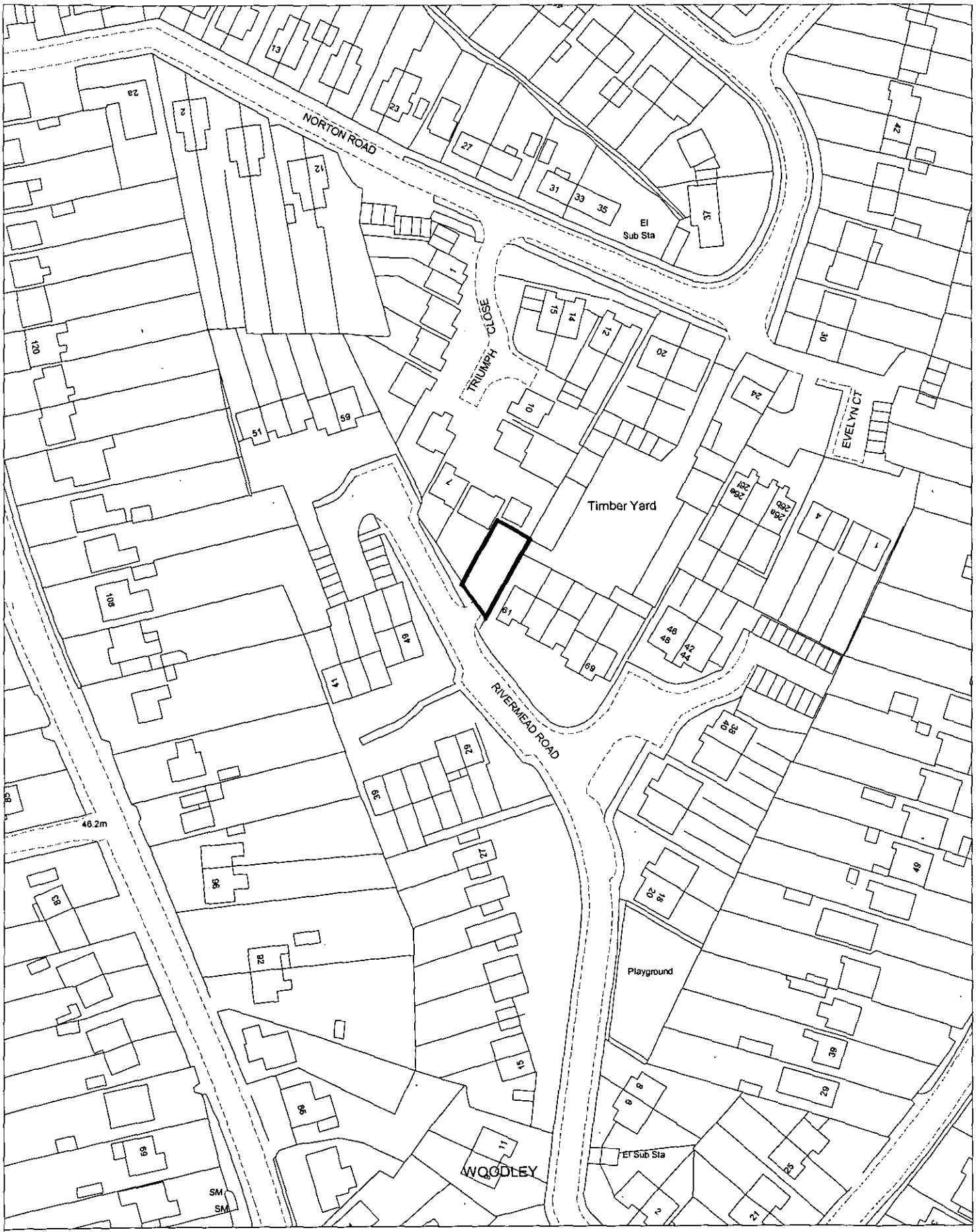
The options for positioning a bungalow on the appeal site are strictly limited given the need to provide private amenity space at the rear of the bungalow and the relative small area of the application site.

Refusal of the reserved matters application is tantamount to a complete reversal of an earlier decision without there having been any material change in circumstances and is therefore unreasonable and unsustainable.

3. It is a material consideration that the appellant has a common law right to lop or prune all overhanging branches and cut back such roots of the protected tree which are within the appeal site.

The tree is on neighbouring land. It is averred that at common law should the overhanging branches and intruding root structure be deemed to constitute an actionable nuisance the appellant has a right to cut back the intruding roots or overhanging branches in order to abate the nuisance. Under s. 198 (6)(b) abating such nuisance by lopping or topping is legally allowed providing such nuisance is a tort actionable at law.

It follows that should this appeal be dismissed the appellant must consider cutting back the branches and roots to abate the nuisance. The actionable nuisance in this instance will be that the appellant is unable to put his land to beneficial use by the construction of a bungalow for which Outline consent has been granted.



Site Plan, Scale: 1 to 1250

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Date: 19 April 2002

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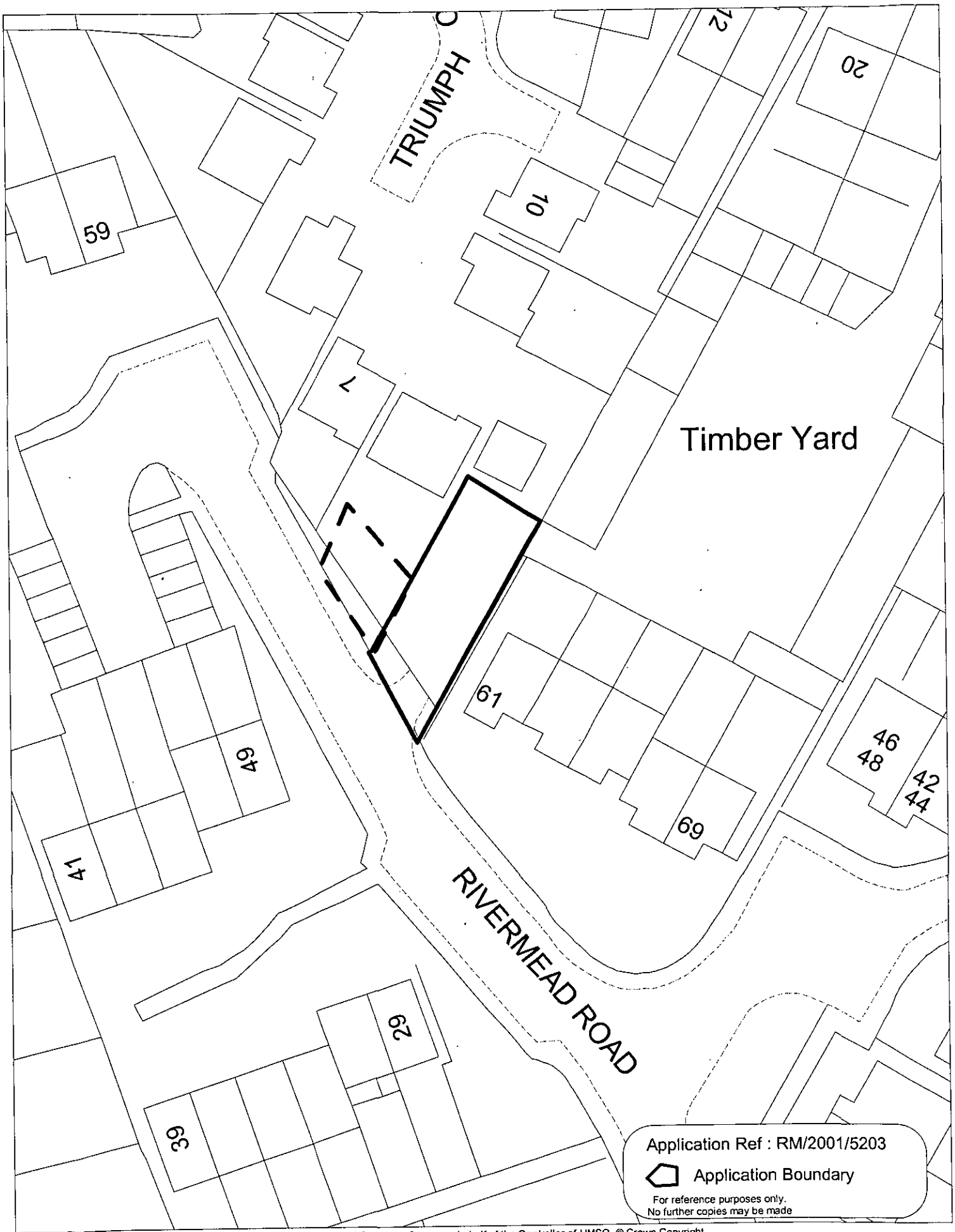

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Development Control Section, Environmental Services, Wokingham District Council.
21 May 2002

Scale: 1 : 500

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