Notes

All dimensions and levels on site are to be checked prior to commencement of work.

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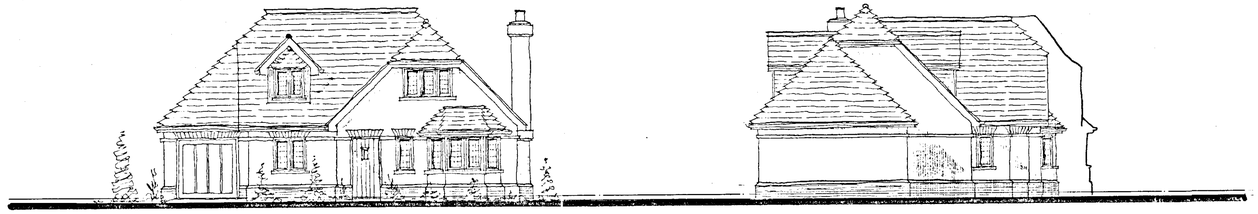
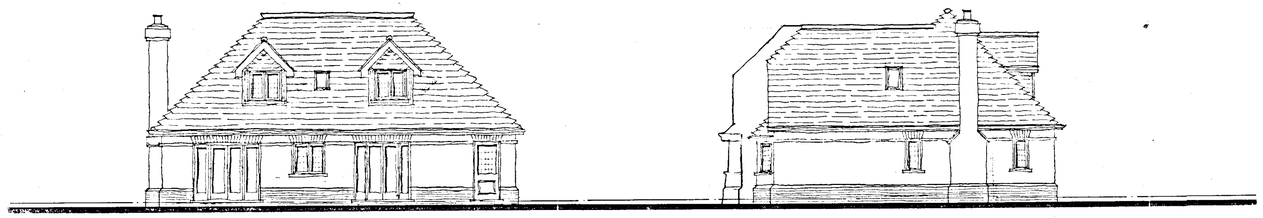


FRONT ELEVATION

SIDE ELEVATION

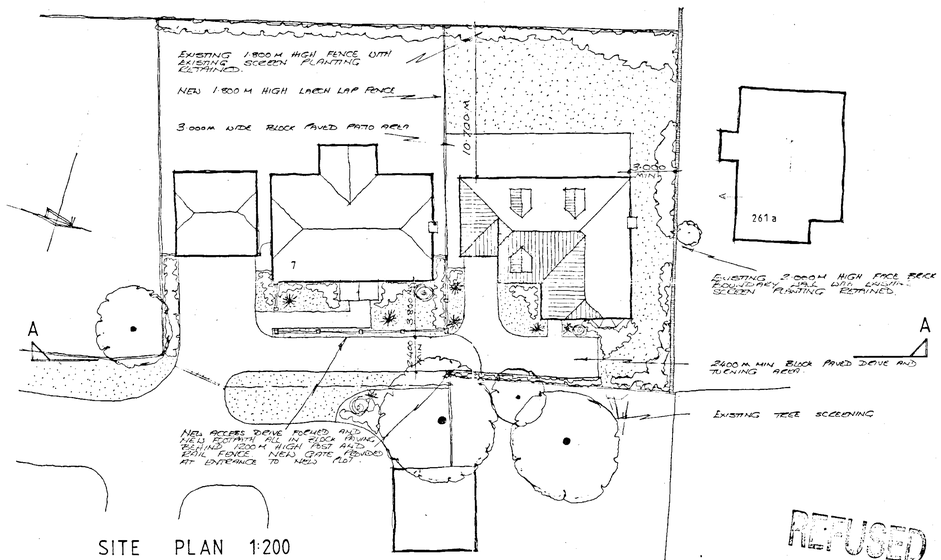


SITE SECTION A-A

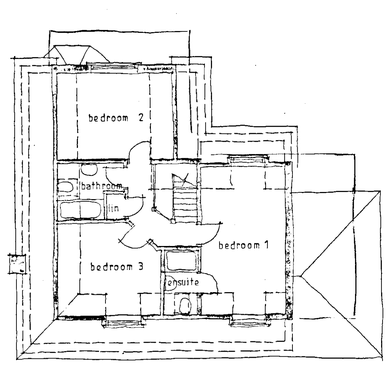


REAR ELEVATION

SIDE ELEVATION

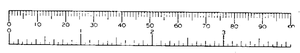


SITE PLAN 1:200



GROUND FLOOR

FIRST FLOOR



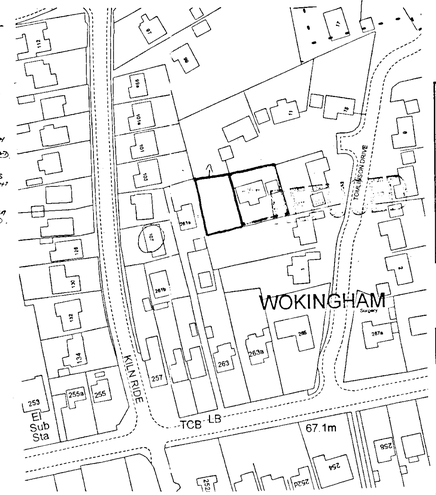
MATERIALS

Roof : PLAIN CONCRETE TILES WITH BONNET HIP TILES ALL TO BE AGREED.

Walls : FACE BRICKWORK WITH CONTRASTING BRICK PLINTH LINTELS AND STRING COURSE ALL TO BE AGREED.

Windows : STAINED SOFTWOOD WINDOWS WITH SQUARE LEADED LIGHT DOUBLE GLAZING

Eaves : STAINED SOFTWOOD FASCIA SOFFIT AND BARGEBOARD.



LOCATION PLAN 1:1250

REFUSED

25 JAN 2002 5753

Proposed chalet bungalow
7 Tomlinson Drive
Finchampstead
WOKINGHAM
Berks

Client: Mr and Mrs D. Rogers

Drawing: PLANS and ELEVATIONS

Scale: 1:100 Date: January 2002

The Edwards Irish Partnership
Architects & Surveyors
36 Langborough Road, Wokingham, Berks, RG40 2HT
Tel: 0118-989-4403 Fax: 0118-989-4383 E-mail: the.eip@virgin.net

Job 1485 Dwg. 03

Reprints DS (UK) 98412A

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Notes

All dimenstons and levels on site are to be checked prior to commencement of work.

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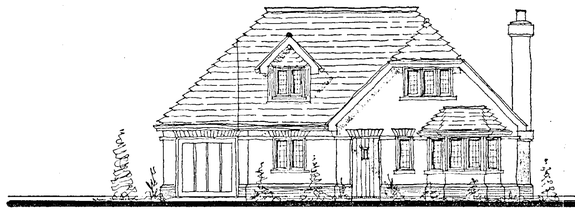
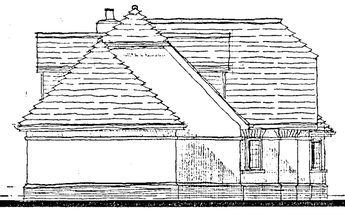


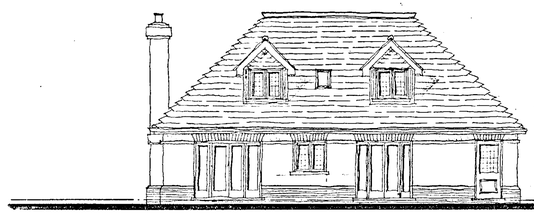
FRONT ELEVATION



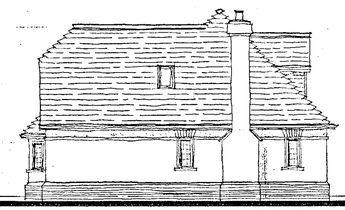
SIDE ELEVATION



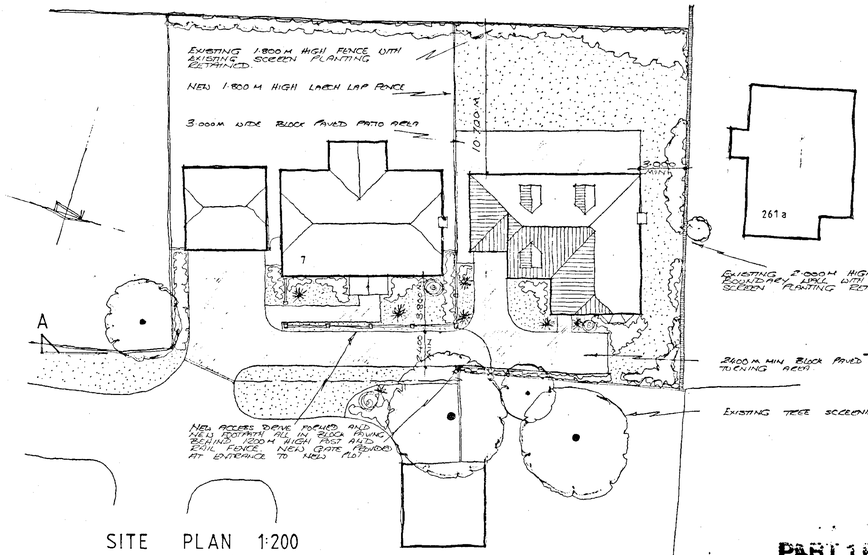
SITE SECTION A-A



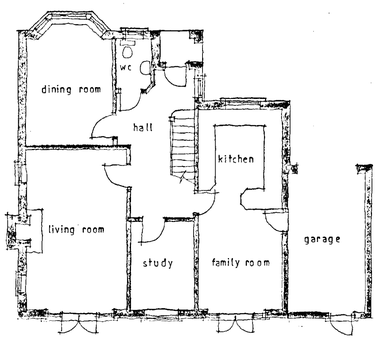
REAR ELEVATION



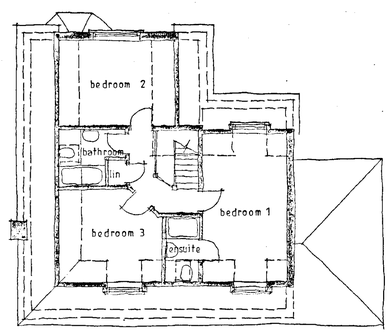
SIDE ELEVATION



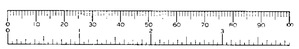
SITE PLAN 1:200



GROUND FLOOR



FIRST FLOOR



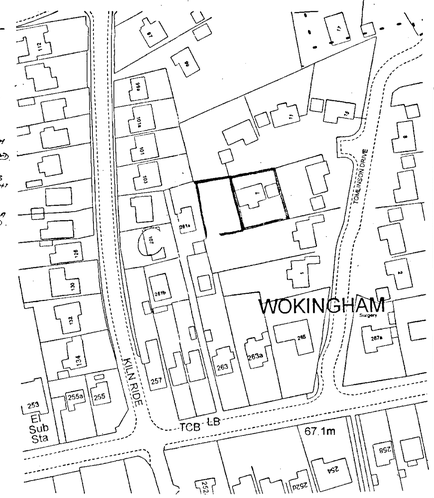
MATERIALS

ROOF : RED CONCRETE TILES WITH BONNET HIP TILES ALL TO B.C. SPECIFICATION

WALLS : FACE BRICKWORK WITH COMPLEMENTING BRICK PLINTH LINTELS AND STRING COURSE ALL TO BE AGREED

WINDOWS : STAINED SOFTWOOD CASEMENTS WITH SQUARE LEADED LIGHT DOUBLE GLAZING

EAVES : STAINED SOFTWOOD FASCIA SOFFIT AND BARGEBOARD



LOCATION PLAN 1:1250

PART 1 REGISTER

DELIVERED 3/5/02

Project: Proposed chalet bungalow
7 Tomlinson Drive
Finchampstead
WOKINGHAM
Berks

NOT USED

Client: Mr and Mrs D. Rogers

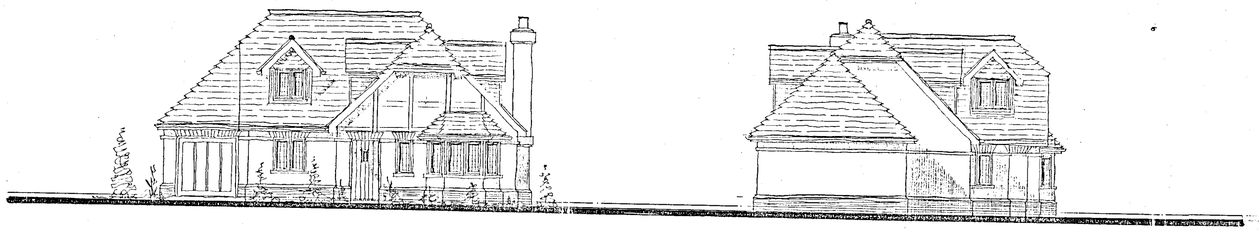
Drawing: PLANS and ELEVATIONS

Scale: 1:100 Date: January 2002

The Edwards Irish Partnership
Architects & Surveyors
36 Langborough Road, Wokingham, Berks. RG40 2EF
Tel: 0118-989-4403 Fax: 0118-989-4383 E-mail: the.eip@virgin.net

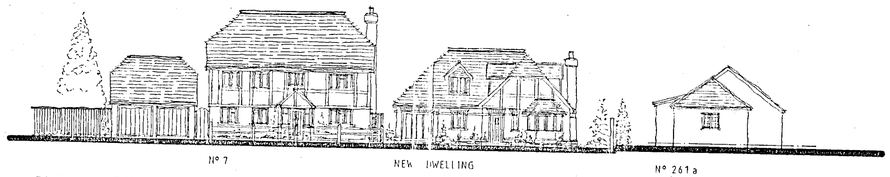
Job 1485 Dwg. 03

ELEVATION PLANS 1:100

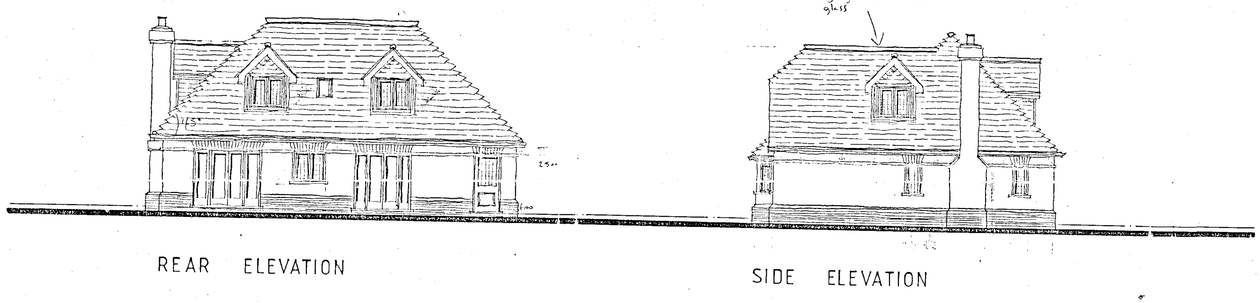


FRONT ELEVATION

SIDE ELEVATION

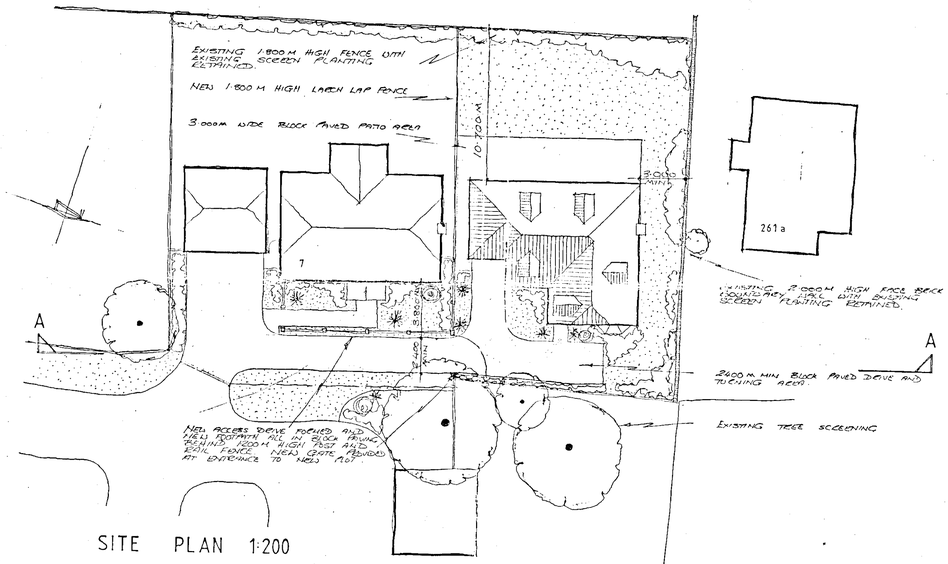


SITE SECTION A-A 1:200

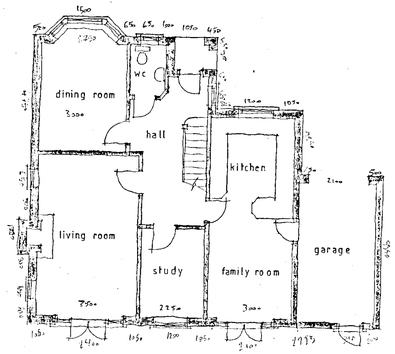


REAR ELEVATION

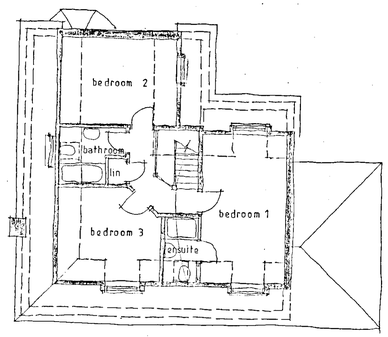
SIDE ELEVATION



SITE PLAN 1:200



GROUND FLOOR



FIRST FLOOR

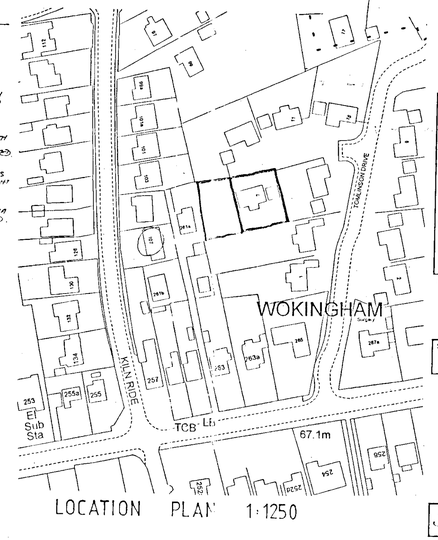
MATERIALS

ROOF : PLAIN CONCRETE TILES WITH BONNET HIP TILES ALL TO BE AGREED

WALLS : FACE BRICKWORK WITH CONTRASTING BRICK PLINTH LINTELS AND STRING COURSE ALL TO BE AGREED

WINDOWS : STAINED SAPELE WINDOWS WITH SOLAR CONTROL DOUBLE GLAZING

EAVES : STAINED SAPELE FASCIA SOFFIT AND BARGEBOARD



LOCATION PLAN 1:1250

Project: Proposed chalet bungalow
7 Tomlinson Drive
Finchampstead
WOKINGHAM
Berks

Client: Mr and Mrs D. Rogers

Drawing: PLANS and ELEVATIONS

Scale: 1:100 Date:

Job Dwg. A.

Notes

All dimensions and levels on site are to be checked prior to commencement of work.

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SOUTHPORT U.K. Tel 0704-26866 Fax 0704-26814
LONDON OFFICE Tel 071-377-1777 Fax 071-247-6181

EX SYSTEMS LTD

APPLICATION NO.5753

Name of appellant:
Mr D Rogers

Site address:
7 Tomlinson Dve, Finchampstead

Appl

Proposal:Proposed erection of one dwelling

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Case Officer:NAB

Distr
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Date

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Decision
Date

Date Commenced

Date Completed

REJECTION

D1

INFORMAL HEARING APPEAL ✓

CASE OFFICER: NAB

APPLICATION NUMBER: 5753

APPELLANT: Mr D Rogers

SITE: 7 Tomlinson Dve, Finchampstead

APPEAL REF: APP/X0360/A/02/1089842

START DATE: 20/05/02

DATE OF HEARING 27.11.02 CR2.

Progress Record	Date Actioned	Initials
Appeal Logged:	21/05/02	
Entered on Access:	22/05/02	DG
Notification Letters Due:	**03/06/02**	
Notification Letters Sent:	22/05/02	DG
Questionnaire Due:	**03/06/02**	
Questionnaire Sent:	22/05/02	DG
Venue Booked: 15/07.	CR2.	CH.
Statement Due:	27/06/02 01/07/02	
Checked by Team Leader:		
Statement Sent:	24/06/02	DG.
Comments Due:	22/07/02	
Comments Sent:	/	
Hearing Date Notification sent:		
Decision Letter circulated:	06/01/03	DG
Decision entered on Access.	06/01/03	DG

Appeal Decision

Hearing held on 27 November 2002
Site visit made on 27 November 2002

by R E Wilson **BA DipTP MRTPI**

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
20 DEC 2002

Appeal Ref: APP/X0360/A/02/1089842
7 Tomlinson Drive, Finchampstead, Wokingham RG40 3NZ

- 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 D Rogers against the decision of Wokingham District Council.
- The application (Ref. F/2002/5753.) dated 23 January 2002, was refused by notice dated 7 March 2002.
- The development proposed is the erection of a three-bedroom chalet bungalow.

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

Procedural Matters

1. At the Hearing an application for costs was made by the appellant against Local Planning Authority This application is the subject of a separate Decision.

Main Issue

2. I consider the main issue in this case to be whether the proposed dwelling would cause unacceptable overlooking of adjoining properties, have an overbearing presence and adversely affect the character of the area.

Planning Policy

3. The development plan is the Berkshire Structure Plan (BSP) and the South East Area Local Plan (SEALP). The council relies on Policies EN1 and LD3 of the BSP and Policies SBE1 and SBE2 of the SEALP. The council also refers to Policies WOS3 and WBE1 of the Draft Deposit Wokingham District Local Plan (WDLP).

Reasons

4. The council's decision notice indicates that it was opposed to the proposed development on the grounds of its overbearing effect on adjoining properties and unacceptable overlooking. It subsequently granted planning permission for the erection of a bungalow on the appeal site and notified the appellant and the Planning Inspectorate on the 6 September 2002 that it had withdrawn its objection to the appeal proposal having an overbearing effect on neighbours, contrary to what it had argued in its statement of case, dated 24 June 2002. Consequently, at the hearing the council's sole objection was that the proposed chalet bungalow caused unacceptable overlooking over part of the garden of one of the adjoining houses, No.9 Tomlinson Drive.

5. In another recent decision, the council granted planning permission for the erection of a chalet bungalow to replace the existing bungalow at 261A Nine Mile Ride, the property immediately to the west of the appeal site. The occupant of that property does not share the council's view that the appeal proposal does not have an overbearing effect on his property. Some of the residents in Tomlinson Drive raise other matters, including overlooking, the additional use of the private driveway and the effect of an additional house on the character of the area. Although these objections go beyond the council's sole objection, they are material considerations in my determining this appeal.

6. The proposed chalet bungalow would have one window in the front elevation, serving bedroom 2, facing towards part of the rear garden of No.9 Tomlinson Drive. The window would be about 5m from the common boundary, which is marked by a fence about 1.8m high. There are mature trees behind the fence in the adjoining garden that even in the period when the trees are not in leaf significantly reduce the view into this adjoining garden. Furthermore, there is no overlooking of the adjoining house, the rear elevation of which faces away from the appeal site. Consequently, the council's only remaining objection to the proposed development is not a valid reason to withhold planning permission, since the effect on adjoining residents would be very small.

7. The appellant indicated his willingness to alter the position of the bedroom window and move it to the side elevation. I accept his argument that this could be done by way of a condition but in view of my conclusions in the preceding paragraph about the effect this window, such a change to the external appearance of the proposed bungalow is not necessary.

8. The side wall of the proposed chalet bungalow would be about 3m from the boundary with 261A Nine Mile Drive, the bungalow that is sited about 3m from the common boundary, which is marked by a 2m brick wall. Part of the side elevation of the proposed dwelling is directly opposite the southern half of the elevation of the adjoining bungalow that faces towards the appeal site. The outlook from the kitchen and utility windows of this adjoining bungalow would be primarily affected by the appeal proposal. However, the effect on the occupants of this adjoining property would be the same, whether the chalet bungalow that is the subject of this appeal or the bungalow that was permitted by the council were built. This is because the eaves height and the height and angle of the roof are almost the same in each scheme. In these circumstances, the proposed chalet bungalow would not have an overbearing effect on this adjoining property.

9. The situation is not changed to any material extent by the grant of planning permission for a new chalet bungalow to replace the existing bungalow. Only one side window to the proposed living room in the new property would face towards the chalet bungalow on the appeal site and the relationship of the two dwellings would be little different to that between the existing bungalow and the appeal proposal.

10. A number of residents of Tomlinson Drive expressed opposition to the proposed development in writing and at the hearing. As I indicated at the hearing, arguments about the right to use the shared driveway and to connect to the private sewerage pumping system are not material considerations in this appeal. The proposed dwelling would be nearly 11m from the side boundary of the rear end of the garden of No. 3 Tomlinson Drive. As a result, it would be sufficiently far away so as not to cause unacceptable overlooking of the garden of that property.

11. Some local residents are opposed to the principle of development on this land, an argument that is not shared by the council. I share the council's view that the curtilage of the appellant's property is sufficiently large to accommodate a new dwelling, subject to detailed considerations regarding its siting and its relationship to adjoining properties. The proposed development provides sufficient space for the parking and turning of vehicles, both for the proposed dwelling and for the existing property, thereby providing vehicles with the opportunity to enter and leave the site in a forward gear and not to have to reverse along the private drive that serves as the access to the adjoining dwellings.

12. In summary, the proposed development meets the broad objectives that are set out in Policies EN1 and LD3 of the BSP. It is also consistent with Policies SBE1 and SBE2 of the SEALP, particularly as its scale, form and massing are acceptable in this location. By the same token, it is also consistent with criterion (F) of Policy WOS3 of the WDLP. In contrast, little weight should be placed on Policy WBE1 of that plan, since the Inspector who considered objections to the local plan has recommended a fundamental redrafting of that policy.

Conditions

13. The council put forward a schedule of nine conditions that it would wish to see imposed if the appeal is allowed. The appellant indicated his acceptance of seven of these conditions. I share his view that conditions 3 amd 5 are not necessary. The former relates to ground levels but there is no indication that these will change. Condition 5 seeks to limit the use of the garage to the parking of vehicles. As the appellant argues, the proposed development meets the parking requirements, without the imposition of condition 5, which I regard as being unnecessary in this case. In some cases I have made minor changes to the wording of the proposed conditions and have amalgamated conditions 6 and 7 that were proposed by the council.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

15. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of a three-bedroom chalet bungalow at 7 Tomlinson Drive, Finchampstead, Wokingham in accordance with the terms of the application Ref.F/2002/5753 dated 23 January 2002 , and the plans submitted therewith, subject to the following conditions:

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

2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

3) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between 0800 and 1700 hours Monday to Friday and 0800 and 1330 hours on Saturdays.

4) No part of the dwelling hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided to enable vehicles to enter and leave the site in a forward gear. The vehicle parking and turning space shall thereafter be retained for this purpose.

5) Prior to the commencement of the development hereby permitted, construction details relating to a "no dig" solution for the drive and services to the property shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the roof space of the side elevation facing 261A Nine Mile Drive.

Information

16. 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.

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

18. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss N Brown	Planning Officer, Wokingham D C

FOR THE APPELLANT:

Mr A Glenister Dip TP MRTPI	DGG Planning Ltd
He called	Mr D Rogers- the appellant

INTERESTED PERSONS:

Mr J Longley	261A Nine Mile Ride
Mr & Mrs M Collins	11Tomlinson Drive

DOCUMENTS

Document	1	List of persons present at the inquiry
Document	2	Council's notification of hearing to residents
Document	3	Replies received (in red folder)
Document	4	Letter dated 21/11/02 re. amended plans
Document	5	Letter dated 06/09/02 withdrawing objection re. overbearing

PLANS

Plan	A1-A3	Application plans
Plan	B	Original sketch scheme for house on appeal site
Plan	C	Plan showing alternative window position
Plan	D1-D2	Approved plans for bungalow
Plan	E	Cross-section showing approved dwelling on site of 261A Nine Mile Ride, in relation to appeal site.

Costs Decision

Hearing held on 27 November 2002
Site visit made on 27 November 2002

by R E Wilson BA DipTP MRTPI

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 20 DEC 2002

Costs application in relation to Appeal Ref: APP/X0360/A/02/1089842
7 Tomlinson Drive, Finchampstead, Wokingham

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr D Rogers for a full award of costs against Wokingham District Council.
- The hearing was in connection with an appeal against the refusal of Council to grant planning permission for the erection a three-bedroom chalet bungalow.

Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.

The Submissions for the Appellant

1. The council ignored the advice in Circular 8/93 in a number of important respects. It refused to discuss the application with the appellant, its did not produce evidence to substantiate its reasons for refusal, nor did it show that it had considered the possibility of imposing conditions to the planning permission to enable the proposed development to go ahead. Furthermore, it ignored the advice in Annex 3.12 of the circular regarding development that accords with the development plan and gave unnecessary weight to the views of local residents, which were not based on valid planning reasons that could be supported by substantial evidence.

2. In particular, the council did not advise the appellant until 6 September 2002 of its decision that it would not pursue its previous objections on the grounds that the proposal would have an overbearing effect on adjoining properties. Furthermore, on 12 July 2002 the council granted planning permission for a dwelling on the appeal site that was identical in its relationship to 261A Nine Mile Ride and slightly closer to 9 Tomlinson Close. The council had indicated in its appeal statement, issued 3 days before it granted the planning permission referred to above that the appeal proposal would have an overbearing effect on 261A Nine Mile Drive. It had also state in relation to 9 Tomlinson Drive that " the proposed dwelling could also be overbearing to this property".

3. When the appellant tried to discuss the question of overlooking and endeavoured to discuss amendments with the council, his offer was rejected and the council replied "Although overlooking can be overcome, by moving the window to the side, the scheme is overbearing and that cannot be overcome by an amendment". In the circumstances, the appellant was forced to go to appeal and to incur unnecessarily all the costs involved. Had the council taken its present view at the time that this application was determined, an appeal would have been avoided.

4. The council took 8 weeks after it granted planning permission on this site to come to the conclusion that they did not wish to pursue their earlier objection regarding the question of whether or not the proposed development had an overbearing effect. This was too late to avoid the appellant incurring unnecessary costs.

5. There is no case for the appellant to answer on the question of overlooking. The side garden of 9 Tomlinson Drive is exceptionally well screened and the occupants of this property do not object to the proposed development. In any event, the council now accepts that the window in the front elevation could be moved to the side to reduce overlooking. This matter could have been dealt with by condition or by the submission of amended plans.

6. In summary, the council has acted unreasonably by delaying development that could reasonably have been permitted and failing to produce evidence to show that the amenities of the occupants of 9 Tomlinson Drive would be adversely affected by overlooking. It had also failed to consider the possibility of amending the proposals or imposing conditions, given undue weight to the views of local residents and by withdrawn part of its reason for refusal at a late stage.

The Response by the Local Planning Authority

7. The council had not behaved unreasonably. It had given advice in December 2001, before the application was submitted, that a two-bedroom bungalow would be acceptable. An officer of the council had met the appellant on 7 March 2002, advising him that the reason for refusal had been drafted and that any necessary amendments would not be minor. A bungalow is more acceptable than a chalet bungalow, because it has less impact, due to the omission of windows.

8. The council had not prevented development taking place, because it had granted permission for a bungalow on the site. Overlooking is a material consideration and the council was justified in its decision on this issue. It had presented evidence that was complete, precise and relevant on this matter. The council had shown its objection regarding overlooking was consistent with Policy WOS3 of the WDLP. The repositioning of the window could not be dealt with by condition, since neighbours had to be consulted. The council was entitled to refuse permission on grounds of overlooking, even if the occupants of 9 Tomlinson Drive did not object. Even though the objection regarding overbearing had been withdrawn, an appeal could not have been avoided, because the objection regarding overlooking remained.

Conclusions

9. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

10. I note that the start date for the appeal was 20 May 2002 and that the appellant and the council were required to submit their statements of case within 6 weeks of this date. In the event, both parties did so before the end of June 2002 and before the council granted planning permission on 12 July 2002 for a bungalow on the appeal site. Consequently, the council's decision to withdraw its objection on 6 September 2002 was far too late and was well after the time when the appellant had to prepare evidence to refute the council's reason for refusal that the proposed development had an overbearing effect on adjoining properties.

As a result, he was put to unnecessary expense in having to commission evidence from his consultant on this aspect of the case.

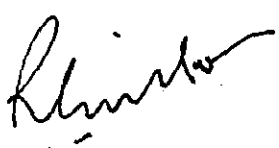
11. At the hearing the council sought to argue that one bedroom window would cause unacceptable overlooking of an adjoining back garden. My site visit showed that the garden area in question was relatively remote from the house and that any sense of overlooking was greatly reduced, even in late November, by the substantial trees in that garden, close to the common boundary. The fact that the occupants of this house did not object to the proposed development was a further indication that the proposal was acceptable. In my view, the council's evidence at the hearing on this issue was extremely weak and it failed to substantiate its objection.

12. Even if there were a degree of overlooking, such as to make the proposal unacceptable, the council could and should have accepted the appellant's offer to amend the front elevation and move the window to the side elevation. The possible need to consult local residents again should not have prevented the council from going through this stage. Consequently, I conclude that the council acted unreasonably by failing to substantiate its objection and failing to consider the option of granting planning permission, subject to a condition that overcame their perceived objection, rather than refusing the application.

Formal Decision and Costs Order

13. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990, and all other powers enabling me in that behalf, I HEREBY ORDER that Wokingham District Council shall pay to Mr Danny Rogers, the costs of the appeal proceedings, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission for the erection of a three-bedroom chalet bungalow on land at 7 Tomlinson Drive, Finchampstead, Wokingham

14. The applicant is now invited to submit to Wokingham District Council, to whom a copy of this decision has been sent details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.



INSPECTOR

STATEMENT

on behalf of

Mr. & Mrs. D. Rogers

in relation to

7 Tomlinson Drive

FINCHAMPSTEAD

Town and Country Planning Act 1990

LPA Reference F/2002/5753
Appeal Reference APP/XO360/A/02/1089842

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APPENDICES

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1.0 INTRODUCTION

1.01 On 14th December 2001 the Senior Planning Officer at Wokingham District Council advised the appellants Architects the erection of a dwelling on the appeal site may be acceptable in principle (See letter attached at Appendix 1).

1.02 On the other hand, the Officer also advised the dwelling, then being proposed (See Plan 1485/01SK attached at Appendix 2), was too large and would significantly infringe the daylighting standard with regard to the bungalow adjacent at 261A Nine Mile Ride.

1.03 The appellants therefore discussed the position with their Architects and the plans were amended accordingly (Plan 1485/03 refers). The application the subject of this appeal, was submitted to the Local Planning Authority on 24th January 2002 in the expectation that planning permission would be granted accordingly.

1.04 Indeed it will be seen from a comparison between the two plans that not only was the size of the dwelling significantly reduced, but in particular the western wall of the proposed dwelling was moved further from the boundary of the site to address the Officer's concerns regarding its general relationship with 261A Nine Mile Ride.

1.05 More importantly however, given the Officer's concern regarding any infringement of the "daylighting standard," the dwelling was now proposed to be completed under a hipped roof, such that there would be no loss of light incurred by the occupiers of that property.

1.06 In the event, the occupiers of that property submitted representations to the Local Planning Authority and planning permission was refused on 7th March 2002 because:-

> "The proposed development by virtue of its location and size would be overbearing and cause overlooking to adjacent residential properties, to the detriment of the residential amenity. As such, the development would be contrary to policy EN1 of the Berkshire Structure Plan, policies SBE1 and SEB22 of the South East Area Local Plan and to policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft)."

1.07 Significantly though, permission was not refused because of loss of light to the adjoining property and whilst the Authority indicate the development would be overbearing and cause overlooking, it should be noted that neither of these issues were raised by the Officer in relation to the earlier proposals, even though that dwelling was larger.

1.08 Moreover, the appellants advised the Case Officer they were prepared to delete the windows facing the garden area to 9 Tomlinson Drive, as it would be possible to "light" the first floor accommodation with a window in the eastern elevation, but the officer was not prepared to accept amended plans and the application was determined as submitted.

1.09 At Section 2 therefore, this Statement will consider the Appeal Site and the Surrounding Area, in order to draw conclusions regarding the site's relationship with adjoining properties, as this is considered material to the determination of this appeal. The Statement will then set out in Section 3, the policy considerations which need to be taken into account and finally set out what are considered to be the Material Considerations as well as our Summary & Conclusions in Section 4.

1.10 It has to be made clear at the outset however, the appellants are firmly of the opinion, bearing in mind the Authority has raised no objection in principle to the development proposed, the onus of proof in this instance rests with the Local Planning Authority and the appellants must therefore reserve the right to comment further on the appeal, at the requested Hearing, in the light of the Statement submitted by the Authority.

2.0. APPEAL SITE & SURROUNDING AREA

2.01 The appeal site which has a width of approximately 15 metres and a depth of 25 metres, is situated immediately to the west of 7 Tomlinson Drive and currently used as part of the garden area to that property.

2.02 The site is mainly laid to lawn with flower borders and is enclosed by 1.8 metre fencing to the North and South (adjoining 9 Tomlinson Drive and 7 Tomlinson Drive respectively) and by 2.4 metre brick wall along its Western boundary (adjoining 261A Nine Mile Ride).

2.03 To the North and South are the gardens to 9 & 7 Tomlinson Drive respectively, whilst to the West (at a distance of approximately 4.0 metres from the boundary) is the property known as 261A Nine Mile Ride (See Site Location Plan attached at Appendix 3 and photographs of the site and surrounding area attached at Appendix 4.

2.04 It will be seen however, that all the properties in Tomlinson Drive, including that on the appeal site, are large modern 2 storey detached dwellings constructed in Brick and Render, with plain or interlocking concrete tiles to their roof areas.

2.05 These contrast significantly with the dwelling at 261A Nine Mile Ride, which is of single storey and situated on a backland site served off a lengthy unmade access leading from that road, and clearly any development of the appeal site will need to respect the design and appearance of that property, as well as the existing properties in Tomlinson Drive.

2.06 Fortunately however, as indicated above, 261A Nine Mile Ride is screened from the appeal site by a 2.1m. high brick wall, but there is also mature planting along the boundary with the appeal site, such that for much of its length there is no direct view of the site from that property (See photograph 4).

2.07 The proposed dwelling would also be 4.5 metres from the boundary with the garden to No. 9 Tomlinson Drive, 3.0 metres from the boundary with 261A Nine Mile Ride and between 10.0 & 10.7 metres from the boundary with 3 Tomlinson Drive. (See photographs 7 & 8).

2.08 Further the proposed dwelling is primarily single storey. Bedroom accommodation will be provided in the roof space. Two dormer windows are proposed to the rear of the property with a single dormer to the front set at a distance of 8.0 metres from the boundary with 9 Tomlinson Drive and gable window 4.5 metres from that boundary.

3.00 PLANNING POLICY

3.01 The Development Plan comprises the Berkshire Structure Plan 1991-2006 and the Wokingham District South East Area Local Plan Adopted 15th April 1994.

3.02 Additionally Wokingham District Council has also published a replacement Local Plan (Wokingham District Local Plan) which was placed on Deposit in 1997 and clearly that plan should also be given weight in the determination of this appeal.

3.03 In fact a Local Plan Inquiry was held in 1998 and a number of amendments have since been "agreed" by the Authority. In any case the District Council, in their reasons for refusing planning permission, state the proposals are contrary to Policies WOS3 and WBE1 of the emerging Local Plan and clearly would wish these policies to be taken into account at this time.

3.04 However, before turning to look and comment on those plans, it is felt necessary to consider the principles set out in Planning Policy Guidance Note 1, as this establishes Central Government Guidance in relation to the determination of development proposals generally and Planning Policy Guidance Note 3 which considers Housing in particular.

A) National Policy

i) Planning Policy Guidance Note 1 General Policy & Principles (PPG 1)

3.05 PPG 1 published in February 1997 is the most recent Central Government Guidance Note on General Development Control Policy.

3.06 The revised PPG does not fundamentally alter guidance to Local Planning Authorities, but has been refocussed to provide a more strategic commentary on planning policy, rather than give advice on the more general operations of the planning system. Nevertheless, it reaffirms the planning system has a key role to play in the provision of homes and buildings and in this respect, is relevant to this appeal.

3.07 At the heart of the frame work however, are development Plans and in this respect PPG 1 makes it abundantly clear, where the Development Plan contains relevant policies, applications should be determined in accordance with the Development Plan UNLESS there are material considerations which indicate otherwise.

3.08 It is submitted however, the appellants proposals not only accord with the policies of the Development Plan and should therefore have been approved, but more importantly, there are material considerations which should have been taken into account in the determination of the application, which appear to have been overlooked by the Local Planning Authority.

3.09 Indeed the Local Authority's decision would appear to reflect the concerns of the adjoining residents, rather than any particular aspect of the appeal proposals and as such, the decision to refuse permission would appear to the appellants, at least, to be unreasonable.

3.10 In any case, as stated at paragraph 1.10 it is considered the "burden of proof" in this case, must rest with the Local Planning Authority. Particularly given permission has been refused because of alleged detriment to residential amenity.

3.11 That is also important because the appellants were advised, as early as December 2001, that there was no objection in principle to the development of this site and PPG 1 makes it abundantly clear, where applicants consult on their application, Local Planning Authorities should respond positively.

3.12 That is not to say permission should then be granted, but clearly where the concerns of the Officer are met, as was the case here, the appellants believe it is incumbent on the Authority to demonstrate why the proposals are unacceptable and not for the appellants to demonstrate why permission should be granted.

3.13 It is acknowledged PPG 1 also states at paragraph 64:-

> "Good neighbourliness and fairness are among the yardsticks against which development proposals can be measured; for example, it might be material to consider the question of "overlooking" or loss of privacy experienced by a particular resident."

3.14 However, the Local Planning Authority has referenced no yardsticks in this instance against which the proposal should be judged, other than overlooking, but that ignores the benefit of existing screening. In any case, it was open to the Authority to negotiate an amendment to the submitted scheme which relocated the window to the eastern elevation.

ii) Planning Policy Guidance Note 3. Housing (2000) - PPG 3

3.15 PPG 3 published in March 2000 is the most recent Central Government Guidance Note on Housing and provides advice on the role of the planning system in relation to housing policy.

3.16 At paragraph 2 it states Local Planning Authorities should inter alia:-

> "give priority to re-using previously developed land" and "make more efficient use of land."

3.17 Adding at paragraph 2:-

> "The aim is to provide a choice of sites which are both suitable and available for housebuilding."

3.18 The Government is therefore committed to "maximising the re-use of previously .....developed land.... in order to..... minimise the amount of greenfield land being taken for development." (paragraph 22 refers).

B) Development Plan Policy

i) Structure Plan Policy

3.19 It should be made clear at the outset, the appellants do not accept the appeal proposals raise any strategic issue which needs to be considered at this appeal. However, the Local Planning Authority has clearly raised this issue in their reasons for refusing permission and specifically allege the proposals are contrary to policy EN1 of the Berkshire Structure Plan.

3.20 Policy EN1 states:-

"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."

3.21 The appellants simply do not accept any of these criteria are compromised by the appeal proposals. To the contrary, the appellants submit their proposals are well designed, do not affect either Town or Village greens or other open land, does not affect tree cover or habitant and certainly does not need to take account of any special character.

3.22 Indeed it is submitted all 4 criteria listed in Policy EN1 are satisfied. (Extracts of the Berkshire Structure Plan are attached at Appendix 5).

ii) Local Plan Policy

a) South East Area Local Plan Adopted 5th April 1994

3.23 The Local Planning Authority alleges the development, the subject of this appeal, is contrary to the provision of policies SBE1 and SEB2 (SBE2) of the South East Area Local Plan.

3.24 Policy SBE1 states:-

> "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" (my underlining).

Whilst Policy SBE2 states:-

> "Proposals for development that is inappropriate in terms of its relationship with adjoining sites and buildings or which would adversely affect the character of an area by virtue of its siting, scale, form, massing, materials, colour or texture, will not normally be permitted." (my underlining).

3.25 It has to be noted however, planning permission was not refused because of the impact on the area (Policy SBE1 refers), but because the Authority are concerned the dwelling will be overbearing and give rise to overlooking.

3.26 Moreover, Policy STV1 which relates to development, inter alia, within the settlement of Finchampstead states:-

> "development will normally be allowed."

and clearly the appellants proposals must first be considered in the light of a presumption in favour of development and unless material considerations indicate otherwise, planning permission should be granted as provided by Section 54 of the Act. (Extracts of the South East Area Local Plan are attached at Appendix 6).

b) Wokingham District Local Plan (Deposit Draft)

3.27 As regards the emerging Local Plan the Local Planning Authority allege the proposals are contrary to Policies WOS3 and WBE1.

3.28 Policy WOS3 states:-

"The Council will require all development proposals that are acceptable in principle when assessed against other policies of this plan to:

A) be appropriate in scale of activity and character to the area in which they are located and be integrated into their local context without detriment to the amenities of adjoining land uses and occupiers,

B) have no significant detrimental impact upon important man-made, landscape and nature conservation features and provide for further landscape treatment where relevant to the type of development and/or the protection or 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 high 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."

3.29 Whilst Policy WBE1 states:-

> "The Council will require good contemporary design throughout the Plan Area, which respects its local context. When considering any application for development the Council will have regard to the following considerations:
>
> a) its environmental impact
> b) its visual impact
> c) accessibility
> d) landform and any natural features, including landscape treatment and environmental works
> e) the local townscape
> f) the layout, form, scale, massing, and materials of development
> g) safety and security
> h) the privacy and amenity of the existing environment
> i) supplementary planning design guidance adopted by the Council."

3.30 Firstly it should be noted Policy WOS3 applies only to development proposals which are acceptable in principle and therefore it must follow the Local Planning Authority has no objection in principle to the development of this site by the erection of a dwelling.

3.31 Secondly, whilst Policy WOS3 establishes a number of criteria against which proposals will be assessed, only one (amenity of adjoining land uses) has any relevance to this appeal and even then, the judgment as to whether development is acceptable or not is very subjective.

3.32 Similarly in relation to Policy WBE1, but in any case, this policy applies to design considerations, rather than development control criteria and as previously stated, design is not an issue in this appeal, the Council only being concerned the building would be overbearing and cause overlooking.

3.33 That is not accepted, but it must also be appreciated, the Local Planning Authority actively encourages the development of small sites such as the appeal site and states at Policy WH1 inter alia that:-

> "Within the identified settlements, on sites that are not identified in the Plan for residential use, development in the form of infilling, redevelopment and change of use to residential use will be considered favourably, subject to local environmental and amenity considerations and all other relevant policies and provisions of this Plan, in order to make the best use of land in build-up areas....." (our underlining)

(Extract of the Wokingham District Plan are attached at Appendix 7).

3.34 As such therefore, it is submitted the appeal proposals are not contrary to emerging Local Plan Policy.

4.00 MATERIAL CONSIDERATIONS, SUMMARY & CONCLUSIONS

4.01 The appeal site is situated within an established residential area, characterised by dwellings of varying styles and materials.

4.02 The application, the subject of this appeal, was submitted to the Local Planning Authority following pre-application discussions when the Planning Officer advised there was no objection in principle to the development of the appeal site.

4.03 The Officer was nevertheless concerned the then proposed dwelling was too large and cause loss of daylight to the property at 261A Nine Mile ride.

4.04 The plans were amended to take account of those views, but in the event, permission was refused because the Local Planning Authority considered the development would be overbearing, and give rise to overlooking of the property at 9 Tomlinson Drive.

4.05 The appellants do not accept the building would be overbearing in relation to the property at 261A Nine Mile Ride, in that it will be situated between 7.6 metres and 7.4 metres from that dwelling, with an eaves height of just 2.6 metres.

4.06 In any case there is a 2.1 metre high wall between the two properties, and the roof is pitched away from the boundary, such that the appellants doubt the occupiers of the adjoining property would have much of a view of the building from any "sensitive" part of their property.

4.07 The appellants acknowledge there are windows in the side elevation to 261A Nine Mile Ride, but these face a 2.1 metre high brick wall and for the most part are screened from the appeal site.

4.08 The Local Planning Authority are also concerned regarding possible overlooking of the garden area to 9 Tomlinson Drive, but that garden is exceptionally well screened along the boundary with the appeal site, such that there is no clear view of the garden area whatsoever.

4.09 It is appreciated the flank wall to the proposed dwelling, which is situated 5.0 metres from the boundary, contains a window at first floor level, but the appellants are prepared to relocate this to the Eastern elevation, to face the private drive, if considered necessary.

4.10 Indeed the appellants offered to amend their drawings in this respect before the application was determined, but this was declined by the Planning Officer.

4.11 That is important because PPG3 advises priority should be given to using previously developed land, in order to minimise the amount of greenfield land being taken for development and clearly the Local Planning Authority should have taken the opportunity to agree amendments, rather than refuse permission out of hand.

4.12 On the other hand the Local Planning Authority have indicated the proposals are contrary to policy and in this respect, have referenced certain policies in the Development Plan and the emerging District Wide Local plan.

4.13 It is submitted however that none of the criteria set out in the policies referenced by the Local Planning Authority for refusing planning permission are compromised by the proposals.

4.14 In particular the proposals do not compromise Policy EN1 of the Structure Plan in that there is no concern regarding the design of the dwelling, the proposals clearly do not affect either a town or village green or open land important to the character of a settlement. No trees are affected and the development does not affect the character of a town or village centre.

4.15 Similarly Policy SBE1 of South East Area Local Plan which requires development proposals to be of a high standard of design, make a positive contribution to the character of an area, create a safe and attractive environment and retain natural features, is not compromised by the appeal proposals.

4.16 The appellants recognise Policy SBE2 states a proposal should not be inappropriate in terms of its relationship with adjoining sites and buildings, but for the reasons given above, it is submitted the relationship with the two immediately adjoining dwellings is entirely satisfactory.

4.17 As regards emerging policies the Local Planning Authority indicates the development is contrary to Policies WOS3 and WBE1 of the Deposit Draft of the Wokingham District Local Plan which dealt with "Development Control Principles" (Policy WOS3) and "Development it is Local Context" (Policy WBE1).

4.18 Dealing first with Policy WOS3. This sets out 6 criteria against which all development proposals are assessed. Unfortunately the Local Planning Authority does not indicate which of these criteria is compromised by the proposals, but clearly they do not affect important man-made features, or the need to reduce travel. There is no significant affect on road safety and the development is capable of use by people who have mobility or sensory impairment. The dwelling also respects its context in terms of its design and activity.

4.19 As such therefore the Local Planning Authority can only be concerned the development cannot be integrated into its context without causing detriment to the amenities of adjoining land uses and occupiers, but this has to be quantified before any meaningful conclusion can be drawn and no guidance is given in that respect by the Authority.

4.20 The appellants recognise Policy WBE1 advises the Council will have regard to a number of considerations in this respect (nine), but the appellants are at a loss to understand how any of these considerations are affected.

4.21 In particular it is not accepted the proposals will have any detrimental environmental or visual impact (considerations a) & b). Accessibility (c) is not at issue between the parties and there are not features (d) which need to be taken into account. The Authority is not concerned re Local Townscape (e) and have not refused permission because of its layout, form, scale, massing (f). There is no Supplementary Planning Guidance appropriate to this form of development (i) and safety and security (g) are clearly not compromised.

4.22 Thus the only area which need to be considered relate to privacy and amenity (l), but as stated above, this is not substantiated and the appellants must reserve the right to comment on the Authority's submission at the Hearing.

4.23 On the other hand given both Policy STV1 of the South East Area Local Plan and Policy WOS2 of the Wokingham District Local Plan Deposit Draft state:-

> "Development will be allowed within the boundaries of the identified settlements....." (my underlining)

there is a clear Section 54 presumption in favour of the appeal proposals and unless the Authority is able to demonstrate the proposals will cause Demonstrable Harm to Interests of Acknowledged Importance, the appeal should be allowed.

DGG PLANNING LTD

APPENDIX 1

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E-mail: Angela.Odell@wokingham.gov.uk
Date. 14 December, 2001
My ref. AO/Finch.pre-app.
Your ref. 485

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Berkshire RG40 1WR
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Dear Mr Edwards

PROPOSED ERECTION OF DWELLING AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD

I refer to your drawing No. 485/01SK, and apologise for the delay in replying. We consider that a dwelling on the site may be acceptable in principle. However, we consider that the design submitted is unlikely to be considered acceptable for the following reasons. Firstly, the proposed dwelling is considered too large for the situation. Secondly, it would significantly infringe the daylighting standard with regard to the bungalow adjacent at No. 281A Nine Mile Ride. This bungalow has a kitchen window in the side elevation facing the site (only windows to this room are on this side). We consider that a two bedroom bungalow on the site may be acceptable.

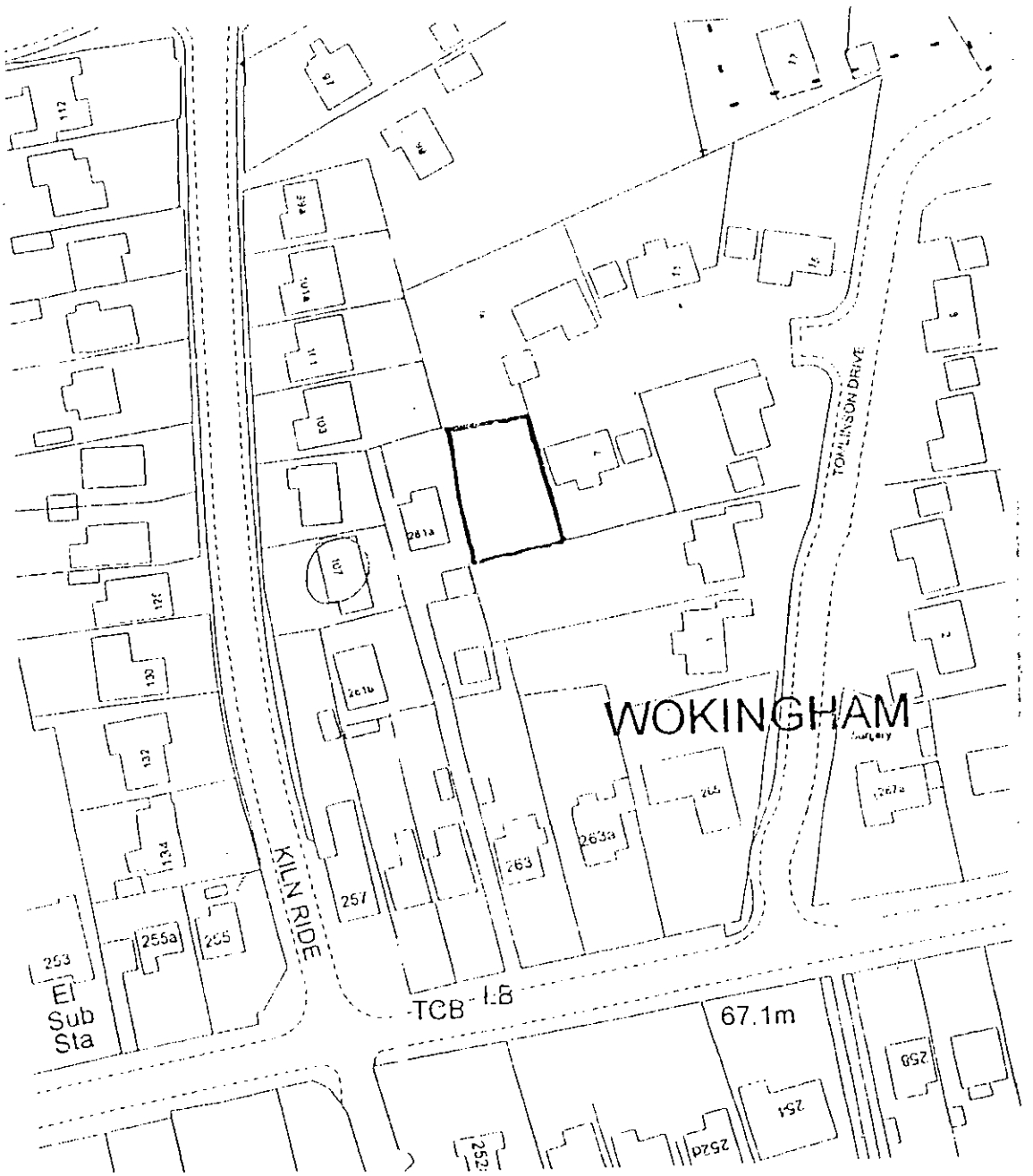
However, I advise you that the above is informal advice only, is given without prejudice, and does not commit the authority to approving such an application. I trust this advice is clear, but if you wish to discuss the matter further please contact me.

Yours sincerely

Angela Odell

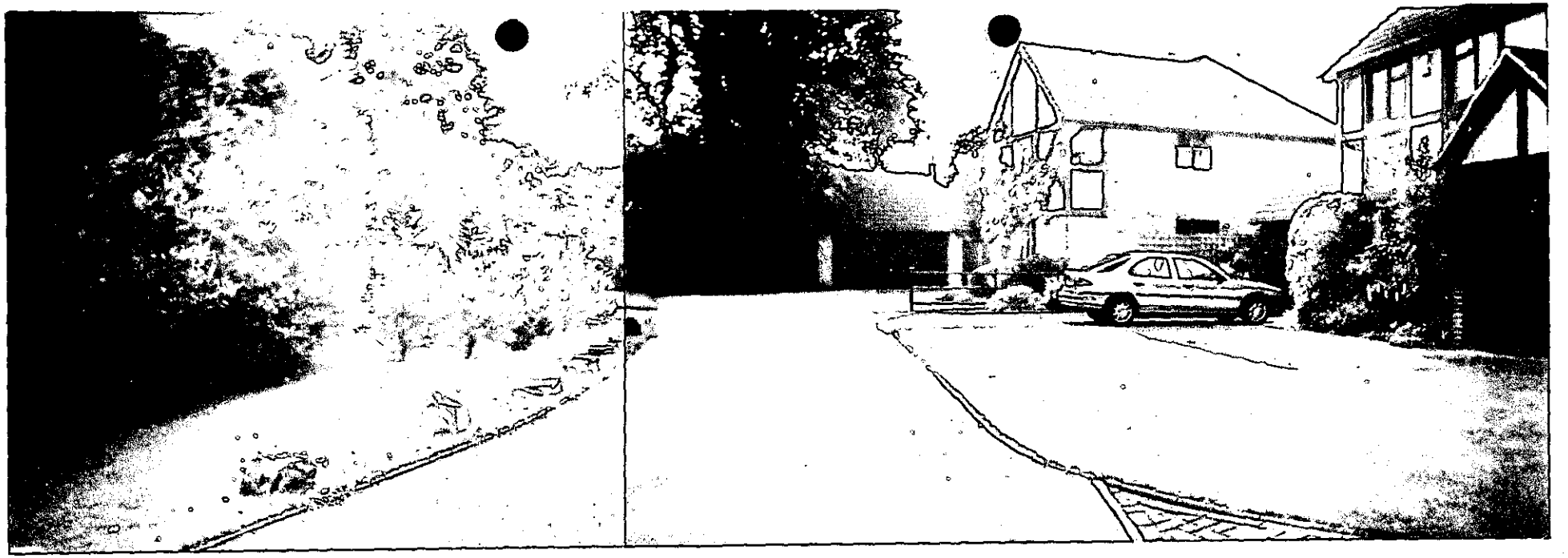
MRS A ODELL
Senior Planner

APPENDIX 3



LOCATION PLAN 1:1250

APPENDIX 4



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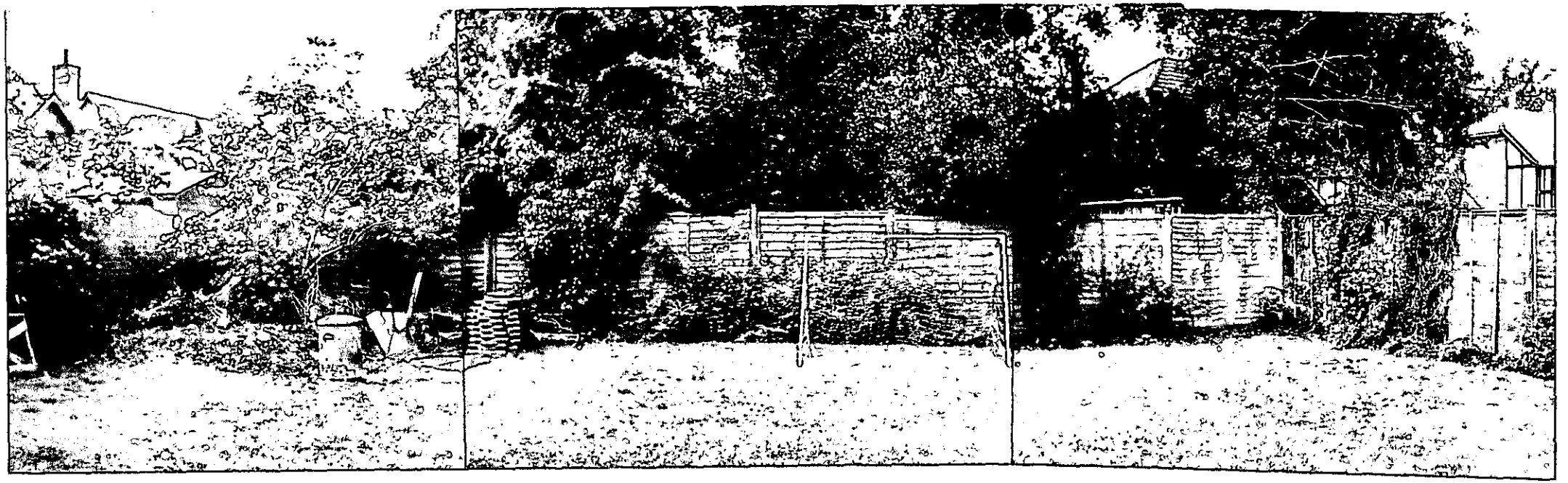

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(8)

APPENDIX 5

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.

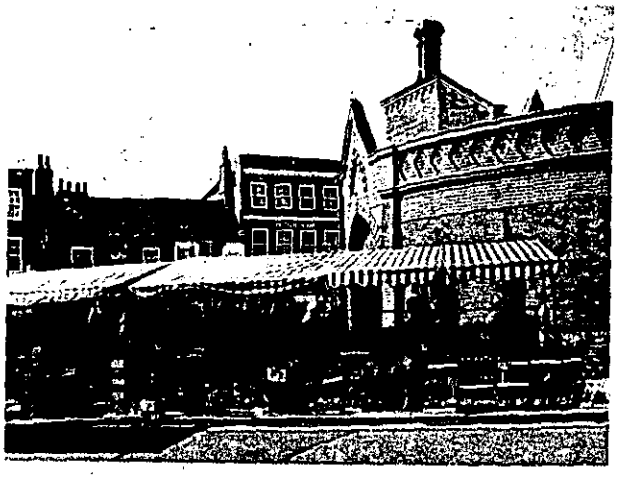
6.4 Policy EN1 is intended positively to encourage appropriate regeneration in line with Government guidance. It is not proposed that appropriate changes of use of buildings should be restricted whether they are currently vacant or not. Derelict land which has been the subject of contamination may be 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.

APPENDIX 6

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

DEFINITION OF IDENTIFIED SETTLEMENTS

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



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

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

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

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

(iii) be physically and socially cohesive.

On this basis the following policy is put forward.

❖ STV1 'IDENTIFIED SETTLEMENTS'

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

WOKINGHAM
FINCHAMPSTEAD NORTH
PINEWOOD
FINCHAMPSTEAD
BARKHAM HILL

LIMITING THE SPREAD OF DEVELOPMENT

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

❖ STV2 DEVELOPMENT IN RURAL AREAS

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

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

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

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

(D) MINERAL EXTRACTION,

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

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

(G) PUBLIC UTILITIES THAT CANNOT BE LOCATED ELSEWHERE,

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

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

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

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

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

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

❖ *SBE1 DESIGN OF NEW DEVELOPMENT*

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

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

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

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

❖ *SBE2 INAPPROPRIATE DESIGN*

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

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

ENVIRONMENTAL IMPROVEMENT

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

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

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



surrounding the buildings may be sufficient to rejuvenate the area as a whole.

❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

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

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

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

SUNLIGHT, DAYLIGHT AND NOISE

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

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND

APPENDIX 7

1.9 For the purposes of this plan the identified settlements are:

ARBORFIELD CROSS	SHINFIELD
BARKHAM HILL	SINDLESHAM
CHARVIL	SPENCERS WOOD
EARLEY/SONNING/WOODLEY	SWALLOWFIELD
FINCHAMPSTEAD	THREE MILE CROSS
FINCHAMPSTEAD NORTH	TWYFORD
HURST	WARGRAVE
PINEWOOD	WINNERSH
RISELEY	WOKINGHAM.

1.10 Areas of sporadic development exist within the plan area which involve very few properties and/or are dominated by areas of undeveloped rural land either between, or to the rear and in front of properties causing them to be characterised by a loose settlement pattern, or to form a narrow strip of development in what is a distinctly rural area. These areas of development have not been included within the identified settlements.

POLICY WOS2: GENERAL DEVELOPMENT PRINCIPLES

SUBJECT TO THE DETAILED PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN, DEVELOPMENT WILL BE ALLOWED WITHIN THE BOUNDARIES OF THE IDENTIFIED SETTLEMENTS SHOWN ON THE PROPOSALS MAP AND LISTED IN THE TEXT.

OUTSIDE THESE SETTLEMENTS DEVELOPMENT WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF THE DETAILED POLICIES AND PROVISIONS OF THIS PLAN AND STRUCTURE PLAN POLICIES C2 (DEVELOPMENT OUTSIDE BUILT UP AREAS AND SETTLEMENTS) AND C4 (CONTROL OF DEVELOPMENT IN THE GREEN BELT).

Implementation: Through the development control process.

Monitoring: Planning applications determined.

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

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

1.12A LANDSCAPING SCHEMES SHOULD BE COMPRISED PREDOMINANTLY, IF NOT WHOLLY, OF LOCALLY NATIVE SPECIES. **(PA 1/5)**

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.

POLICY FRAMEWORK

National Policy

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

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

Strategic Policy

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

Supplementary Planning Guidance

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

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

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

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

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

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

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

e) THE LOCAL TOWNSCAPE

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

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

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

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

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

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

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

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

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

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

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

Cont.

25 JAN 2002 5753

The Edwards Irish Partnership

Architects & Surveyors

36 Langborough Road, Wokingham, Berks. RG40 2BT
Tel: 0118-989-4403 Fax: 0118-989-4383 E-mail: the.eip@virgin.net

Environmental Services
Wokingham District Council
Council Offices
Shute End
Wokingham
Berks
RG40 1WR

24 January 2002

Ref: PHE/FJ/1485

Dear Sirs,

RE: PROPOSED CHALET BUNGALOW – 7 TOMLINSON DRIVE – FINCHAMPSTEAD.

Please find enclosed on behalf of my client, the application for a three-bedroom chalet bungalow adjacent to the above property.

Pre-application discussions were held with Mrs Odell of your department and her comments regarding the size and scale of the building have been incorporated in the design of this bungalow.

There is no overlooking into neighbouring properties to cause loss of privacy and the building has been positioned to have a minimal impact on No 261A, Nine Mile Ride. The new bungalow has the pitched roof raking away from the adjacent bungalow and the only window of consideration of loss of daylight is a non-habitable room being the kitchen.

The application consists of the following documentation: -

- Six copies of drawing No: 1485/03
- Application forms
- Certificate A

cont/.

Partners: Paul Edwards John Irish B.Sc. (Hons.) Dip.Arch (UCL) RIBA
VAT No. 528 9749 86

LPA

Application for Costs – Planning Appeal – 7 Tomlinson Drive, Finchampstead

Appeal Reference APP/X0360/A/02/1089842

Sir,

In making this application it is accepted that the parties to a planning appeal are normally expected to meet their own expenses. On the other hand, Circular 8/93 states, that costs may be awarded where unreasonable behaviour is held to have occurred. It is our submission the Local Planning Authority has so acted in this matter.

There are however, 3 conditions, which need to be met before an award of costs is made. These are: -

1) One party has sought an award, at the appropriate stage of the proceedings.
2) The party against whom costs are sought has behaved unreasonable AND
3) That unreasonable conduct has caused the party seeking costs to incur or waste expense unnecessarily.

Sir, In relation to these conditions it seems to be to be self evident the application is being made at the appropriate stage and that my clients have incurred costs in pursing this appeal. It therefore falls to me to show the local planning authority has acted unreasonably in this matter and the following remarks are directed at that requirement.

My grounds for the application are set out in Circular 8/93. These are: -

1) Annexe 2 Paragraph 12
2) Annexe 3 Paragraph 8
3) Annexe 3 Paragraph 11
4) Annexe 3 Paragraph 12
5) Annexe 3 Paragraph 15
6) Annexe 3 Paragraph 27

I do not propose to quote the relevant paragraphs of Circular 8/93 in full, or go over the evidence you have received from both parties. Nevertheless I believe it would be useful to draw attention to the following extracts in support of this application, which is submitted firstly on the grounds the Local Planning Authority acted unreasonably in not discussing the application with the appellants, prior to determination, and secondly on the grounds the reasons for refusal are unreasonable: -

1) **Refusal to Discuss Application**

A) Annexe 3 Paragraph 27 - If the planning authority has refused the appellant's request to discuss the planning application – an award of costs may be made against them if it is concluded that a more helpful approach would have enabled the appeal to be avoided.

2) **Unreasonable Refusal.**

A) Annexe 3 Paragraph 7 - A Planning Authority should not prevent, inhibit or delay development which could reasonably be permitted, in the light of the Development Plan, so far as it's material to the application, and of any other material considerations

B) Annexe 3 Paragraph 8 - Reasons should be complete, precise, specific and relevant to the application. In any appeal proceeding, the authority will be expected to produce evidence to substantiate each reason for refusal, by reference to the Development Plan and all other material considerations. If they cannot do so, costs may be awarded against them. This is the ground on which costs are most commonly awarded against a planning authority

C) Annexe 3 Paragraph 11 - Whenever appropriate planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions on a grant of planning permission which would allow proposed development to proceed.

D) Annexe 3 Paragraph 12 - A planning authority will be at risk of an award of costs against them if they refuse an application, which accords with material policies in the Development Plan, and they are unable to show that there are any other material considerations supporting such a refusal

E) Annexe 3 Paragraph 15 - Planning authorities are expected to consider the views of local residents when determining a planning application. Nevertheless local opposition to a proposal is not, by itself, a reasonable ground for the refusal of a planning application, unless that opposition is founded on valid planning reasons, which are supported by substantial evidence

In this instance the Local Planning Authority advised on 6th September the Council no longer wished to pursue their objection to the proposals on the grounds the development was overbearing to neighbouring properties and must now accept they were wrong, in the first place, to refuse permission on the grounds the development was overbearing.

Indeed you will be aware planning permission was in fact, granted on 12th July 2002, for a dwelling, not only identical in its relationship with 261A Nine Mile Ride but also **nearer to the rear/side garden to 9 Tomlinson Drive** and clearly there could not have been any objection whatsoever, to the application the subject of this appeal. Had the authority considered the application properly my clients would not have been put to the expense of dealing with this issue.

As it was my clients had no option but to proceed with the appeal on the basis the development was considered to be over bearing. Indeed you will recall the authority clearly indicated in their Statement, **just 3 days** before granting planning permission, that in relation to 261a Nine Mile Ride: -

> "The proximity of the proposed chalet bungalow to the boundary together with the height would be overbearing to number 261A and so warrants the refusal of the application." (Paragraph 4.09 refers)

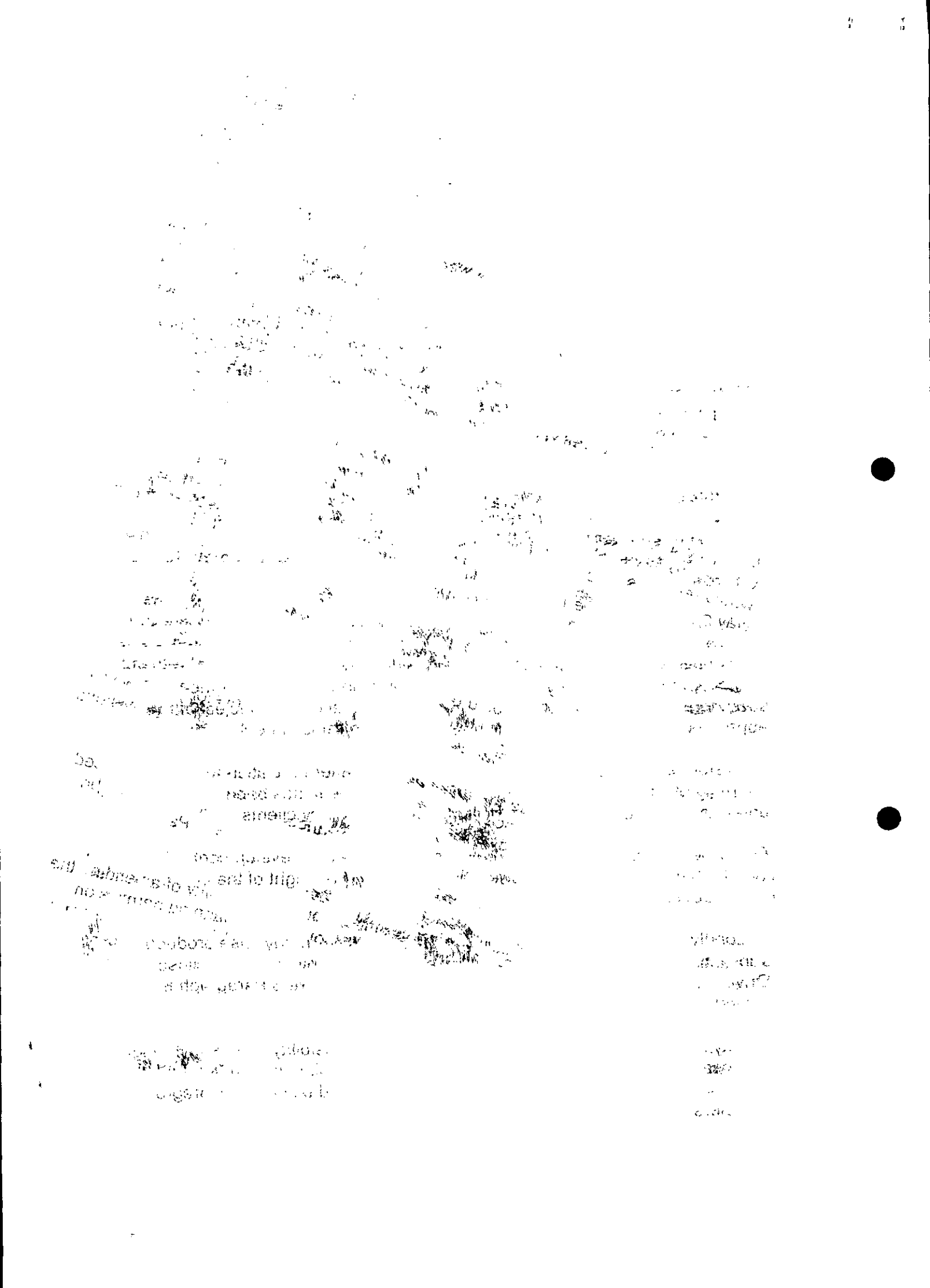
and in relation to 9 Tomlinson Drive stated: -

> "The proposed dwelling would be 4.5 to 5.0 metres from the boundary with number 9..... at such a distance the proposed dwelling could also be overbearing to this property." (Paragraph 4.10 refers)

I acknowledge the Authority subsequently withdrew this reason for refusal but had the authority taken that view at the time the appeal application was determined I am sure this appeal could/ would have been avoided. In any case you will recall my clients endeavoured to discuss amendments with the Planning Officer, prior to the appeal application being determined, with a view to overcoming the only other objection only to be told: -

> "Although overlooking can be overcome, by moving the window to the side, the scheme is overbearing and that cannot be overcome by an amendment."

In fact the officer informed my clients the authority would <u>not</u> accept amended plans and that their only course would be to withdraw or receive a refusal and clearly my clients were left with no alternative but to pursue this appeal with all the costs that has involved.



I acknowledge Circular 8/93 states at Annexe 2 Paragraph 15 that: -

> "The planning authority can minimise the risk of an award of costs against them in an appeal, or the extent of any award of costs, by notifying the Department and the appellant *immediately* if the conclude on re-examination of their case, that any of their reasons for refusal... ...cannot, in the circumstances, be supported by substantial evidence; and they confirm that they will not be contesting the appeal in those respects."

In this instance however, it was **some 8 weeks**, after the grant of planning permission, when the authority advised your office, and my clients, that they no longer wished to pursue their reasons for refusal in relation to overbearing and that was far too late, to avoid any unnecessary costs being incurred.

In relation to overlooking you have heard the evidence but I have to say there is no case to answer. Indeed it is evident the side garden to 9 Tomlinson Drive is exceptionally well screened and of course the occupiers of that property are the only residents of Tomlinson Drive **not to object to the proposals.**

In any case, the Local Planning Authority now accept that "omitting the window from bedroom 2 from the front elevation and moving it to the side" would reduce overlooking and clearly this could have been dealt with either by way of a condition attached to the grant of Planning Permission or the submission of amended plans at the time the application, the subject of this appeal, was determined. Thus avoiding the need for this appeal

I therefore submit the council's behaviour in this matter in relation to the handling of both my client's application and this appeal, has been unreasonable and costs should be awarded in full, to my clients.

Firstly because the local planning authority has delayed development, which could otherwise reasonably, have been permitted in the light of the provisions of the Development Plan (Annexe 3 Paragraph 7 refers).

Secondly because the local planning authority has not in any case produced substantial evidence to show the amenities of the occupiers of 9 Tomlinson Drive would be adversely affected by overlooking (Annexe 3 Paragraph 8 refers).

Thirdly because the authority did not consider the possibility of amending the proposals and/or imposing conditions on the grant of planning permission which would have allowed the development to proceed (Annexe 3 Paragraph 11 refers).

Fourthly because we believe the local planning authority gave undue weight to the views of local residents which were not supported by substantial evidence (Annexe 3 Paragraph 15 refers) and

Lastly, because the local planning authority withdraw a reason for refusal late in the proceedings, when there had been no material change in circumstances, and so put my clients to unnecessary expense in preparing for the appeal in that respect. (Annexe 3 Paragraph 12 refers).

DGG Planning Ltd.

The Planning Inspectorate

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Temple Quay House
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Bristol BS1 6PN
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Now 27/11/02

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

Your Ref: F/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 31 May 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

I am writing to tell you that we propose to hold a hearing into this appeal at 10:00 on Tuesday 22 October 2002 at a venue to be arranged.

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

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

You can reply to me by telephone or letter. If I do not hear from you by Thursday 13 June 2002, I will assume that the proposed hearing date is acceptable, and that you are not intending to negotiate an alternative hearing date with the other party.

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

Yours faithfully

KHallett

Miss Kate Hallett

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

Try to change to 23/10.

The Planning Inspectorate

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

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

PLANNING SERVICES | RPT 58546
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DC | ENF
CS
12 JUL 2002
COPIES TO | ACK:
FILE:

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

Your Ref: F/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 11 July 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

I am writing to advise you that the hearing into this appeal will start at 10:00 on Wednesday 27 November 2002 at the Council Offices, Shute End, Wokingham. Please arrange a car-parking space for the Inspector. Could you send the details, together with a location plan of the venue, to the case officer quoting our appeal reference number. - done 22/07/02

The name of the Inspector will be confirmed to you at a later date.

The hearing date has been imposed upon yourselves.

Please write to those persons you consider appropriate, telling them about the hearing details at least 2 weeks before the hearing date. Your letter should cover: drafted 07/11/02

- An Inspector has been appointed by the Secretary of State to determine this appeal;
- The location of the site and a description of the development;
- Where your, and the appellant's, statements and future comments can be inspected;
- that they may attend the hearing, and at the Inspector's discretion, give their views;
- that we will send a copy of the decision letter only to those who ask for one in writing;
- what facilities are available for people with disabilities e.g. parking spaces, access and seating arrangements etc.

If you have not already done so, please send 2 copies of your written statement to the case officer and one copy to any statutory party. We must receive it within 6 weeks of the starting date.

If you consider it appropriate, please notify the press of the hearing. Please also note that people with disabilities who may be concerned about facilities at the hearing venue have been advised to write to, or contact your Council to confirm that proper provisions are in place.

We aim to issue decisions within 7 weeks of the close of the hearing. If there is likely to be significant delay, we will let you know.

Yours faithfully

Miss Kate Hallett

206J(BPR)

Tel: (0118) 974 6448 (Direct Line)
Fax: (0118) 974 6484
Date: July 22, 2002
My ref: F/2002/5753
Your ref: APP/X0360/A/02/1089842

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

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

APPEAL BY: Mr D Rogers

SITE: 7 Tomlinson Drive, Finchampstead

HEARING DATE: WEDNESDAY 27 NOVEMBER 2002

Enclosed with this letter is a leaflet showing the venue for the Hearing & the car park recommended for the Inspector's use. Both are circled in red.

Please forward this letter & the leaflet to the Inspector concerned.

I hope this is helpful, and that the Inspector finds a parking space without a problem.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant
Enc.

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

Mr J Longley
Rose Cottage
261a Nine Mile Ride
Finchampstead
Berkshire
RG40 3NS

Your Ref:

Our Ref: APP/X0360/A/02/1089842

Date: 28 June 2002

Dear Sir

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

Thank you for your letter dated 16 June concerning the above appeal.

The appeal is being dealt with under our hearing procedure and we will notify you of the arranged date in due course. Interested parties and local residents are welcome to attend and, at the Inspector's discretion, may speak about the proposals.

You have asked for the Inspector to look at the appeal site from your property. It is however, for the Inspector to decide whether to accept your invitation. If it is accepted, the local planning authority (LPA) and the appellant or their representative will also have to be present throughout the visit. The site visit arrangements will be made at the hearing. Please make yourself known to the Inspector at the start of the hearing.

Copies of your letter and this reply will be sent to the agent for the appellant and the local planning authority.

Yours faithfully

Mrs M Pocock

211B(BPR)

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

Jason Longley
Rose Cottage
261A Nine Mile Ride
Finchampstead
Berkshire
RG40 3NS

June 16, 2002

Dear Mrs Pocock,

PLANNING APPEAL REF : APP/X0360/A/02/1089842 (7 TOMLINSON DRIVE FINCHAMPSTEAD WOKINGHAM)

I would like to reiterate my objection to the proposed erection of an additional detached dwelling in the rear garden of 7 Tomlinson drive. I feel that the proposed scheme (Wokingham district council reference F/2002/5753) would harm the outlook and privacy of our property as well as dramatically blocking a substantial amount of light to our house.

My main concerns are:

a) The proposed property would have a ridge height of approximately seven metres and would be situated very close to the boundary wall. As the building would be to the East of our house we would lose an unacceptable amount of light, which would be exacerbated during the winter months.

b) The windows for the living room and dining room would severely overlook our house, especially our bedroom and kitchen.

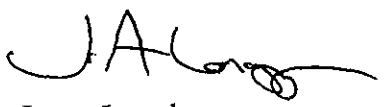
c) The bathroom window would also overlook our property.

d) The front facing bedroom 2 window would obliquely overlook our rear garden, further reducing privacy.

e) The sheer scale and bulk of the proposed dwelling situated so close to the boundary wall would have a very detrimental impact upon our house, which I would consider to be overbearing.

I would be happy for the inspector to include a visit to my property during the main site visit to 7 Tomlinson drive in order that he can gain a better feel for the issues raised here.

Sincerely,



Jason Longley

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

58459

PLANNING SERVICES | HRT | POL | TLS | DC DG | ENF | APP | CS

10 JUL 2002

COPIES TO

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

Your Ref: E/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 9 July 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

I enclose a copy of the appellant's statement relating to the above appeal, and correspondence from third parties.

-22107

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.

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

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

Yours faithfully

Mrs Margaret Pocock

211AL(BPR)

The Planning Inspectorate

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

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

GTN 1371-6079

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

Your Ref: F/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 31 July 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

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 Margaret Pocock

217L(BPR)

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01 AUG 2002
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DGG

PLANNING LIMITED

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
ianlasseter@dggplanning.totalserve.co.uk

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

Date: 11.7.2002

Our Ref: AKG/JSG/D3203

Dear Mrs. Pocock,

Re: **Appeal APP/XO36O/A/O2/1O89842 - 7 Tomlinson Drive, Finchampstead.**

I refer to the above, in respect of which, I have received copy letters from local residents regarding my clients appeal. I would wish to reserve the right to comment on the matters raised at the Hearing scheduled to be held on 27th November, but must point out, the concerns expressed regarding covenants, trespass, the use of Tomlinson Drive and the sewerage system are all matters of private interests only. The issues to be addressed have been set out by the Local Planning Authority.

Indeed the question is not whether private interests will be affected, but whether the proposals would unacceptably affect the amenities and the existing use of land and buildings which ought to be protected in the public interest - Paragraph 64 PPG1 refers.

On the other hand, the residents have expressed concerns regarding traffic to and from the site, the adequacy of parking and turning areas, as well as highway safety. The appellants would wish to point out however, the Council's Highway Engineers have not objected to the proposals and planning permission has not be refused on these grounds.

Finally the appellants note the occupiers of 261A Nine Mile Ride have expressed concern:-

> "The sheer scale and bulk of the proposed dwelling situated so close to the boundary wall would have a very detrimental impact upon our house which I would consider to be overbearing."

The appellants, for the reasons stated, do not accept their proposals would have any detrimental affect on the occupiers of 261A Nine Mile Ride, but would wish to point out, the occupiers at 261A Nine Mile Ride advised the Planning Inspectorate in relation to their own appeal (Ref: APP/X0360/A/01/1079947) that, and I quote:-

> "With regard to the issue of overbearing impact, this is far more of a subjective assessment. In my opinion, the proposed dwelling will be sited as far away as possible from nos. 105 and 107, with a ridge height of under 7 metres and a design in keeping with the local vernacular. Such a dwelling, in this location, will not have an overbearing impact upon neighbouring properties." (paragraph 5.4 of Appellants Statement refers)

Clearly indicating such a relationship is acceptable in this location.

Yours sincerely,

A. K. Glenister
DGG PLANNING LTD

cc
Mr & Mrs Rogers

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

Date: 11.7.2002

Our Ref: AKG/JSG/D3203

Dear Mrs. Pocock,

Re: **Appeal APP/XO36O/A/O2/1O89842 - 7 Tomlinson Drive, Finchampstead.**

I refer to the above and with reference to the Council's Statement, have been advised by my client that with respect to paragraph 2.01, he discussed the development of the site with a Planning Officer (Miss O'Dell) in late September 2001. Miss O'Dell also inspected the site in October.

The Officer expressed the opinion there was no objection in principle to the erection of a dwelling and sketch proposals were subsequently submitted to the Authority (letter dated 14th December 2001 Appendix A refers).

My client was advised a "Bungalow style property" would be appropriate and the application, the subject of this appeal, was submitted accordingly. Indeed the design of the dwelling was based on the advice given by the Officer. The further application (F/2002/6138) referenced by the Planning Officer has still to be determined by the Authority.

I would also wish to clarify whilst the Local Planning Authority set out what it believes are the issues to be considered at paragraph 4.05 of the Statement, planning permission was in fact refused:-

1) because of possible overlooking of the garden area to 9 Tomlinson Drive and

2) because the development would be overbearing as regards its relationship with No. 261A Nine Mile Ride.

There are no other issues between the two parties.

At paragraph 4.10 the Local Planning Authority addresses their concern in relation to 9 Tomlinson Drive. This issue is addressed in the Statement submitted on behalf of my clients. I must reiterate however, my clients were prepared, without prejudice, to amend their drawings in this respect, and discussed alternative fenestration on the side elevation facing East with the Case Officer, but she was not prepared to accept amended plans. It is intended to address the Inspector further on this issue at the Hearing.

I must also reserve the right to comment on paragraph 4.11 of the Local Planning Authority's Statement at the Hearing. Indeed it is not clear what the Authority's concerns are regarding the size of the proposed dwelling or means by the expression "quite large for the location."

At paragraph 5.01 the Authority indicates the comments regarding 261A Nine Mile Ride are no longer relevant, as the appeal in relation to the development of that site has been dismissed. That is not accepted.

Indeed it is understood the owners of that property have re-submitted their earlier proposals, in a modified form, but more importantly, the appellants comments regarding loss of light etc, as well as the relationship between the two properties, particularly the Council's concerns relating to the impact of the appeal proposals on the occupiers of that property, still stand.

Finally the Council sets out a number of conditions in section 7 of their Statement. It is considered conditions 3 & 5 are unnecessary, whilst condition 8, if considered necessary, needs to be amended to reflect the comments of the landscape department. There is also a typographical error in the wording of the condition "ion" should read "in".

I enclose additional copy of this letter for onward transmission to the Local Planning Authority.

Yours sincerely,

A. K. Glenister
DGG PLANNING LTD

cc
Mr & Mrs Rogers

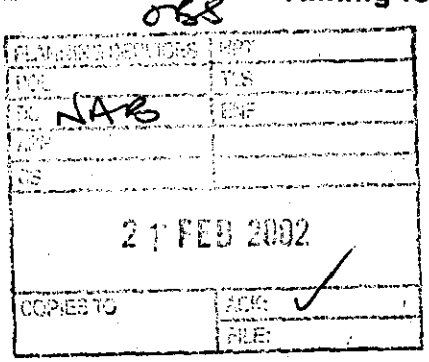
Ian Jordan

From: WebComments@wokingham.gov.uk
Sent: 20 February 2002 21:00
To: ian.jordan@wokingham.gov.uk
Subject: Comments on Planning Applications

WOKINGHAM UNITARY
Aiming for Excellence

****

NatureofEmail: Object
ApplicationNumber: 5753
Correspondent_FullName: Christine and David Cox
Correspondent_StreetAddress: 6 Tomlinson Drive
Correspondent_Address2: Finchampstead
Correspondent_Town: Wokingham
Correspondent_County: Berks
Correspondent_PostCode: RG40 3 NZ
Correspondent_Telephone:
Correspondent_Email:



Comments:

PLANNING APPLICATION NO. F/2002/5753 (25/01/02)

We wish to object to the above Planning Application for the following reasons:

Density of development.

The density of this development (distances between the proposed and existing buildings) is too high therefore is out of keeping with surrounding area and housing layout already in existence.

Although not depicted on the plan, the existing bungalow next door to the proposed development currently has a planning application for redevelopment into a house thus already increasing the housing density.

Appearance - Area

It is proposed that a partition fence be erected in front of No 7 Tomlinson Drive, this is out of keeping with the open plan appearance of Tomlinson Drive.

Appearance – Development

The proposed house does not conform to the style of other housing in this part of Tomlinson Drive.

Access/Safety

Access to the proposed development will be along a single width private access road currently used by Nos. 7 – 15 Tomlinson Drive. The proposed development will increase the vehicular access requirements beyond the capacity of the single access road. There is insufficient space to provide a turning area, commercial vehicles already have to reverse along this road as do vehicles trying to locate houses in Tomlinson Drive. As the development will increase this practice it is considered that this will increase the danger to children playing in the area.

Drainage

The lower part of Tomlinson Drive is subject to repeated flooding at times of heavy rainfall. This development will increase the surface run-off area hence add to the water flow down Tomlinson Drive thereby increasing the risk to houses at the bottom of Tomlinson Drive.

POSITIVE ABOUT DISABLED PEOPLE

TO: **DEVELOPMENT CONTROL**
Natalie Brown

FROM: Environmental Design

DATE: 19 February 2002

Location:	7 Tomlinson Drive, Finchampstead
Proposal:	Proposed erection of one dwelling.
Application Number:	F/2002/5753

In response to your consultation dated 30 January 2002 for the above application, the landscape comments are as follows:

I have no objections to the proposals. However the proposed drive into the site will come within approximately 4m of the trees in the garden of the adjacent property (No.9). The minimum distance required in order to avoid damage to the trees in accordance with BS 5837 is 6m, so therefore the construction of the drive will cause damage to the trees. This distance can be reduced by one third on one side only provided that the corresponding distance is available in other directions. An existing garage has already restricted one of the tree's rooting zone and therefore the construction of the drive could cause further damage to this tree.

The applicant will need to submit construction details of the following:
(a) A no dig solution for the drive to lessen damage to the tree
(b) The service routes to the property, which should be on the far side of the drive towards the existing dwelling.

Catherine Brimble

Catherine Brimble
Landscape Architect

ORS

PLANNING SERVICES	HPT
POL	TLS
DC NAB	ENF
APP	
CS	
11 FEB 2002	
COPIES TO:	ACK: ✓
	FILE:

February 7 2002

FAO Natalie Brown
Planning Services
PO Box 157
Shute End,
Wokingham
Berkshire RG40 1WR

Dear Ms Brown,

PLANNING APPLICATION REF: F/2002/5753

I would like to present my objections to the proposed addition of a dwelling in the garden of 7 Tomlinson drive and feel that the plan is not viable and will ruin the privacy and day lighting of our property.

a) The proposed property would have a ridge height of approximately seven metres and be situated very close to the boundary wall. As the building would be to the East of our house we would lose an unacceptable amount of light, which would be exacerbated during winter months.

b) The windows for the living room and dining room would severely overlook our house, especially our bedroom and kitchen.

c) The bathroom window would also overlook our house

d) The front facing bedroom 2 window would obliquely overlook our rear garden, further reducing privacy.

e) The sheer scale and bulk of the proposed dwelling situated so close to the boundary wall would have a very detrimental impact upon our house and I would consider this as overbearing.

f) We have a planning appeal in progress (previous application 2001/F4838), should this appeal be successful our new property will be situated closer to the existing boundary wall and be impacted more severely by this application than our existing house. I enclose the cross sectional diagram A-A with our new property shown to scale. The 25 degree line is shown to intersect at an approximate height of 3 metres.

ROSE COTTAGE • 261A NINE MILE RIDE • FINCHAMPSTEAD, BERKS RG40 3NS

February 7, 2002

The houses within Tomlinson drive were built upon a smallholding lined with oak trees, most of which have now been removed, however the properties were situated far enough away from existing houses as to not impede upon daylight and privacy.

The last of the oak trees within the garden of 7 Tomlinson drive have now been cut down prior to this application being lodged and we feel that this application will further detriment the outlook from our house and surrounding neighbourhood.

I would respectfully ask that you refuse this application based upon unsuitable scale, overbearing impact, loss of light and overlooking towards our property.

Sincerely,

Jason Longley

Encl : Scale diagram of section A-A with replacement dwelling at 261A Nine Mile Ride.

Our Ref : SP/2002/005242-1/1
Your Ref : F/2002/5753

Date : 13 March 2002

ENVIRONMENT AGENCY

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

PLANNING [illegible]	RPT 54293
POL	TLS
DC NAR	ENF
RPP	
15 MAR 2002	
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	FILE

rec'd after decision issued please file

Dear Natalie Brown

ERECTION OF ONE DWELLING AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM

Thank you for your letter dated 30 January 2002, received on 31 January 2002. Please quote the following reference in any correspondence: SU86NW/1/30. I apologise for the delay in replying, and trust that The Environment Agency's comments, as set out below, will still be taken into consideration.

The Environment Agency has no objection to the proposed development.

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 David Walters on 01276 454543 for further details.

ADVICE TO PLANNING AUTHORITY

Landfills

Landfill Gas Risk
According to our records, there is one landfill site within 250 metres of the site. In view of the distance from the site and the nature of the fill material, it is unlikely that landfill gas will present a risk to this proposal.

Land Drainage

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

In order to manage the disposal of surface water in a more sustainable manner, taking into account flood risk and other environmental factors, the Environment Agency will recommend that restrictions are imposed on the discharge of surface water from the site. Particular care must be exercised where there is an increase in the impermeable area. The developer will be required to accommodate excess water and control its release into local watercourses, whether directly or by means of the local surface water sewerage system.

There are alternatives to conventional storage for the control of surface water run-off that are favoured by the Environment Agency. These techniques not only cater for flood peak attenuation, but may also improve water quality and enhance the environment. Such systems include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. The developer is advised to discuss with the Agency how these techniques might be applied at this site.

Watercourses

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.

ADVICE TO APPLICANT

Environment Protection

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

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

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.

Wildlife Conservation

Wildlife Protection
Essential tree felling, branch lopping or scrub clearance should avoid the bird nesting season (generally March to August inclusive). This avoids disturbing wild birds during a critical period and will help to prevent possible contravention of the Wildlife and Countryside Act 1981, which protects nesting wild birds and their nests.

Trees to be felled should be inspected for bats prior to felling. All species of bat in Britain and their roost's are afforded special protection under the Wildlife and Countryside Act 1981. If bats are found, English Nature must be contacted for advice.

The developer should avoid gaining access, storing materials and spoil spreading on adjacent areas of important wildlife habitat. Such areas include hedgerows; woodland pockets; patches of tall grassland and areas adjacent to waterbodies.

Landscaping

Tree and shrub removal from the site should be minimised if works proceed. Professional tree surgery should be carried out in preference to felling wherever possible so trees can be made safe and retained on site. Any retained trees must be protected during construction. Appropriate replacement planting should be provided for any vegetation lost, disturbed or degraded during works.

Planting should comprise of native species only. Use of locally native species in landscaping plans is essential in order to benefit local wildlife and to help maintain the region's natural balance of flora. It will aso help to prevent the spread of invasive, alien species within the region.

Wildlife Enhancement

Bird nesting and roosting sites should be built into the development through the incorporation of ledges, crevices and holes, where possible. The incorporation of bat roosts into the design of the building should also be considered.

Natural Drainage

The development should incorporate Sustainable Urban Drainage (SUDs) utilising surface water for landscape irrigation and water features. This should include making use of permeable surfaces and other similar measures to reduce the risk of non-point source pollution or excessive surface water run-off. This might include the use of gravel surfaces in paths, parking spaces and driveways.

Water Conservation

Household Use

Water is one of our most precious natural resources, and the Environment Agency is keen to ensure it is used wisely:

* Water use for WC flushing can represent 35% of all household use. The applicant should consider installing low (6 litres or less) or dual flush toilets.
* 10% of household water use comes through wash hand basin taps. The installation of water-efficient taps such as spray taps can reduce consumption from this source by up to a half.
* A shower uses less than half the water used for a bath. Power showers on the other hand can use as much water as a bath in just 5 minutes. Shower units using a maximum of 9 litres of water a minute should be fitted.

Domestic Appliances

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

If domestic appliances are to be provided in the new property, the applicant is asked to consider installing water and energy efficient models. Most products such as washing machines and dishwashers are now advertised with energy and water use information.

Gardens
As much as 30% of domestic water consumption in the summer can be used on the garden. To encourage sensible use of water in the garden, the Agency recommends installation of the following in all new property(ies):
* a water butt linked to a downpipe
* provision of a thick layer of good quality top soil
* if the garden is to be planted, use of drought-tolerant turf and plants.
* if a hose-pipe is to be provided in the new property(ies), a trigger nozzle should be fitted to prevent wastage of water.
* Low-water irrigation systems may also be appropriate provided that information on their sensible use is provided to the home-owner.

Maintaining lawns, gardens and other planted areas need not require vast amounts of watering. A few simple measures can be taken to reduce the amount of water required. On this site the Environment Agency would encourage the applicant to consider the following:
* grass should not be mown too often or too short this only encourages shallow roots, which are more likely to dry out
* use of mulches or ground cover plants to retain soil moisture
* provision of shade for those plants that require more water
* watering, when necessary, in the early morning or evening to reduce evaporation losses.

Grey & Rain Water Recycling
Rainwater and grey water recycling is becoming increasingly popular. It can reduce household water use by up to 30%. A number of systems are available which collect, treat and store rain- or grey water for WC flushing or garden/outside watering.

DECISION NOTICE

Please forward a copy of the decision notice to this office quoting our reference. A copy of this letter has been sent to the agent. If you have any further queries, please contact me, quoting the reference at the beginning of this letter.

Yours sincerely

JO MARSHALL
Development Planning Officer

Direct dial: 01276 454323
Direct fax: 01276 454352
Email: joanna.marshall@environment-agency.gov.uk

CC: The Edwards Irish Partnership

HIGHWAYS CONSULTATION SHEET

From: Natalie Brown **Date:** 30 January 2002

Application Number: F/2002/5753

Proposal: Proposed erection of one dwelling.

Parish: FINCHAMPSTEAD PARISH

Site Address:
7, Tomlinson Drive, Finchampstead, Wokingham.

Applicant:
Mr D Rogers C/O The Edwards Irish Partnership.

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

✓ below as applicable;

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

C049, R049.

C122, R122.

C137 (INSERT: dwelling), R137.

Signed: _____ **Print name:** ADAM 1/2/02

WOKINGHAM DISTRICT COUNCIL

MEMORANDUM

To:	Natalie Brown, Development Control	Your Ref:	F/2002/5753
From:	John Mullaney, Environmental Health	My Ref:	20016882
		Date:	4/02/02

PROPOSED PROPOSED ERECTION OF ONE DWELLING

7 TOMLINSON DRIVE, FINCHAMPSTEAD

These proposals have been evaluated and I have the following comments. According to our records, there is one landfill site within 250 metres of the site.

NGR	Distance	Landfill Name
SU 802 650	130 metres	Foxcote

In view of distance and nature of waste it is unlikely that landfill gas will present a risk to this proposal.

I would recommend that standard planning condition C070 regarding hours of construction is attached should planning consent be granted.

Please forward these comments to the applicants for their information and should you or the applicant have any queries regarding these points please do not hesitate to contact me to discuss them.

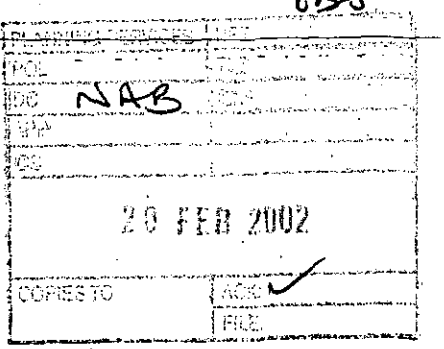
John Mullaney

J R MULLANEY
SENIOR ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL PROTECTION & HOUSING

cc Paul Eggleton, Building Control

8B8

Ian Jordan



From:	WebComments@wokingham.gov.uk
Sent:	20 February 2002 13:11
To:	ian.jordan@wokingham.gov.uk
Subject:	Comments on Planning Applications

PLANNING SERVICES
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****

NatureofEmail: Object
ApplicationNumber: F/2002/5753
Correspondent_FullName: David Bedser
Correspondent_StreetAddress: 4 Tomlinson Drive
Correspondent_Address2:
Correspondent_Town: WOKINGHAM
Correspondent_County: Berks
Correspondent_PostCode: RG40 3NZ
Correspondent_Telephone: 0118 973 4918
Correspondent_Email: dave.bedser@amsjv.com

Comments:

I object to this application for the following reasons:-

There is insufficient room on the plot to build another house that will be in keeping with the rest of the development.

The original developer was not allowed to over-develop the plot and that decision should remain.

This particular part of Tomlinson Drive already has a narrow access road. There will not be sufficient parking space available and additional cars parked on the road will be a nuisance and a potential hazard.

Tomlinson Drive has its own sewage pump which is jointly owned by all the residents. This is prone to becoming blocked and additional load on the system can only aggravate the problem. Consequently it is not likely that existing residents will give permission for another dwelling to be connected to it.

The Planning Inspectorate

For offical use only
Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP /X0360/A/02/1089842 **GRID REF:** _____

APPEAL BY: Mr D Rogers

SITE: 7 Tomlinson Drive, Finchampstead.

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 ~~N/A~~
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?	01/07/02	
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	13	
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: Dfuell on behalf of WOKINGHAM UNITARY ~~Council~~

Date sent to us and the appellant 23/05/02 OUR Ref: F/2002/5753

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

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ENVIRONMENT AGENCY

Our Ref : SP/2002/005689-2/1
Your Ref : F/2002/5753

Date : 13 June 2002

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

Dear Sir/Madam

ERECTION OF DETACHED DWELLING - INFORMAL APPEAL

7 TOMLINSON DRIVE FINCHAMPSTEAD WOKINGHAM

Thank you for your letter dated 23 May 2002, received on 27 May 2002. Please quote the following reference in any correspondence: SU86NW/1/30. The Environment Agency has the following comments:

The Environment Agency has no further comments to its previous letter dated 13 March 2002 regarding your consultation reference F/2002/5753 of which a copy is enclosed.

DECISION NOTICE

Please forward a copy of the decision notice to this office quoting our reference. A copy of this letter has been sent to the applicant. If you have any further queries, please contact me, quoting the reference at the beginning of this letter.

Yours faithfully

PAUL BUSING
Planning Liaison Officer
Direct dial: 01276 454492
Direct fax: 01276 454352
Email: paul.busing@environment-agency.gov.uk

CC: Mr D Rogers

ENVIRONMENT AGENCY

Our Ref : SP/2002/005242-1/1
Your Ref : F/2002/5753

Date : 13 March 2002

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

Dear Natalie Brown

ERECTION OF ONE DWELLING AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM

Thank you for your letter dated 30 January 2002, received on 31 January 2002. Please quote the following reference in any correspondence: SU86NW/1/30. I apologise for the delay in replying, and trust that The Environment Agency's comments, as set out below, will still be taken into consideration.

The Environment Agency has no objection to the proposed development.

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 David Walters on 01276 454543 for further details.

ADVICE TO PLANNING AUTHORITY

Landfills

Landfill Gas Risk
According to our records, there is one landfill site within 250 metres of the site. In view of the distance from the site and the nature of the fill material, it is unlikely that landfill gas will present a risk to this proposal.

Land Drainage

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

In order to manage the disposal of surface water in a more sustainable manner, taking into account flood risk and other environmental factors, the Environment Agency will recommend that restrictions are imposed on the discharge of surface water from the site. Particular care must be exercised where there is an increase in the impermeable area. The developer will be required to accommodate excess water and control its release into local watercourses, whether directly or by means of the local surface water sewerage system.

There are alternatives to conventional storage for the control of surface water run-off that are favoured by the Environment Agency. These techniques not only cater for flood peak attenuation, but may also improve water quality and enhance the environment. Such systems include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. The developer is advised to discuss with the Agency how these techniques might be applied at this site.

Watercourses

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.

ADVICE TO APPLICANT

Environment Protection

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

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

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.

Wildlife Conservation

Wildlife Protection
Essential tree felling, branch lopping or scrub clearance should avoid the bird nesting season (generally March to August inclusive). This avoids disturbing wild birds during a critical period and will help to prevent possible contravention of the Wildlife and Countryside Act 1981, which protects nesting wild birds and their nests.

Trees to be felled should be inspected for bats prior to felling. All species of bat in Britain and their roost's are afforded special protection under the Wildlife and Countryside Act 1981. If bats are found, English Nature must be contacted for advice.

The developer should avoid gaining access, storing materials and spoil spreading on adjacent areas of important wildlife habitat. Such areas include hedgerows; woodland pockets; patches of tall grassland and areas adjacent to waterbodies.

Landscaping
Tree and shrub removal from the site should be minimised if works proceed. Professional tree surgery should be carried out in preference to felling wherever possible so trees can be made safe and retained on site. Any retained trees must be protected during construction. Appropriate replacement planting should be provided for any vegetation lost, disturbed or degraded during works.

Planting should comprise of native species only. Use of locally native species in landscaping plans is essential in order to benefit local wildlife and to help maintain the region's natural balance of flora. It will aso help to prevent the spread of invasive, alien species within the region.

Wildlife Enhancement
Bird nesting and roosting sites should be built into the development through the incorporation of ledges, crevices and holes, where possible. The incorporation of bat roosts into the design of the building should also be considered.

Natural Drainage
The development should incorporate Sustainable Urban Drainage (SUDs) utilising surface water for landscape irrigation and water features. This should include making use of permeable surfaces and other similar measures to reduce the risk of non-point source pollution or excessive surface water run-off. This might include the use of gravel surfaces in paths, parking spaces and driveways.

<u>Water Conservation</u>

Household Use
Water is one of our most precious natural resources, and the Environment Agency is keen to ensure it is used wisely:
* Water use for WC flushing can represent 35% of all household use. The applicant should consider installing low (6 litres or less) or dual flush toilets.
* 10% of household water use comes through wash hand basin taps. The installation of water-efficient taps such as spray taps can reduce consumption from this source by up to a half.
* A shower uses less than half the water used for a bath. Power showers on the other hand can use as much water as a bath in just 5 minutes. Shower units using a maximum of 9 litres of water a minute should be fitted.

Domestic Appliances
If domestic appliances are to be provided in the new property, the applicant is asked to

consider installing water and energy efficient models. Most products such as washing machines and dishwashers are now advertised with energy and water use information.

Gardens
As much as 30% of domestic water consumption in the summer can be used on the garden. To encourage sensible use of water in the garden, the Agency recommends installation of the following in all new property(ies):
* a water butt linked to a downpipe
* provision of a thick layer of good quality top soil
* if the garden is to be planted, use of drought-tolerant turf and plants.
* if a hose-pipe is to be provided in the new property(ies), a trigger nozzle should be fitted to prevent wastage of water.
* Low-water irrigation systems may also be appropriate provided that information on their sensible use is provided to the home-owner.

Maintaining lawns, gardens and other planted areas need not require vast amounts of watering. A few simple measures can be taken to reduce the amount of water required. On this site the Environment Agency would encourage the applicant to consider the following:
* grass should not be mown too often or too short this only encourages shallow roots, which are more likely to dry out
* use of mulches or ground cover plants to retain soil moisture
* provision of shade for those plants that require more water
* watering, when necessary, in the early morning or evening to reduce evaporation losses.

Grey & Rain Water Recycling
Rainwater and grey water recycling is becoming increasingly popular. It can reduce household water use by up to 30%. A number of systems are available which collect, treat and store rain- or grey water for WC flushing or garden/outside watering.

DECISION NOTICE

Please forward a copy of the decision notice to this office quoting our reference. A copy of this letter has been sent to the agent. If you have any further queries, please contact me, quoting the reference at the beginning of this letter.

Yours sincerely

pp: Paul Bussing

JO MARSHALL
Development Planning Officer

Direct dial: 01276 454323
Direct fax: 01276 454352
Email: joanna.marshall@environment-agency.gov.uk

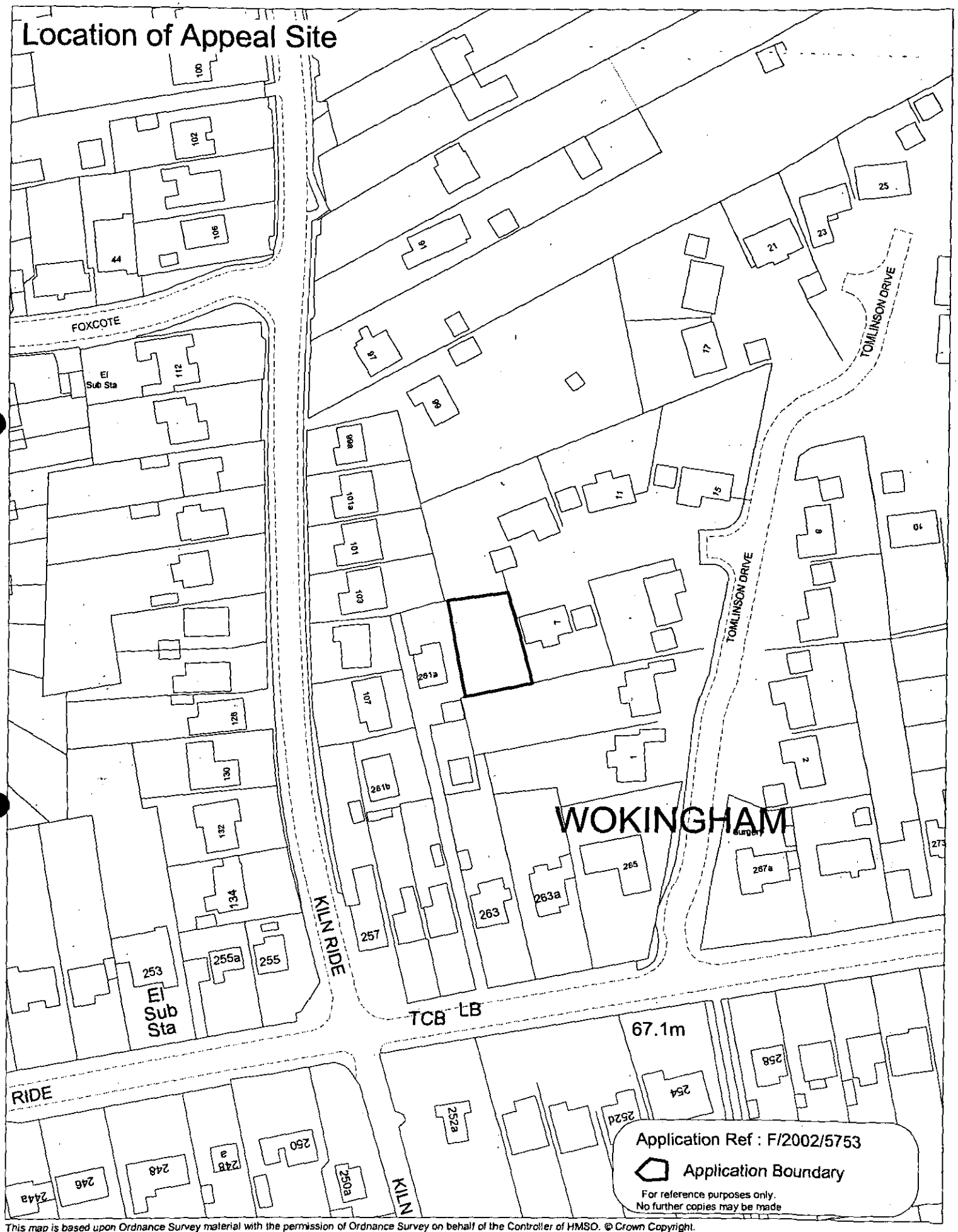
CC: The Edwards Irish Partnership

APPENDICES

1. 1:1250 Site Plan
2. Application plans
3. Berkshire Structure Plan Extracts
4. South East Area Local Plan Extracts
5. Wokingham District Local Plan (Deposit Draft) Extracts
6. Extracts from Part 2 of the Local Plan Inspectors Report
7. Appeal statement relating to 261a Nine Mile Ride

APPENDIX 1

Location of Appeal Site



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Development Control Section, Environmental Services, Wokingham District Council.

Scale: 1 : 1250

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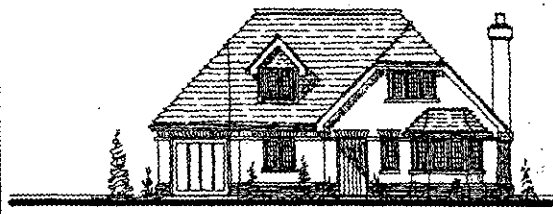
APPENDIX 2

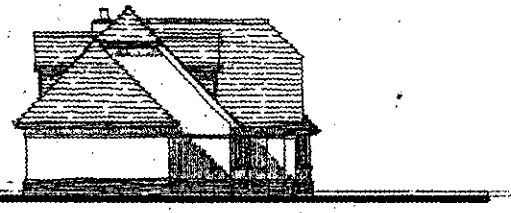
Notes

All dimensions and levels on site are to be checked prior to commencement of work.

This drawing is the copyright of The Edwards Irish Partnership.



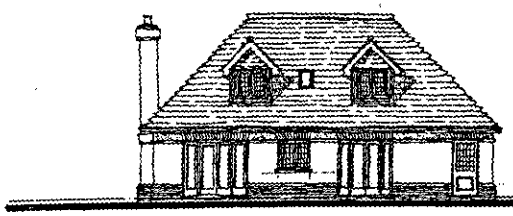
FRONT ELEVATION



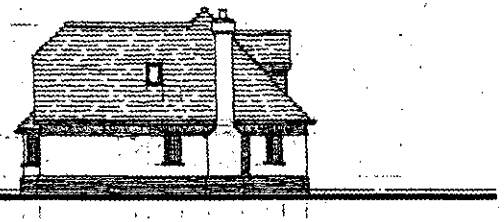
SIDE ELEVATION



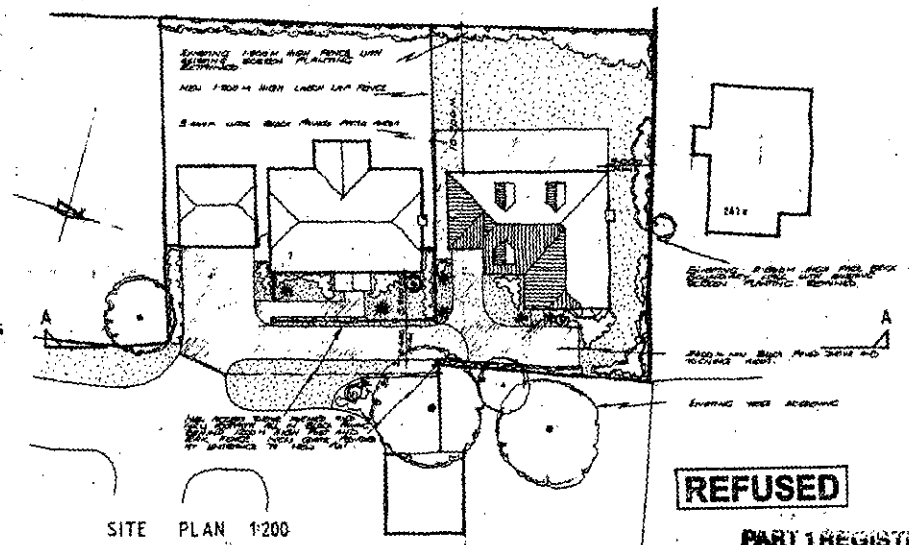
SITE SECTION A-A



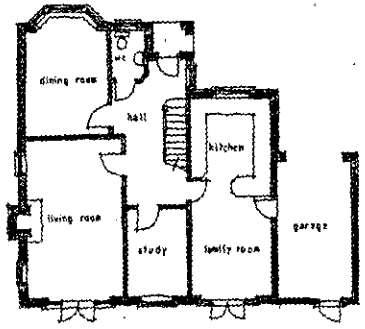
REAR ELEVATION



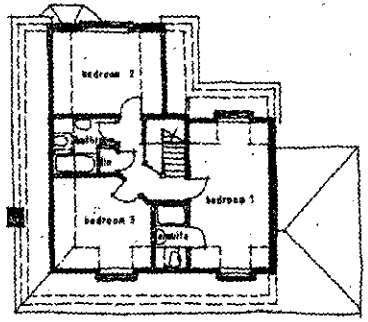
SIDE ELEVATION



SITE PLAN 1:200

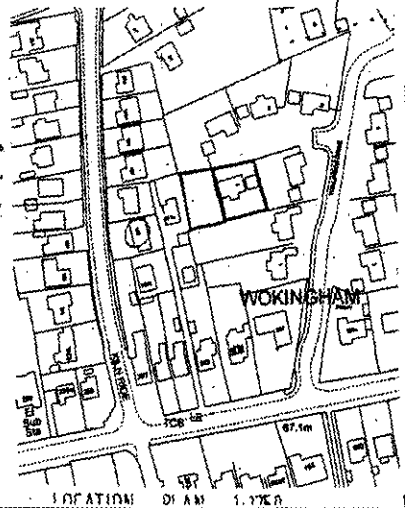


GROUND FLOOR



FIRST FLOOR

MATERIALS



LOCATION PLAN 1:1250

REFUSED

PART 1 REGISTER

DELEGATED

Proposed chalet bungalow
7 Tomlinson Drive
Finchampstead
WOKINGHAM
Berks

Mr and Mrs D. Rogers

PLANS and ELEVATIONS

1:100 January 2002

The Edwards Irish Partnership
Architects & Surveyors

APPENDIX 3

BERKSHIRE STRUCTURE PLAN 1991 - 2006

Adopted by Berkshire County Council 4 November 1995

December 1995
Price: £15.00

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.

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

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

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

(i) housing proposals for 100 or more dwellings;

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

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

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

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

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

ENVIRONMENTAL IMPACT

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

Environmental Impact of Development

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

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

APPENDIX 4

LAFT.

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

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

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

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

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

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

❖ SBE1 DESIGN OF NEW DEVELOPMENT

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

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

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

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

❖ SBE2 INAPPROPRIATE DESIGN

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

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

ENVIRONMENTAL IMPROVEMENT

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

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

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



❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

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

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

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

SUNLIGHT, DAYLIGHT AND NOISE

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

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND

APPENDIX 5



WOKINGHAM DISTRICT LOCAL PLAN
DEPOSIT DRAFT

WITH PROPOSED AMENDMENTS HIGHLIGHTED

INCLUDING:

Proposals Maps x 2;
Appendices;

PA's to Transport Chapter;
PA's to Proposals Maps.

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

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

A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHO DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

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

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

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

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

F) BE OF HIGH QUALITY OF DESIGN THAT RESPECTS THE LOCAL CONTEXT BY VIRT 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 infrastruct including services and amenities, needed to support the development. This is a material considera in considering planning applications (as set out in Circular 1/97, *Planning Obligations*). An exp assessment must be made of infrastructure requirements arising from the development and how t should be met. Such provision is a key element in the quality of life or new and existing reside Supplementary planning guidance has been produced setting out the implementation of Policy W below.

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

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

C

POLICY FRAMEWORK

National Policy

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

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

Strategic Policy

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

Supplementary Planning Guidance

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

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

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

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

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

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

WDLP: Consolidated Document Highlighting Proposed Amendments: February 2000

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

e) THE LOCAL TOWNSCAPE

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

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

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

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

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

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

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

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

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

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

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

Cont.

APPENDIX 6



WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

CHAPTERS OTHER THAN HOUSING

Mr D Hollis

October 2001

"When determining new housing development proposals a sequential approach will be applied whereby:

A) previously developed land and buildings within the boundaries of category A settlements will be developed first;

B) secondly, land and buildings on the edge of category A settlements that are served by good public transport corridors will be considered;

C) lastly, development proposals for land and buildings in category B settlements will only consist of limited infilling and small windfall development.

1.41 That the Council extends the boundary of the Identified Settlement of Spencers Wood to include the development near to Lambs Lane and adopt PA P/1 and PA A/13.

1.42 That the Council carry out a thorough review of all settlement boundaries before the next review of the Plan.

1.43 That Policy WOS2 is re-titled "Housing Development Principles"

NEW PARAGRAPH 1.12A

(Proposed Amendment 1/5)

OBJECTION ISSUES

1.44 Although there were no objections recorded against this proposed amendment, objectors to other parts of this Chapter have asked for such a change.

CONCLUSIONS

1.45 I concur with the Council's proposed amendment as it would clarify its objectives.

RECOMMENDATION

1.46 That the Plan is amended in accordance with PA 1/5.

POLICY WOS3

(Proposed Amendment 1/6)

REPRESENTATIONS

168	Councillor R Eke (S)	1301	Beazer Strategic Land (O)
1035	English Nature (O)	2447	Envt Agency (Thames Region) (O)
1287	Mr J Vernon (O)	2542	S Grundon Ltd (O)

OBJECTION ISSUES

1.47 It was said that landscaping schemes should be comprised predominantly of locally native species. It was suggested the policy does not provide clear guidance and in order to cover indirect impact on adjacent developments, additional wording should be inserted at the start of criterion B). One objector asked for removal of reference to the generation of traffic as all development is likely to result in some traffic. Reference to alternative modes of transport and locations which minimise travel should also be included. An objector suggested that, as shown at Basingstoke Road, traffic is so heavy it would cause chaos and be expensive; nothing has been thought through properly.

CONCLUSIONS

1.48 PA 1/5 should satisfy objection 2447, but I agree with the Council that it is too detailed a point to be included within the policy itself. PA 1/6 would ensure there is no indirect impact on adjacent developments. Criterion D) is quite acceptable as it is qualified by the word 'significant' and criterion C) relates to the need to travel and the use of alternative modes of transport to that of the private car. I do accept that Wokingham District does have to contend with traffic congestion, but that is more reason to ensure development schemes are located in sustainable areas and a significant effort is made to encourage people to use public transport rather than exacerbate poor traffic conditions. Under the Miscellaneous section of the Introduction Chapter, an objector suggested that the Royal Town Planning Institute document "Access Policy for Local Plans" is adopted. I endorse that suggestion, but it should be in the text.

RECOMMENDATION

1.49 That the Policy WOS3 is amended in accordance with PA 1/6 and the inclusion of PA 1/5 to create paragraph 1.12A.

1.50 That reference is made in the supporting text to the document "Access Policy for Local Plans".

PARAGRAPH 1.13

REPRESENTATIONS

1479	St Nicholas Hurst Parish Council (O)	1672	Alfred McAlpine Dvpts Ltd (O)

1769 Hicks Persimmon Ltd (O) 1714 The Trustees of Twyford Orchards (O)

OBJECTION ISSUES

1.51 It was suggested that the Supplementary Planning Guidance (SPG) referred to has not been the subject of examination through the Local Plan process and thus cannot be given significant weight when determining proposals for development. The last sentence of the paragraph should be deleted. Also that scant regard is given to educational matters and the general infrastructure; specific mention should be made in the Plan.

CONCLUSIONS

1.52 I concur with the Council that Policy WOS4 makes proper reference to the provision by developers of an adequate infrastructure to meet the needs of new development proposals. Policy WIC12A specifically refers to educational requirements. It is true that if the SPG does not form part of the Plan or has not been the subject of public consultation and scrutiny, it does not carry the same weight as policies within the Plan.

RECOMMENDATION

1.53 That the last sentence of paragraph 1.13 includes an explanation of the weight to be given to Supplementary Planning Guidance when determining planning applications.

POLICY WOS4

REPRESENTATIONS

1297 Beazer Strategic Land (O)
1480 St Nicholas Hurst Parish Council (O)
1645 Linden Homes South East Ltd (O)
1649 Bancroft Developments (O)
1674 Alfred McAlpine Dvpts Ltd (O)
1680 Mr B Proctor (O)
1681 Mr B Proctor (O)
1686 Hicks Development Ltd (O)
1712 The Trustees of Twyford Orchards (O)
1738 Sonning Developments (O)
1755 Mr L Nemeth (O)
1771 Hicks Persimmon Ltd (O)
1789 Mr E Gale (O)
2036 The House Builders Federation (O)
2060 University of Reading (O)
2541 S Grundon Ltd (O)
2363 Thames Water Property (S)
2436 Reading Borough Council (S)

OBJECTION ISSUES

1.54 It was said that the policy does not give clear guidance and much of the wording should be within the supporting text. No recognition is given to the number of statutory providers of infrastructure, public and community services. Details of how the Council expects implementation of policy requirements to be carried out are not included. Such details should not be issued as SPG, but as part of the Plan and subjected to public examination. Neither does the policy wording make it

RECOMMENDATION

4.5 That no changes are made to the Plan in response to these objections.

PARAGRAPH 4.4

REPRESENTATIONS

1775 Hicks Persimmon Limited (O)

OBJECTION ISSUES

4.6 This objection was concerned that there is no policy directed towards the key objective of improvement of poor/degraded land through the control of new development and the implementation of improvement schemes. This was contrary to PPG 12. A new policy was suggested to identify such sites and, where appropriate, to allocate them for development to secure environmental improvements.

CONCLUSIONS

4.7 The objective of securing environmental improvement is established in Policy WOS5. To my mind, enhancement should be a benefit to flow from the development of poor and degraded landscapes as part of the overall package. I do not agree with the implication in the proposed new policy that such benefits should necessarily outweigh other considerations. Just because land is degraded does not necessarily mean that an alternative use would be acceptable. For example, within a countryside location redevelopment of such a site may run counter to the principles of sustainability. In such cases proposals would have to be considered on their merits, as exceptions to the Plan. I do not therefore agree that a new policy is required.

RECOMMENDATION

4.8 That no changes are made to paragraph 4.4.

POLICY WBE1

REPRESENTATIONS

2493 George Wimpey Plc (O)
2566 Martin & Pole, Nicholas (O)
1308 Ms L Erler (S)

OBJECTION ISSUES

4.9 The policy was thought to be too restrictive and the words "will require" should be replaced with "will seek". It was also considered that the policy is a corporate mission statement and has no development control function. It should be deleted or relegated to subtext.

CONCLUSIONS

4.10 Fostering good design is an important objective in national planning guidance and is strongly endorsed in PPG 1, PPG 3 and PPG 13 as well as the recently published Urban White Paper. Developing sustainable environments at higher densities and reducing the need to travel are key themes. I therefore support the policy in principle and must emphasise the message needs to be strongly conveyed that poor designs will be rejected. However, the present wording is not sufficiently specific and conveys the impression that new development should mirror its immediate surroundings. This may not be appropriate and the policy needs to be retitled and restructured to give clear guidance of what is expected in terms of design and sustainability.

4.11 I would also suggest removing reference to supplementary planning guidance from the policy itself. This can be referred to in the supporting text, but an attempt to afford it Section 54A status should be resisted.

RECOMMENDATION

4.12 That reference to supplementary planning guidance is removed from the policy and inserted into the supporting text. That this is supplemented by a reference to development briefs as I have recommended under Policy WBE19.

4.13 That Policy WBE1 is deleted and replaced as follows:

"Policy WBE1: Design and new development

New development will be expected to achieve high standards of design and layout, which makes efficient use of land and buildings. A scheme should create its own identity, whilst taking account of the wider locality, including the surrounding townscape and landscape. In addition, development proposals will be expected to have regard to the following principles:

A) a reduction in the level of car parking below maximum standards wherever possible in order to promote sustainable transport choices;

B) encouragement of measures that promote accessibility to services and facilities by public transport, cycling and walking;

C) incorporation of features that maximise the safety and security of people living in or using the development;

D) creation of easily accessible and attractive open spaces".

POLICY WBE2

REPRESENTATIONS

2487 Slough Properties Ltd (O)
2567 Martin & Pole, Nicholas (O)

OBJECTION ISSUES

4.14 It was considered that there were some areas such as Winnersh Triangle, which although they do not have particularly pronounced or historic architectural styles, do not have poor architectural quality. In such cases further development should be compatible and not used to create artificial visual interest. It was also felt that the policy has no development control function and should either be deleted or relegated to the supporting text.

CONCLUSIONS

4.15 There are many built-up parts of the District of mediocre quality but I do not agree that such circumstances should necessarily be perpetuated in new development. Policy WBE1 calls for better quality in the design of individual developments and this should reinforce local identity and result in improvement of the wider urban area. To my mind Policy WBE2 is a reasonable objective but the point is adequately covered by my recommended rewording of Policy WBE1.

RECOMMENDATION

4.16 That Policy WBE2 is deleted.

POLICY WBE3

REPRESENTATIONS

2494 George Wimpey Plc (O)
2568 Martin & Pole, Nicholas (O)

OBJECTION ISSUES

4.17 The policy was considered to be unreasonable in that it requires details that were likely to change as a result of market demand. The only requirement should be for a master plan. The other objection felt that the policy has no development control function and should be deleted or relegated to the subtext.

CONCLUSIONS

4.18 I do not agree that it is unduly onerous to require an indicative layout for larger developments. This is directly related to decision making and is often necessary to ensure a degree of continuity, especially where several developers are involved. However, the best means of achieving that objective is through a development brief, which should be required where necessary through site specific policies. I have made further comments on this matter under Policy WBE19. The principles of good design are covered in Policy WBE1 and I do not consider that Policy WBE3 serves any useful purpose.

RECOMMENDATION

4.19 That Policy WBE3 is deleted.

POLICY WBE4

(Proposed Amendments 4/1, 4/2)

REPRESENTATIONS

2041 The House Builders Federation (O)
2569 Martin & Pole, Nicholas(O)
2400 *Wokingham Friends of the Earth* (S)

OBJECTION ISSUES

4.20 The objectors considered that this was a statement of intent and that the policy should be deleted or relegated to the supporting text. Although representation 2400 did not oppose the policy, it was considered that the supporting text should encourage state of the art environmental design, along with the application of best practice.

CONCLUSIONS

4.21 The subject of energy efficient development has to my mind been adequately covered in Policy WOS9. Encouraging the use of recycled materials is an objective of the Waste Local Plan. Policy WBE4 restates these broad principles but I agree with the objectors that it offers no guidance as to how they can be achieved in practice. I suggest that if the Council wishes to retain these references they could be included in the subtext at paragraph 4.12.

4.22 I note the Council's comments that sustainability issues are dealt with in supplementary planning guidance. This is referred to in paragraph 4.8 but a more detailed reference about what is available in terms of additional guidance would be helpful.

APPENDIX 7

Appeal Decision

Hearing held on 21 May 2002
Site visit made on 21 May 2002

by Phil Grainger BA(Hons) MRTPI

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

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Date
30 MAY 2002

Appeal Ref: APP/X0360/A/01/1079947
261A Nine Mile Ride, Wokingham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Longley against the decision of Wokingham District Council.
- The application (Ref: F/2001/4838), dated 3 September 2001, was refused by notice dated 30 October 2001.
- The development proposed is a replacement dwelling.

Summary of Decision: The appeal is dismissed.

Main Issue

1. The main issue in this case is the effect on the living conditions of neighbouring residents, having particular regard to light, privacy and any overbearing impact.

Planning Policy

2. The development plan for the area comprises the Berkshire Structure Plan 1991 – 2006, incorporating Alterations adopted in 1997 (the BSP), and the South East Area Local Plan (SEALP), 1994. BSP Policy LD3 seeks to protect the amenity of neighbours and the character of the area. Policy EN1 also seeks to ensure that developments are appropriate to their location. Turning to the SEALP, Policy SBE2 aims, amongst other things, to resist development that is inappropriate in terms of its relationship with adjoining buildings. In addition, Policy SBE5 seeks to ensure that proposals achieve good daylighting conditions and adequate sunlight penetration to both new and existing development.

3. The SEALP is being replaced by the Wokingham District Local Plan (WDLP) which has reached a relatively advanced stage. The Local Plan Inspector has endorsed Policy WOS3. This sets out general development control criteria, one of which seeks to protect the amenities of adjoining occupiers. Given the advice in Planning Policy Guidance Note 1, General Policy and Principles, this Policy carries substantial weight. However, the Inspector has recommended significant changes to the other Policy, WBE1, that has been drawn to my attention. As the Council have yet to take a view on the recommendations, the final form of Policy WBE1 is uncertain and the weight I can give it is less. If the recommendations were adopted, the references to protecting privacy and amenity would be deleted from that Policy leaving these matters to be dealt with by Policy WOS3.

Inspector's Reasoning

Effect on the living conditions of neighbouring residents

4. The appeal relates to a backland site that is surrounded on all sides by dwellings. It has a lengthy access from Nine Mile Ride that passes close to nos. 261 and 263 and separates no. 261B from its garage. The appeal proposal involves the replacement of the existing small bungalow on the site with a new dwelling of similar footprint but positioned a little further from the nearest adjoining dwellings, nos. 105 and 107 Kiln Ride. The new dwelling would

incorporate a basement and would also have two bedrooms at first floor level within the roofspace. En-suite facilities would be provided in dormer projections. The roof would be steeper than that of the existing bungalow, but I saw that the roofs of a number of nearby properties have a similar pitch.

5. The occupiers of several nearby dwellings have at some stage objected to the proposal, but the Council's concerns are primarily with what they regard as an overbearing relationship to no. 107 Kiln Ride. Up to now this has been a small bungalow with a low ridge but planning permission has been granted for its enlargement and those works have started. No. 107 is set well back on its plot and there is a gap of only about 5.5 metres between it and the appeal site. The side elevation of the proposed dwelling would be within about 5 metres of this boundary. Above it, the roof would slope away to a ridge a little under 7 metres high. The parties agree that the angle to the horizontal of a line from the centre of the windows in no. 107 to the ridge would be less than 25°, and that there would be no material reduction in the light they receive even though a porch structure would project towards them.

6. That said, it is my experience that a building that does not have a serious effect on light may still appear overbearing. In this case the new dwelling would be between 1.5 and 2 metres higher than the existing one and, although the ridge would be further from no. 107, the angle it subtended at the rear of that property would be greater. Moreover, the new building would extend across more of the rear of no. 107. I am satisfied, therefore, that it would have a noticeably greater visual impact from the windows in the rear of no. 107 and its rear garden. Whilst I share the appellants view that a building of the dimensions proposed would not normally be regarded as 'massive and high', proposals need to be judged in their context. Given the relationship of the building to no. 107, in particular the very small rear garden that that property has, I consider that the proposed dwelling would be a somewhat unneighbourly companion.

7. Even so, I consider that the height and length of the main element of the proposed dwelling need not necessarily have been fatal to the proposal. However, account must also be taken of the proposed porch. This would have a pitched roof ending in a gable nearly 5 metres high facing no. 107 and within about 2.5 – 3 metres of the boundary. Moreover, although its ridge would run away from no. 107, the gable would be almost directly in front of two of the three existing ground floor windows in the rear of it.

8. Whilst the planning system does not exist to protect private views, when the porch is taken into account I consider that the new dwelling would appear seriously overbearing from the rear windows and garden of no. 107. There would also be some increased overshadowing of the garden. I conclude that the new dwelling would materially detract from the living conditions of occupiers of no. 107 Kiln Ride, contrary to the aims of Policies LD3, SBE2 and WOS3 of the BSP, SEALP and WDLP respectively. In addition, the roof lights shown on the appeal drawings would allow overlooking at very close range, but the appellant says that these are not necessary and the parties agree that this problem could be overcome by an appropriate condition.

9. As for the effect on other neighbours, I consider that in respect of no. 105 Kiln Ride the positioning of the new dwelling would largely offset the effect of its increased height so that it would not be unduly overbearing. Furthermore, the first floor bedroom window in the rear of the proposed dwelling would be sufficiently far from the garden of no. 103 Kiln Ride to prevent overlooking problems arising, whilst any views of the windows in no. 103 would be oblique. Turning to no. 261 Nine Mile Ride, I saw that there is currently very little overlooking of its rear windows and garden. That said, given the considerable distance between the proposed dwelling and the private garden area of no. 261, let alone the bungalow itself, I consider that the living conditions of its occupiers would not be materially affected by the proposed first floor window.

10. The separation and/or orientation of all other dwellings are such that there would be no likelihood of problems of any kind arising, with the possible exception of no. 7 Tomlinson Drive. Despite the vegetation along the boundary, the dormer windows in the new dwelling would offer scope for overlooking the garden of no. 7 at close range. However, the windows are in bathrooms and I consider that overlooking could be avoided by an appropriate condition. That said, the dormers are substantial and, even if obscure glazed, would add appreciably to the visual impact and intrusiveness of the proposed building, especially given its proximity to the common boundary. Having regard to the orientation of no. 7 and the large garden that it currently has, I do not consider that this impact would, in itself, be decisive. Nevertheless, it adds to my concerns that the proposal is an unneighbourly form of development that should not go ahead, at least in its present form.

Other matters

11. I have considered all the other matters raised in writing and at the hearing. In particular I am aware that the appellant considers that the Council have been inconsistent in the treatment of his proposal compared to those of some of his neighbours. However, from the discussion that took place it appears that the dwelling proposed in the garden of no. 7 Tomlinson Drive is unlikely to be approved as it stands. Moreover, each proposal must be determined primarily on its own merits and I have done so in this case. Even if I were to share the appellant's view regarding the impact of the alterations to no. 107 Kiln Ride on neighbouring properties, including his own, that would not justify allowing a proposal that would have the harmful effects that I have identified in this case.

12. Although some local residents consider that any replacement dwelling should not exceed the height of the existing bungalow, the appeal site is very difficult to see from any public viewpoint. Moreover, nearby dwellings vary in height and style from genuine bungalows to 2-storey houses. I consider therefore that a dwelling with rooms in the roofspace would not look out of place and would be acceptable if it did not materially affect the living conditions of neighbours. Some residents are also concerned about drainage, stability and interference with access arrangements. However, I see no reason why a well designed and executed scheme should adversely affect these matters and if problems did arise remedies would be available under other legislation. That said, neither these nor any of the other matters raised, including the need to remove excavated material along the narrow access, are of such significance as to outweigh the considerations which have led to my conclusions on the main issue.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

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

Information

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

R Crainge.

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs A Odell BA(Hons) MPhil MRTPI	Planning Officer, Wokingham DC

FOR THE APPELLANT:

Mr J Longley	Appellant
Mr J Bailey BA(Hons) MRTPI	Development Land & Planning Consultants Ltd agents for the appellant
Mr M Daniels FRICS FBEng MRSH	Daniels and Associates agents for the planning application

INTERESTED PERSONS:

Mr D Rogers	7 Tomlinson Drive, Finchampstead RG40 3NZ

DOCUMENTS

Document	1	List of persons present at the hearing
Document	2	Council's letter of notification and circulation list
Document	3	Letters of representation, including one from Mr Rogers received at the hearing
Document	4	Planning officer's appraisals of proposals to extend no. 107 Kiln Ride and appellant's sketch showing the relative impact of those schemes and his own.
Document	5	Planning officer's appraisal of proposed dwelling at no. 7 Tomlinson Drive, submitted by the appellant
Document	6	Planning officer's appraisal of appeal application, submitted by the appellant
Document	7	Additional condition, suggested by the appellant
Document	8	Appendices to the Council's hearing statement
Document	9	Appendices to Mr Bailey's hearing statement

PLANS

Plan	A (i - vii)	Appeal drawings
Plan	B	Drawing illustrating the impact on no. 107 Kiln Ride of the existing and proposed buildings, submitted by the appellant
Plan	C	Original proposal for dwelling in garden of no. 7 Tomlinson Drive
Plan	D (i – iii)	Revised proposals at no. 7 Tomlinson Drive, with existing & proposed dwellings on the appeal site superimposed on Plan D(i) by the appellant

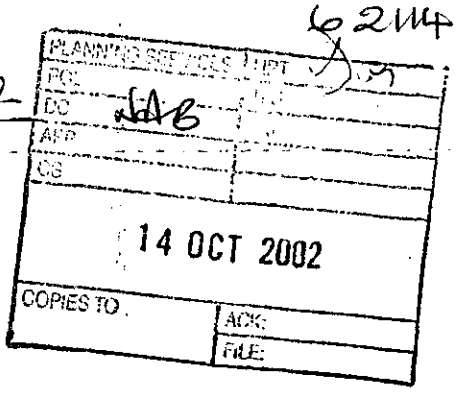
PHOTOGRAPHS

Photo	1	Conservatory at no. 261B Nine Mile Ride
Photo	2	View from outside the conservatory of the extension permitted at no. 107 Kiln Ride
Photo	3	The extension at no. 107 Kiln Ride from the appeal site

All the above photographs were submitted by the appellant.

Fax 01189746484 14/10/02

62114



Re 1.D. 61376/2e

Mr. N.Brown,
Environmental Services Department,
Planning Services,
PO Box 157,
Shute End,
Wokingham,
Berks RG40 1WR.

Date: 23.9.2002

Our Ref: AKG/JSG/D3203

Dear Mr. Brown,

Re: 7 **Tomlinson Drive, Finchampstead –Appeal Ref: APP/X0360/A/02/4089842**

I refer to the above and am in receipt of copy of your letter dated 6th September to the Planning Inspectorate and letter dated 17th September from my clients. I am pleased to note the Local Planning Authority no longer submits my client's proposals would be overbearing in its relationship to adjoining properties, but I am also surprised and concerned you did not feel it was appropriate to advise this practise, as agents handling the appeal.

I presume however, the sole issue to be discussed at the Hearing, scheduled to be held on 27th November, relates to the alleged overlooking of the side garden area to 9 Tomlinson Drive (paragraph 4.10 of your statement refers), and should appreciate your confirmation accordingly.

On the other hand, my clients have quite rightly reminded you that in order to address your concerns re overlooking, prior to the determination of the application the subject of this appeal, they were prepared to amend their proposals so that the window to bedroom 2 faced down Tomlinson Close. (Paragraph 1.08 my Statement of Case refers).

I appreciate the Authority were also concerned, at that time, regarding the size of the dwelling, but clearly you have reconsidered your position and now accept that part of the stated reasons for refusal was not justified. Consequently, it is abundantly clear, had the Authority properly considered that aspect of my clients proposals before refusing permission, it should have been possible to resolve the position regarding any overlooking and the expense of an appeal avoided.

That is important because I note my clients have recently forwarded revised details for your consideration and have sort your advice on how to proceed. I therefore await your response, but in the meantime, propose, without prejudice to my clients case and subject to your agreement, to submit amended plans to the Inspectorate for information and should appreciate if you could advise whether the Local Planning Authority would be prepared either withdraw its objections to my clients proposals in their entirety, or request the Inspector to grant planning permission based on the amended plan.

Yours sincerely,

A.K.Glenister
DGG Planning (Wokingham) Ltd

Cc
Mr & Mrs D Rogers

APPEAL BY MR D ROGERS

WOKINGHAM DISRICT COUNCIL

APP/X0360/A/02/1089842

27 NOVEMBER 2002

AGENDA

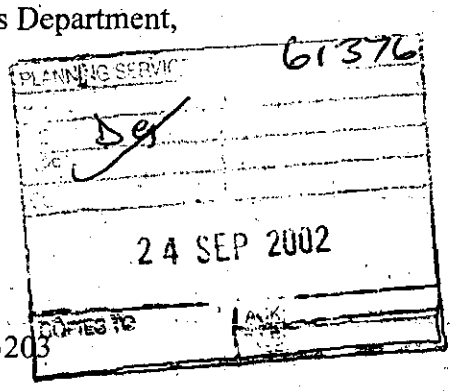
1. Identify the relevant points/ criteria in the planning policies- BSP-EN1; SEAreaLP-SBE1 and SBE2; WDLP-WOS3 (f) and WBE1 (b) and (f)?
2. Relevance of Policy WBE1, bearing in mind LP Inspector's recommendations.
3. Relevance of appeal on 261A to current case
4. Effect on 261A - overbearing?
5. Effect on No.9- overlooking/ overbearing?
6. Views of residents of Tomlinson Close-not in keeping, overlooking No.2, lack of on-site turning, use of private drive/ treatment works.
7. Conditions

DGG

PLANNING (WOKINGHAM) LIMITED

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
ianlasseter@dggplanning.totalserve.co.uk

Mr. N.Brown,
Environmental Services Department,
Planning Services,
PO Box 157,
Shute End,
Wokingham,
Berks RG40 1WR.



Date: 23.9.2002

Our Ref: AKG/JSG/D3203

Dear Mr. Brown,

Re: **7 Tomlinson Drive, Finchampstead – Appeal Ref: APP/X0360/A/02/4089842**

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I presume however, the sole issue to be discussed at the Hearing, scheduled to be held on 27th November, relates to the alleged overlooking of the side garden area to 9 Tomlinson Drive (paragraph 4.10 of your statement refers), and should appreciate your confirmation accordingly.

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I appreciate the Authority were also concerned, at that time, regarding the size of the dwelling, but clearly you have reconsidered your position and now accept that part of the stated reasons for refusal was not justified. Consequently, it is abundantly clear, had the Authority properly considered that aspect of my clients proposals before refusing permission, it should have been possible to resolve the position regarding any overlooking and the expense of an appeal avoided.

That is important because I note my clients have recently forwarded revised details for your consideration and have sort your advice on how to proceed. I therefore await your response, but in the meantime, propose, without prejudice to my clients case and subject to your agreement, to submit amended plans to the Inspectorate for information and should appreciate if you could advise whether the Local Planning Authority would be prepared either withdraw its objections to my clients proposals in their entirety, or request the Inspector to grant planning permission based on the amended plan.

Yours sincerely,

A.K. Glenister
DGG Planning (Wokingham) Ltd

Cc
Mr & Mrs D Rogers

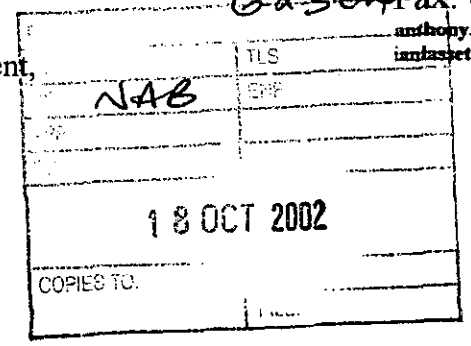
DGG

PLANNING LIMITED

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
iantasgeter@dggplanning.totalserve.co.uk

623044

Mrs.N.Brown,
Environmental Services Department,
Planning Services,
Wokingham District Council,
POBox 157,
Shute End,
Wokingham,
Berks RG40 1WR.



Date: 17.10.2002

Our Ref: AKG/JSG/D3203

Dear Mrs. Brown,

Re: **7 Tomlinson Drive, Finchampstead – Appeal Ref: APP/X0360/A/4089842**

I refer to the above and with reference to my letter dated 23rd September and our subsequent telephone conversation, enclose copy revised drawing A, which I propose to submit to the Planning Inspector for consideration, if necessary, at the Hearing scheduled to be held on 27th November.

I should however appreciate your confirm the Authority, in the circumstances, would not object to this plan being substituted for plan 1485/03 the subject of my clients appeal.

Yours sincerely,

A.K.Glenister
DGG Planning Limited

Cc

Mr & Mrs D.Rogers
The Planning Inspectorate + copy letter 23.9.02

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

Date: 17.10.2002

Our Ref: AKG/JSG/D3203

Dear Mrs. Pocock,

Re: **Planning Appeal APP/X0360/A/02/1089842 - D.Rogers**
7 Tomlinson Drive, Finchampstead

I refer to the above and with reference to the letter dated 6th September from the Local Planning Authority, enclose copy letters dated 23rd September and 17th October to the Planning Officer, which I trust you will find self explanatory.

Indeed you will no doubt recall, my clients endeavoured to submit revised drawings to the Local Planning Authority to address the Officer's concerns regarding overlooking, prior to the determination of the application the subject of this appeal. My clients were informed however, that it was Council policy not to accept amended drawings and the application was therefore determined as submitted.

It is appreciated the Authority at that time, were also concerned regarding the size of the proposed dwelling, but that objection has now been withdrawn and clearly had the Authority accepted amended plans, prior to determination, there would now be no issue between the parties.

On the other hand, my clients do not accept the dwelling, the subject of this appeal, will "cause overlooking to adjacent residential properties," but it seems to me, the amended plan will put the matter beyond doubt and in the circumstances, I would wish to have the opportunity, if necessary, to put that plan before the Inspector for consideration accordingly.

Yours sincerely,



A.K.Glenister
DGG Planning Limited

Cc

Mr. & Mrs D. Rogers
N. Brown (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 0117-3728768
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8768

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

Your Ref: F/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 24 October 2002

PLANNING INSPT
DG
25 OCT 2002
COPIES TO
FILE

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

NOTIFICATION OF INSPECTOR

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

Mr Roger Wilson BA DipTP MRTPI.

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

Yours faithfully

Mr Neil Ackland

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

206C

The Planning Inspectorate

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

Direct Line 0117-3726079
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Fax No 0117-3728624

GTN 1371-6079

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

Your Ref: F/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 24 October 2002

Dear Madam

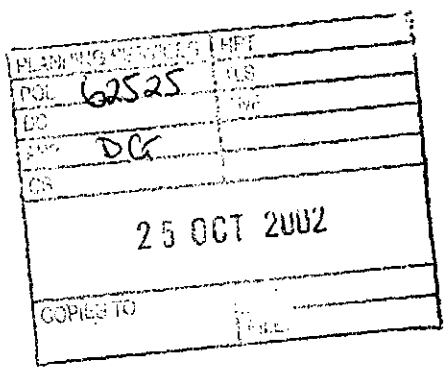
TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

I refer to the above appeal and enclose, for your information, a copy of my letter to the agent.

Yours faithfully

Mrs M Pocock

220(BPR)



The Planning Inspectorate

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Bristol BS1 6PN
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Direct Line 0117-3726079
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Fax No 0117-3728624

GTN 1371-6079

DGG Planning Ltd
Kirkwood
5 Windermere Close
Winnersh, Wokingham
Berkshire,
RG41 5XW

Your Ref: D 3203

Our Ref: APP/X0360/A/02/1089842

Date: 24 October 2002

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

Thank you for your letter, dated 17 October, concerning the above appeal.

As you will be aware the timetable for the appeal has ended and a hearing has been arranged for Wednesday 27 November.

You have asked for further documentation to be accepted and be passed to the Inspector. I have to tell you the Inspectorate as a matter of general policy is rigorously enforcing the new appeal regulations which set strict time limits. Although the Inspectorate does have the discretion to accept representations outside the timetable we will only do so in the most extraordinary circumstances.

Careful consideration has been given to your request however, in the circumstances and according to the procedural rules I am returning your correspondence.

A copy of this letter has been sent to the LPA.

Yours faithfully

Mrs M Pocock

220(BPR)

Tel: (0118) 974 6492 (Direct Line)
E-Mail: Natalie.Brown@wokingham.gov.uk
Date: 21 November 2002
My ref: NB/TW/F/2002/5753
Appeal ref: APP/X0360/A/02/1089842

A K Glenister
DGG Planning Ltd
'Kirkwood' 5 Windermere Close
Winnersh
Wokingham
Berks
RG41 5XW

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

Dear Mr Glenister,

APPLICATION: APPEAL AGAINST F/2002/5753
SITE: 7 TOMLINSON DRIVE, FINCHAMPSTEAD

I refer to your letter dated 17 October 2002, received on the 18 October 2002 and drawing A which you are proposing to submit to the Planning Inspectorate with reference to the above, and apologise for the delay in replying.

The reason for my not replying sooner is that I had received notification from the Planning Inspectorate dated 24 October 2002 that the information you had submitted for their consideration (dated 17 October 2002) had been returned to you and had not been accepted as further representations.

I now reply to your further letters dated 12 and 18 November 2002 having had a chance to review your plans. They would appear to be somewhat similar to application F/2002/7739, (though there are variations to dormer window positions and the number of windows in the front and rear elevations). This application has been submitted to this office for consideration of dormer windows in the roof space – amendment to consent F/2002/6138. As this application is still during its consultation process, I am not able to say whether this scheme would be approved or not.

With regards to your drawing A, whilst there may be potential for overlooking of the bathroom window in the side elevation to face 261a Nine Mile Ride, this could be conditioned to be obscurely glazed. With regards to overlooking of 9 Tomlinson Drive, I consider that this has been reduced in omitting the window from bedroom 2 from the front elevation and moving it to the side (facing 7 Tomlinson Drive).

I trust this advice is of use to you and should you wish to discuss any matter further please do not hesitate to contact me on the number above.

Yours sincerely

NAB

Natalie Brown
TCW
Planning Officer

* * * COMMUNICATION RESULT REPORT (21.NOV.2002 14:53) * * *

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E-2) BUSY
E-3) NO ANSWER
E-4) NO FACSIMILE CONNECTION

WOKINGHAM UNITARY
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PLANNING SERVICES

Fax Cover Sheet

DATE: 21/11/02

TO: Mr A K Glenister

FROM: Natalie Brown **Planning Services.**

NUMBER OF PAGES INCLUDING THIS HEADER SHEET: 2

RECIPIENT FAX NUMBER: 0118 9619 606

OUR FAX NUMBER: (0118) 974 6484

SUBJECT: 7 Tomlison Drive

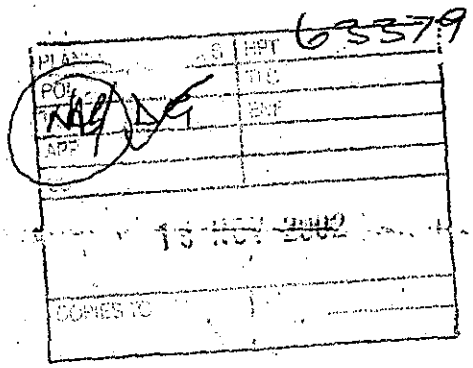
NOTES:

DGG

PLANNING LIMITED

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
ianlasseter@dggplanning.totalserve.co.uk

Mrs.N.Brown,
Environmental Services Department,
Planning Services,
Wokingham District Council,
PO Box 157,
Shute End,
Wokingham,
Berkshire RG40 1WR.



Date: 18.11.2002

Our Ref: AKG/JSG/D3293

Dear Mrs.Brown

Re: **7 Tomlinson Drive, Finchampstead**
Appeal Ref: APP/X0360/A/02/4089842

I refer to previous correspondence and should appreciate if you could let me have a reply to my letter dated 23rd September.

Indeed I have previously written on 3 occasions to clarify the Council's position, in relation to this appeal, but I have yet to receive an acknowledgement of my letter, let alone a reply thereto and should appreciate a response as a matter of urgency.

Yours sincerely,

A.K.Glenister
DGG Planning Limited

Cc

The Planning Inspectorate
Mr & Mrs.D.Rogers

DGG

PLANNING (WOKINGHAM) LIMITED

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
ianlasseter@dggplanning.totalserve.co.uk

63136

PLANNING SERVICES	HPT
PRE	TLS
DC NAB	ENF
APP	
CS	
12 NOV 2002	
COPIES TO	

Mrs.N. Brown,
Environmental Services Department,
Planning Services,
PO Box 157,
Shute End,
Wokingham,
Berkshire RG40 1WR.

Date: 11.11.2002

Our Ref: AKG/JSG/D3203

Dear Mrs. Brown,

Re: **7 Tomlinson Drive, Finchampstead**
Appeal Reference: APP/X0360/A/02/4089842

I refer to the above and with reference to my letter dated 23rd September 2002 (posted by hand and faxed on 14th October) and my subsequent letter dated 17th October, enclosing copy revised plan for your consideration, should appreciate replies thereto as a matter of urgency.

In particular however, I would appreciate confirmation the only issue between the parties concerns possible overlooking of the garden to 9 Tomlinson Gardens and your views on the amended plan.

Indeed bearing in mind the Hearing into this appeal is scheduled to be held on 27th November, I should be pleased if you could reply by return, in order that I may discuss your response with my clients, well before the Hearing.

Yours sincerely,

A.K. Glenister
DGG Planning Limited

Cc

Mr & Mrs.D.Rogers

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 0117-3728776
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8776

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

Your Ref: F/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 22 October 2002

Dear Madam

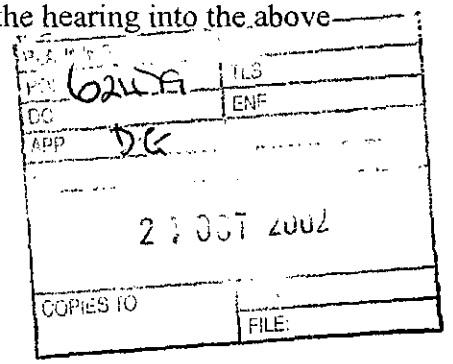
TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

NOTIFICATION OF INSPECTOR

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

Mr Stephen Blades BA DipTP MRTPI.

Yours faithfully



TOWN AND COUNTRY PLANNING ACT

SECTION 78 APPEAL

APPELLANT:	**Mr D. Rogers**
APPEAL SITE:	**7 Tomlinson Drive, Finchampstead**
REASON FOR APPEAL:	**Refusal of application for proposed erection of one detached dwelling**

LOCAL PLANNING AUTHORITY REFERENCE: F/2002/5753

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE: APP/X0360/A/02/1089842

1.00 LOCATION AND SITE DESCRIPTION

1.01 The site is located in a residential area within the identified settlement of Finchampstead. See appendix 1 for 1:1250 site plan.

1.02 The proposed dwelling would be located in the side garden of 7 Tomlinson Drive, at the end of a private driveway.

2.00 RELEVANT PLANNING HISTORY

2.01 There are no applications relating to a dwelling prior to this application. However, following the refusal of the application (the subject of this appeal) pre-application advise was given which was subsequently ignored when the new application (F/2002/6138) was submitted (the plans were considered to be worse than those refused under this appeal and would have been refused). Revised plans on application (F/2002/6138) have since been received and are the subject of re-consultation.

2.02 On 7 March 2002 application F/2002/5753 (the subject of this appeal) was refused for the following reason (see appendix 2 for a copy of the plan):

"The proposed development by virtue of its location and size would be overbearing and cause overlooking to adjacent properties to the detriment of their residential amenity. As such, the proposed development would be contrary to policy EN1 of the Berkshire Structure Plan, polices SBE1 and SBE2 of the South East Area Local Plan and to policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft)."

3.00 POLICY BACKGROUND

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

3.02 Berkshire Structure Plan

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

The relevant policies are:
EN1 – Protection and enhancement of the environment and built-up areas
LD3 – Environmental impact of development

See appendix 3 for a copy of these policies.

3.03 South East Area Local Plan

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

The relevant policies are:
SBE1 – Design of new development
SBE2 – Inappropriate design

See appendix 4 for a copy of these policies.

3.04 Draft Wokingham District Local Plan

The Draft Wokingham District Local Plan was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for development control decisions since 21st October 1997. The County Council issued a

statement of general conformity with the structure plan in May 1997. The public local inquiry into the plan commenced on 6th October 1998. The Inspector's report on the local plan inquiry (with the exception of policy WSM1), was published by the Council on 22 November 2001. However, the Council has not yet formally considered these Inspectors recommendations.

The relevant polices are:
WOS3 – Development control principles
WBE1 – Development in its local context

See appendix 5 for a copy of these polices and appendix 6 for extracts from the Inspector's report of the Local Plan relating to these polices.

4.00 THE CASE FOR THE LOCAL AUTHORITY

4.01 Policy EN1 of the Berkshire Structure Plan says that development must be appropriate in terms of scale, form, impact, character and siting to its location. Policy LD3 states that development will only be permitted where it does not give rise to unacceptable impact on the environment which includes serious harm to the amenities of neighbouring occupiers.

4.02 Policy WOS3 of Wokingham District Local Plan states that when assessing development it should be "(f) be of high quality of design that respects the local context by virtue of siting, layout, massing, materials, colour and texture". Likewise, Policy WBE1 says that amongst other things, the Council will have regard to the following considerations; "(b) visual impact" and "(f) the layout, form, scale, massing and materials of development".

4.03 Policy WBE1 is recommended to be deleted and be replaced, and would omit references to protection of amenity and privacy, however, the Council has not yet formally considered these Inspectors recommendations. Policy WOS3 is still relevant and is endorsed by the Local Plan Inspector.

4.04 Policy SBE1 of the South East Area Local Plan says that development shall be appropriate to the character of the area in which it is to be situated and make a positive contribution to its setting and the character of the area. Policy SBE2 says that if development "would adversely affect the character of the area, by virtue of its siting, scale, form, massing, materials, colour or texture will not normally be permitted."

4.05 The issues to consider in relation to neighbouring properties are overlooking, overbearing and overshadowing. The properties to consider are: No. 261a Nine Mile Ride (to the side/west of the site and is a bungalow), No. 9 Tomlinson Drive (to the north/front of the site) and No. 1

Tomlinson Drive (whose rear garden is to the south/rear of the site), and No. 7 (to the side/east of the site).

4.06 Due to the orientation of the proposed development in relation to neighbouring properties, it is not considered that there would be any issue of the proposed dwelling causing overshadowing.

4.07 There are no windows in the side elevation of No. 7. The only window to face No. 7 would be a ground floor window in the side elevation for a hall window which would be set away from the boundary. It is not considered that the proposed development would cause overlooking or be overbearing to No. 7.

4.08 The proposed dwelling would be 10.7m (figure shown on 1:200 site plan) from the rear boundary with No. 1. It is not considered that the proposed development would be overbearing to the amenity area of this property. There would be tow bedroom windows (beds 1 & 3) in the rear elevation which would be approx. 11.5m from the rear boundary. This is on the limit of acceptability, and it is therefore considered that there would be no significant overlooking with respect to this property that could warrant refusal.

4.09 The proposed dwelling would be a minimum of 3m (1:200 site plan) from the brick wall boundary with No. 261a. 261a is a bungalow with windows (one a kitchen) in its side elevation. An application for a replacement dwelling on the site of No. 261a was refused and subsequently dismissed on appeal (see copy of Inspector's appeal decision statement in appendix 7). It is considered that the proximity of the proposed chalet bungalow to the boundary together with height would be overbearing to No.261a, and so warrants the refusal of the application, and would be contrary to the local plan polices listed above.

4.10 The proposed dwelling would be 4.5-5m from the boundary with No.9. There is proposed to be a bedroom window (bed 2) in this front elevation, and it is considered that the proximity of this habitable room window to No. 9 would cause overlooking of their side amenity area. At such a distance, the proposed dwelling could also be overbearing to this property.

4.11 The proposed dwelling whilst being chalet in style, and therefore be smaller compared to the other dwellings which are two-storey, and having lower ridge height is quite large for the location.

4.12 The landscape department raised concerns over the proximity of the driveway to the tree in the adjacent garden. It would be within 4m of the tree where as guidelines contained with BS 5837 state 6m as the minimum distance. The distance can be reduced on one side, provided that the corresponding distance is available in all other directions, however an existing garage has already restricted the trees rooting zone. Therefore, as the construction of the drive could cause further damage to the tree, it is advised by the landscape department that the application would need to submit construction details relating to a no dig solution for the drive and the service routes to be on the far side of the drive.

5.00 COMMENTS ON THE APPELLANTS STATEMENT

5.01 The appellants comments relating to 261a Nine Mile Ride are now no longer relevant as the appeal relating to this site has since been dismissed.

6.00 CONCLUSION

6.01 It is considered that due to the proximity to neighbouring properties, the proposed dwelling would be overbearing and additionally result in direct overlooking to neighbouring properties, and therefore be contrary to local plan polices.

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

7.00 CONDITIONS IN THE EVENT PLANNING PERMISSION IS GRANTED

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
3. Prior to the commencement of development, details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The constructed development shall not vary from the approved levels.
4. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 7 pm Monday to Friday and 8 am to 1.30
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the garage accommodation on the site shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.
6. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.
7. The (dwelling) shall not be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.
8. Prior to the commencement of the development hereby permitted, construction details relating to a 'no dig solution' for the drive and services

routes to the property shall be submitted to and approved ion writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

9. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed at first floor level or above nor in the roof space of the side elevation facing 261a Nine Mile Ride hereby permitted except for any which may be shown on the approved drawing(s).

REASONS

1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.
2. To ensure that the external appearance of the building is satisfactory.
3. In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.
4. To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.
5. To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking.
6. To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.
7. In the interests of highway safety and convenience.
8. In the interests of the future health and amenity value of the trees.
9. To safeguard the residential amenities of the occupiers of neighbouring properties.

APPENDICES

1. 1:1250 Site Plan
2. Application plans
3. Berkshire Structure Plan Extracts
4. South East Area Local Plan Extracts
5. Wokingham District Local Plan (Deposit Draft) Extracts
6. Extracts from Part 2 of the Local Plan Inspectors Report
7. Appeal statement relating to 261a Nine Mile Ride

Tel. 0118 974 6492 (Direct Line)
E-mail: Natalie.Brown@wokingham.gov.uk

Date. 12 February, 2003

My ref. BC/DC/F/2002/5753

Your ref.

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Fax: (0118) 974 6484
Minicom No: (0118) 977 8909
DX: 33506 – Wokingham

Mr D Rogers
C/o The Edwards Irish Partnership
36 Langborough Road
WOKINGHAM
Berkshire
RG40 2BT

Dear Sirs

PLANNING PERMISSION F/2002/5753
SITE: 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM

I note that you have submitted an application for Building Regulations approval.

I would like to take this opportunity to remind you that Planning Permission Number F/2002/5753 has condition(s) attached to it. Some of these condition(s) may require approval prior to work commencing on site.

The Council considers that it is important that planning conditions are fully complied with to ensure that development proceeds in the manner it was intended. Consequently, I must point out that failure to comply with the condition(s) could result in a Breach of Condition Notice being served. If the Notice is not complied with your client could be liable to a £1,000 fine.

Any work carried out prior to these conditions being formally discharged is undertaken at your own risk and expense.

If you have already complied with these conditions, please disregard this letter.

If you have any queries regarding this matter please do not hesitate to contact me on the above telephone number.

Yours faithfully

NATALIE BROWN
Planning Officer

Tel. (0118) 974 6487 (Direct Line)
Fax. (0118) 974 6484
Email. Trevor.Watson@wokingham.gov.uk
Date 6 February 2003
My ref. TGW/SB/F/2002/5753
Your ref. AKG/jcl/D3203

64901

Mr A K Glenister
DGG Planning Limited
'Kirkwood'
5 Windermere Close
Winnersh
WOKINGHAM
Berkshire RG41 5XW

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham
http://www.wokingham.gov.uk

Dear Mr Glenister

COSTS CLAIM IN RESPECT OF PLANNING APPEAL AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD

Thank you for your letter of 11 January providing further details in respect of your claim. The information you have provided is of assistance. I would, however, question some of the hours claimed as there appears to be some degree of overlap in certain areas.

Under item 1 you refer to reading papers and appeal submission, then under item 3 you claim a further 8 hours for the preparation of your statement, a total of 13.6 hours seems excessive here, particularly when a further 1.9 hours is listed for Local Planning Authority statement and questionnaire. You also then under 6 have a further listing for research and preparation and claim 7.6 hours under this heading. Finally, a claim of 6.95 hours for "general correspondence/telephone calls" seems a considerable claim for non-specific work. It would be helpful if you could provide further clarity as the work carried out under each of these headings as I consider the current claim to be in excess of the amount of work that was required to support what was a straightforward case.

At this stage I am of the view that a claim in the order of 25 hours would be more appropriate and therefore I will require further justification in support of your current claim before this matter can be brought to a conclusion.

I look forward to hearing from you and apologise for the delay in responding which has been due to continuing pressures of work within the Section.

Yours sincerely

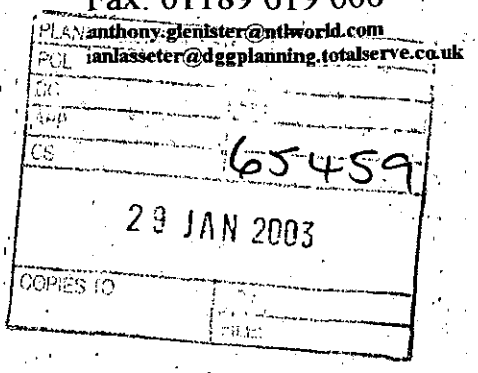
SB

pp TREVOR WATSON
Development Control Manager

DGG

PLANNING LIMITED

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
ianlasseter@dggplanning.totalserve.co.uk



Mr. T. Watson,
Environmental Services,
Wokingham District Council,
PO Box 157,
Shute End,
Wokingham,
Berkshire RG40 1WR.

28 January 2003

Our Ref: AKG/jcl/D3203

Dear Mr. Watson,

Re: Planning Appeal Cost Claim – 7 Tomlinson Drive, Finchampstead

I refer to the above and with reference to my letter dated 11 January trust you now have the relevant information to deal with my client's costs claim and should be pleased if you could forward cheque in settlement, by return.

Yours sincerely

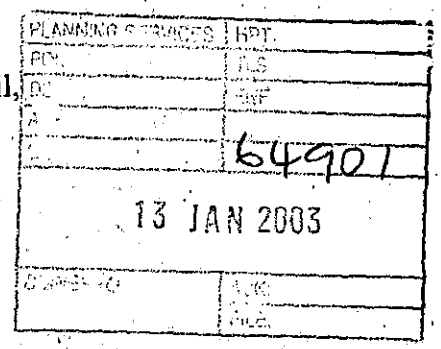
A. K. Glenister
DGG Planning Limited

DGG

PLANNING LIMITED

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
ianlasseter@dggplanning.totalserve.co.uk

Mr. T. Watson,
Environmental Services,
Wokingham District Council,
PO Box 157,
Shute End,
Wokingham,
Berkshire RG40 1WR.



Date: 11.1.2003
Our Ref: AKG/JSG/D3203

Dear Mr. Watson,
Re: **Planning Appeal Cost Claim – 7 Tomlinson Drive, Finchampstead**

I thank you for your letter dated 8th January and set out below a breakdown of my invoices to Mr. Rogers, as requested: -

1) Reading papers and appeal submission	5.60 hrs.
2) Meetings with Appellant and Site Visit. (18.4.2002, 10.6.2002,18.11.02.)	4.20 hrs.
3) Appeal Statement	8.00 hrs.
4) Local Planning Authority Statement & Questionnaire.	1.90 hrs.
5) Attendance at Hearing and Site Inspection	5.60 hrs.
6) Research and Preparation (including opening and closing statements and Costs Application).	7.60 hrs.
7) General Correspondence/Telephone calls and Copying etc.	6.95 hrs.
Total.	39.85 hrs.

I trust this is sufficient for your purposes and look forward to hearing from you in due course.

Yours sincerely,

A.K. Glenister
DGG Planning Limited
Cc
D. Rogers

Registered in England No.2923035

Tel. (0118) 974 6487 (Direct Line)
Fax. (0118) 974 6484
Email. Trevor.Watson@wokingham.gov.uk
Date 8 January 2003
My ref. TGW/SB/F/2002/5753
Your ref. AKG/JSG/D3203

64743

DGG Planning Limited
'Kirkwood'
5 Windermere Close
Winnersh
WOKINGHAM
Berks
RG41 5XW

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham
http://www.wokingham.gov.uk

Dear Mr Glenister

COST CLAIM IN RESPECT OF PLANNING APPEAL AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD

I refer to the above and your letter of 24 December received on 30 December.

Further to this it would be of assistance in assessing your claim if you could provide me with a detailed breakdown for the hours spent and the work involved in each specific aspect of the appeal as detailed. I make these comments in order for me to fully assess the claim and also for the purposes of future accounting/audit.

I look forward to hearing from you.

Yours sincerely

TREVOR WATSON
Development Control Manager

DGG

PLANNING LIMITED

PLANNING SERVICES | DET
POL | TLS
DC | ENF
APP
64743
30 DEC 2002

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
ianlasseter@dggplanning.totalserve.co.uk

The Director of Environmental Services,
Wokingham District Council,
PO Box 157,
Shute End,
Wokingham,
Berkshire RG40 1WR.

Date: 24.12.2002

Our Ref: AKG/JSG/D3203

Dear Sir,

Re: **Planning Appeal – 7 Tomlinson Drive, Finchampstead**

I refer to the above and with reference to the decision of the Planning Inspectorate dated 20th December, to allow my clients appeal against the Council's refusal to grant planning permission, in respect of the development of this site, enclose copy invoices in the sum of £4,530.16 and should appreciate if you could settle this amount with my client, as advised by the Secretary of State's Inspector.

Yours faithfully,

A.K. Glenister
DGG Planning Limited

Cc

Mr & Mrs. Rogers

PLANNING SERVICES
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DC
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CS
30 DEC 2002
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FILE

Mr. & Mrs. D Rogers
7, Tomlinson Drive,
Finchampstead,
Wokingham,
Berkshire RG40 3NZ.

Ref: D3203
Invoice Date: 1st December 2002
Invoice No: G1635

PLANNING FEE ACCOUNT

To: Professional services in connection with proposed dwelling, land adjoining 7 Tomlinson Drive. Discussing Local Authority refusal with you and attending meeting 0n 18th April to consider grounds of appeal. Subsequently submitting appeal to the Planning Inspectorate on your behalf, corresponding with the Planning Inspectorate, Local Planning Authority (LPA) and yourselves in this respect.

Receiving questionnaire from the LPA and drafting Statement as required. Attending site on 10th June to take photographs and exchanging Statements with the LPA. Corresponding with the Planning Inspectorate in respect of the LPA's Statement and subsequently corresponding in respect of the decision of the LPA to grant planning permission for the development of this site. Attending meeting with you in Bracknell on 18th November to discuss the Appeal hearing, researching the Council's records and policy considerations and preparing submissions for Hearing scheduled to be held on 27th November. Attending Hearing and appeal site inspection.

Disbursements - Travel £27.20 Copying £31.61
Photographs £ 6.80 Subsistence £ 4.09

39.85 Hours @ £95.00 per hour

Please note that our terms are strictly 30 days.
Queries must be submitted in writing within 7 days.
VAT No: 632 4498 34

£	Previous	Due	VAT	Total
3785.75	250.00	3535.75	618.76	4154.51
69.70		69.70	12.20	81.90
3855·45 →	250·00 →	4105·45		4236.41

39 hours →

69.70 ← Disbursements

30 hours £2850·00 + 69·70 = £2919·70 × 17·5% = £3430

35 hours £3325·00 + 69·70 = £3394·70 × 17·5% = £3988·77

PLANNING SERVICES	
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30 DEC 2002

COPIES TO	ACK:
	FILE:

Mr. & Mrs.D.Rogers,
7, Tomlinson Drive,
Finchampstead,
Wokingham,
Berkshire.

Ref No: D3203
Order No:
Invoice Date: 23rd. May 2002
Invoice No: G1609

VAT INVOICE

PLANNING FEE ACCOUNT

To: Professional services rendered in connection with proposed dwelling land adj. 7 Tomlinson Drive.

Receiving your instructions to submit appeal to the Planning Inspectorate, in respect of the decision of Wokingham District Council to refuse planning permission for this development.

£293.75 received on account with thanks

Fee claimed up to: 0 %			**Total Estimated Fee:** 0.00	
£	**Previous**	**Due**	**VAT 17½ %**	**Total**
250.00	0.00	250.00	43.75	293.75
0.00	0.00	0.00	0.00	0.00
				293.75

Please note that our terms are strictly 30 days.
Queries must be submitted in writing within 7 days.
VAT No: 632 4498 28

Tel. (0118) 974 6487 (Direct Line)
Fax. (0118) 974 6484
Email. Trevor.Watson@wokingham.gov.uk
Date 11 March 2003
My ref. TGW/SB/F/2002/5753
Your ref. AKG/jcl/D3203

6685-2

Mr A K Glenister
DGG Planning Limited
'Kirkwood'
5 Windermere Close
Winnersh
Wokingham
Berkshire RG41 5XW

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham
http://www.wokingham.gov.uk

Dear Mr Glenister

COST CLAIM IN RESPECT OF PLANNING APPEAL AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD

I refer to the above matter and recent correspondence relating thereto. Please accept my apologies for the delay in coming back to you following on from your letter of 10 February. This has been due to pressures of work within the section due to recent staff shortages.

I have now had the opportunity to consider your more detailed breakdown of the work carried out in relation to this job. I have also had the opportunity to discuss this matter with the Head of Planning and Transportation.

Following on from this, I remain of the view having particular regard to the straightforward nature of the case and the level of professional expertise allotted to dealing with this case from your practice, that the claim remains in excess of the work which was reasonably required to deal with the appeal.

In the circumstances and having regard to the detailed breakdown of work provided, I am now prepared to make an offer of £3750 in full and final settlement of your costs claim.

Please let me have written confirmation of your position, following on from which I will arrange for the payment to be made.

Yours sincerely

TGW

TREVOR WATSON
Development Control Manager

DGG

PLANNING (WOKINGHAM) LIMITED

Mr. T. Watson,
Environmental Services,
Wokingham District Council,
PO Box 157,
Shute End,
Wokingham,
Berkshire RG40 1WR.

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03 MAR 2003

COPIES TO	

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
dgg.ian@virgin.net

28 February 2003
Our Ref: AKG/jcl/D3203

Dear Mr. Watson,

Re: Planning Appeal Cost Claim – 7 Tomlinson Drive, Finchampstead

I refer to my letter dated 10 February and should be pleased if you could settle my clients cost claim as a matter of urgency.

Yours sincerely

Ian Lasseter
DGG Planning (Wokingham) Limited
cc
D Rogers.

DGG

PLANNING (WOKINGHAM) LIMITED

Tel: 01189 018 398
Fax: 01189 619 606
anthony.glenister@ntlworld.com
dgg.ian@virgin.net

POL | DC | APP | CS 65977 | 11 FEB 2003 | COPIES TO | ACK: | FILE:

Mr. T. Watson,
Environmental Services,
Wokingham District Council,
PO Box 157,
Shute End,
Wokingham,
Berkshire RG40 1WR.

Claim £4530.16

Offer £3750??

10 February 2003
Our Ref: AKG/jcl/D3203

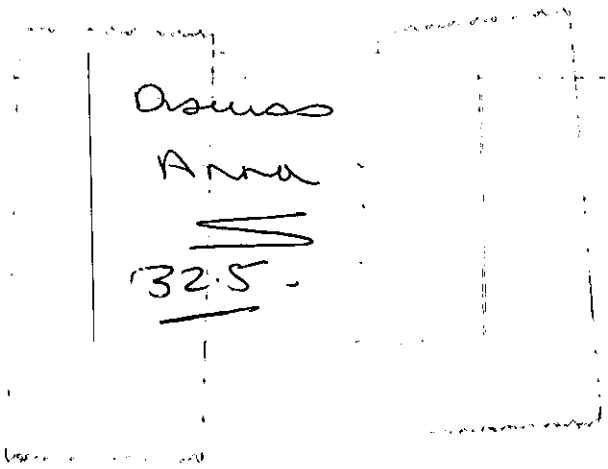
Dear Mr. Watson,

Re: **Planning Appeal Cost Claim – 7 Tomlinson Drive, Finchampstead**

I thank you for your letter dated 6 February our advise the headings set out in my letter are general rather than specific and there is no double counting whatsoever. You do not dispute the hours recorded for attendance at meetings with my client (4.20) or the time recorded for the hearing and subsequent Hearings (5.60).

May I therefore set out the time recorded against this job for your information: -

Date	Action	Hours
17 April	Telephone conversation with appellant re LPA Decision and possible grounds of appeal.	0.50
19 April	Letter to appellant setting out position.	0.35
24 April	Consideration of further plans submitted to LPA plus letter.	0.40
25 April	Faxes to and from clients	0.25
30 April) 2 May)	Copying documents and plans drafting Grounds of Appeal and submission to Planning Inspectorate.	5.60 ?
10 May	Letter from Inspectorate	0.10
21 May	Letter from Inspectorate	0.20
27 May	Receive questionnaire – copying plus letter to client	0.35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4 June	Letter from Inspectorate and reading Appeal Decision letter re 261[A] Nine Mile Park.	0.30
6 June) 10 June) 11 June) 13 June)	Drafting Appeal Statement and copying papers, Correspondence & telephone with Planning Inspectorate re Date of Hearing and with LPA re Local Plan	2.10 0.70 4.70 0.50
24,25 June	Telephone conversations re statement & letter	0.30
11 July	Receive LPA Statement – reading, copying and notes plus corresponding with Inspectorate re Statement & letters of representations.	1.90
20,23 September	Consideration of correspondence between LPA and client re planning permission granted by LPA-consideration of plans approved by LPA-corresponding with Inspectorate re issues to be considered at Hearing.	2.40
25,26 September 7,8,9,16 October	Telephone conversations	0.90
17 October	Correspondence with Planning Inspectorate and LPA re amended proposals.	1.00
11 November	Telephone conversation Preparing for Hearing	0.10 0.70
18 November	Correspondence with client & LPA	0.40
20 November	Preparations for Hearing reading papers etc, notes and opening submission.	2.50
21 November	Correspondence from LPA, fax from client Preparation for Hearing – closing submission	0.20 2.10
22 November	Telephone conversation plus Preparation for Hearing-Costs Application	2.30
25 November	Fax from Architect plus plans	0.20
	Hours	31.05
	Meetings and Hearing (including Appeal Site Inspection)	9.80
	Total Hours	**40.85**

You will note my practice in fact recorded 40.85 hours against this matter and not the 39.85 set out in my letter and invoiced to the Client. This would appear to be a mistake on my behalf. I trust however, the information set out is sufficient for your purposes and you are now able to settle my client's costs in full.

Yours sincerely

A. K. Glenister
DGG Planning (Wokingham) Limited
cc
D Rogers

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

64516

PLANNING SERVICES	HPT
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APP	
C:	

23 DEC 2002

COPIES TO | Your Ref: F/2002/5753 | FILE:

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

Our Ref: APP/X0360/A/02/1089842

Date: 20 December 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

I enclose a copy of our Inspector's decision on the above appeal together with a copy of the decision on an application for an award of costs.

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

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

Phone No. 0117 372 8252

Fax No. 0117 372 8139

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

Yours faithfully

Mrs Margaret Pocock

COVERDL2

The Planning Inspectorate

Award of appeal costs:

Local Government Act 1972 - section 250(5)

How to apply for a detailed and independent assessment when the amount of an award of costs is disputed

This note is for general guidance only. If you are in any doubt about how to proceed in a particular case, you should seek professional advice.

If the parties cannot agree on the amount of costs to be recovered either party can refer the disputed costs to a Costs Officer or Costs Judge for detailed assessment[1]. This is handled by:

The Supreme Court Costs Office
Cliffords Inn
Fetter Lane
London EC4A 1DQ
DX 44454 Strand
(Tel: 020 7947 7314).

But before this can happen you must arrange to have the costs award made what is called an order of the High Court[2]. This is done by writing to:

The Crown Office
Royal Courts of Justice
Strand
London WC2A 2LL.

You should refer to section 250(5) of the Local Government Act 1972, and enclose the original of the order of the Secretary of State, or his Inspector, awarding costs. A prepaid return envelope should be enclosed. The High Court order will be returned with guidance about the next steps to be taken in the detailed assessment process.

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[1] The detailed assessment process is governed by Part 47 of the Civil Procedure Rules that came into effect on 26 April 1999. You can buy these Rules from Stationary Office bookshops (formerly HMSO) or look at copies in your local library or council offices .

[2] Please note that no interest can be claimed on the costs claimed unless and until a High Court order has been made. Interest will only run from the date of that order.

Tel. (0118) 974 6448 (Direct Line)
Date: November 27, 2002
My ref: F/2002/5753
Your ref: APP/X0360/A/02/1089842

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

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

Dear Mrs Pocock

APPEAL BY: Mr D Rogers
SITE: 7 Tomlinson Drive, Finchampstead

With reference to this appeal, I enclose 2 copies of letters requested by the Inspector at today's Informal Hearing. Unfortunately he left without them. Could you forward them to him please?

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel: (0118) 974 6492 (Direct Line)
E-Mail: Natalie.Brown@wokingham.gov.uk
Date: 6 September 2002
My ref: NB/TW/F/2002/5753

Miss Kate Hallett
The Planning Inspectorate
3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6NP

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

Dear Miss Hallett,

APPLICATION: F/2002/5753
APPEAL REF: APP/X0360/A/02/4089842
SITE: 7 TOMLINSON DRIVE, FINCHAMPSTEAD
APPEAL BY: MR D ROGERS

In view of the approval of application F/2002/6138 (dated 12/07/2002) at 7 Tomlinson Drive for a detached bungalow at 7 Tomlinson Drive, the Council wishes to withdraw its objection on the above appeal in relation to being overbearing to neighbouring properties.

I trust this advice is of use to you and should you wish to discuss any matter further please do not hesitate to contact Natalie Brown.

Yours sincerely

NAB

Natalie Brown
Planning Officer

Cc: Mr Rogers, appellant

Tel: (0118) 974 6492 (Direct Line)
E-Mail: Natalie.Brown@wokingham.gov.uk
Date: 9 September 2002
My ref: NB/TW/F/2002/5753

Mr D Rogers
7 Tomlinson Drive
Finchampstead
Berks
RG40 3NZ

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

Dear Mr Rogers,

APPLICATION: F/2002/5753
APPEAL REF: APP/X0360/A/02/4089842
SITE: 7 TOMLINSON DRIVE, FINCHAMPSTEAD
APPEAL BY: MR D ROGERS

Please find attached a copy of the letter sent to the Planning Inspectorate in relation to the above appeal.

I trust this advice is of use to you and should you wish to discuss any matter further please do not hesitate to contact me on the number above.

Yours sincerely

NAB

Natalie Brown
Planning Officer

Tel. (0118) 974 6448 (Direct Line)
Date: November 1, 2002
My ref: F/2002/5753
Your ref: APP/X0360/A/02/1089842

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

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

Dear Mrs Pocock

APPEAL BY: Mr Rogers
SITE: 7 Tomlinsonn Dve, Finchampstead

With reference to this appeal, I enclose 2 copies of the Hearing date notification letter.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: June 24, 2002
My ref: F/2002/5753
Your ref: APP/X0360/A/02/1089842

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
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Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Mr D Rogers
SITE: 7 Tomlinson Drive, Finchampstead

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 23, 2002
My ref: F/2002/5753
Your ref: APP/X0360/A/02/1089842

WOKINGHAM UNITARY
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Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
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Berkshire RG40 1WR
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Mr D Rogers
SITE: 7 Tomlinson Dve, Finchampstead

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: May 23, 2002
My ref: F/2002/5753
Your ref: D3203

WOKINGHAM UNITARY
Aiming for Excellence

DGG Planning Ltd
5 Windermere Close
Winnersh
Wokingham
RG41 5XW

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

Dear Sirs

APPEAL BY: Mr D Rogers
SITE: 7 Tomlinson Dve, Finchampstead

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

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

3/03 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

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21 MAY 2002
COPIES TO

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

Your Ref: F/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 20 May 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

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

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

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

The date of this letter is the **starting date** for the appeal.

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

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies to the appellant and me.

Within 6 weeks from the starting date -

You and the appellant must submit 2 copies of your hearing statement to me. I will send a copy of your hearing statement to the appellant and send you a copy of their hearing statement. You and the appellant must send a copy of your hearing statements to any statutory parties. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

You **must keep to the timetable** set out above and ensure that your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeal

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

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

Yours faithfully

CR

pp.

Mrs Margaret Pocock

H4B(BPR)

Questionnaire

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

Hearing Statement

In your hearing statement you will need to give full details of the case which you will put forward at the hearing. You must include copies of any documents, including copies of maps and plans, to which you intend to refer. Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. The format of a statement for hearing cases is in Annex 2(i) of DETR Circular 05/2000.

Statutory parties

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

Late Representations

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

Costs

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

Planning obligations - Section 106 agreements

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

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

The Planning Inspectorate

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

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CS DG	
10 MAY 2002	
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	FILE

NAB

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

Your Ref: F/2002/5753

Our Ref: APP/X0360/A/02/1089842

Date: 9 May 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

I enclose a copy of my letter to the agent relating to the above appeal.

Yours faithfully

KF
Mrs Margaret Pocock

211AL(BPR)

The Planning Inspectorate

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

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Fax No 0117-3728624
GTN 1371-6079

Dgg Planning Ltd
Kirkwood
5 Windermere Close
Winnersh, Wokingham
Berkshire,
RG41 5XW

Your Ref: D 3203

Our Ref: APP/X0360/A/02/1089842

Date: 9 May 2002

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D ROGERS
SITE AT 7 TOMLINSON DRIVE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NZ

Thank you for sending us the above appeal.

I have checked the appeal documents but you have not included those on the attached checklist [201A]. Please send one copy of these to me at the above address as soon as possible. If you do not have them, you may be able to obtain copies from the LPA.

Please remember that there is a 6 month deadline for the submission of all your outstanding appeal documents. This deadline runs from the date of the LPA's refusal notice or, if your appeal is against the LPA's failure to make a decision, from the end of the 8 week period (or such longer period you have formally agreed) which the LPA had to determine the application. **If we have not received all your appeal documents by the 6 month deadline, we will not be able to proceed and your appeal** will be turned away.

If you have any queries about this letter, please phone or write to me.

Yours faithfully

KF

Mrs Margaret Pocock

213(BPR)

The Planning Inspectorate

Remember we must receive these outstanding documents before the deadline for submitting appeals expires.

You need to send:

- A copy of the site ownership certificate sent with the planning application.

Please give our reference number when you reply.

APP/X0360/A/02/1089842

The Planning Inspectorate
3/03 Kite Wing
Temple Quay House
2 The square
Temple Quay
Bristol
BS1 6PN

201A(BPR)

The Planning Inspectorate,
Customer Support Unit,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol BS1 6PN.

Date: 2.5.2002

Our Ref: AKG/JSG/D3203

Dear Sirs,

Re: **7 Tomlinson Drive, Finchampstead.**

I refer to the above and enclose herewith completed form, in respect of my clients appeal against the decision of Wokingham District Council to refuse planning permission for the erection of one dwelling on land at 7 Tomlinson Drive, Finchampstead.

You will note my clients wish this matter to be considered at an informal hearing and I await details in this respect. I would only add, my clients are aware an appeal has also been submitted in respect of premises situated at 261A Nine Mile Ride, Finchampstead and you may wish to note your records accordingly.

Yours faithfully,

A. K. Glenister
DGG PLANNING LTD

cc
Mr. & Mrs D. Rogers
Wokingham District Council

GROUNDS OF APPEAL - 7 Tomlinson Drive, Finchampstead.

The application, the subject of this appeal was submitted to the Local Planning Authority on 23rd January 2002. The application was accompanied by copy plans 1485/03 dated January 2002 giving details of the site's location in relation to adjoining dwellings, how the site was to be laid out and elevation details. The plans also included a section drawing showing the relationship between the proposed dwelling, the existing dwelling at 7 Tomlinson Drive and adjoining at 261A Nine Mile Ride.

The application also followed discussions with the Planning Officers at Wokingham District Council (see copy plans marked A & B enclosed) during which the appellants were advised there was no in principle objection to the development of the appeal site by the erection of a dwelling on the appeal site - (see copy letter dated 14th December enclosed).

It is appreciated the Planning Officer indicated the design of the dwelling shown on Plan A was unlikely to be considered acceptable, but added "we consider that a two bedroom bungalow on the site may be acceptable."

Revised plans were therefore submitted to the Officer (Plan B) for consideration, shortly followed by the application, the subject of this appeal. Indeed the Officer subsequently indicated the proposals shown on Plan B were entirely acceptable and consequently, the appellants were confident the application proposals would be duly approved.

In the event, the application was refused under Officer Delegation for the reasons stated in the Decision Notice dated 7th March 2002, but it should be noted the appellants endeavoured to submit amended plans which would have overcome the Authority's concerns regarding overlooking (see below), only to be told it was the Council's practise to determine applications as submitted and any amendments should be the subject of a new application.

The appellants have therefore, without prejudice to this appeal, submitted a revised application to the Authority for consideration and a further appeal will be submitted should that application also be refused. On the other hand, it is not accepted the appeal proposals would in any case be overbearing or cause overlooking and certainly not detrimental to residential amenity or contrary to the provisions of the Development Plan.

To the contrary, it is the policy of the Local Planning Authority to permit development within the settlement boundary of Finchampstead and unless it can show, by objective analysis, that the proposed dwelling will cause DEMONSTRABLE HARM to the amenity of adjoining residents, the appeal should be allowed and planning permission granted in accordance with the provisions of the Development Plan.

It is understood the adjoining occupiers at 261A Nine Mile Ride expressed concern inter alia re loss of light to their property, the appellants submit however, by reference to the Building Research Establishment's Report 1991, the occupants of the adjoining dwelling situated at 261A Nine Mile Ride will not experience any undue loss of daylight and sunlight. This is accepted by the Local Planning Authority.

Likewise given the new building will be situated some 7.0 metres from 261A Nine Mile Ride, it is not accepted the new dwelling will be overbearing, given the proposed dwelling is primarily of single storey form. Moreover, the main windows in their property do not face the proposed dwelling and clearly the outlook of the occupants will be unaffected,

In any case the owners of that property are proposing to replace that dwelling and whilst planning permission has been refused, and an appeal against the decision of Wokingham District Council not to grant planning permission has been submitted to the Inspectorate, it is understood those proposals take account of the proposals, the subject of this appeal.

Indeed it is relevant to note the appellants in that case have also submitted their proposals would not have an overbearing effect upon neighbouring properties and in that respect state:-

> "With regard to the issue of overbearing impact, this is far more of a subjective assessment. In my opinion, the proposed dwelling will be sited as far away as possible from nos. 105 and 107, with a ridge height of under 7 metres and a design in keeping with the local vemacular. Such a dwelling, in this location, will not have an overbearing impact upon neighbouring properties. The exercise with regard to daylighting, see above, demonstrates that the dwelling will be sufficiently far away from the neighbours to not have an adverse effect upon them. The modest proposed dwelling will not be large and imposing right on the site boundary. The dwelling will be modest, attractive and sympathetic to neighbours. No overbearing impact will occur if the proposal goes ahead."

The appellants do not wish to comment on the merits or otherwise of that proposal, but the owners have clearly accepted a close relationship between properties and in the circumstances, could not reasonable object to the proposals, the subject of this appeal.

As regards overlooking, the appellants are at a loss to understand this reason for refusal. The Officer's appraisal (copy enclosed) indicates concern regarding possible overlooking of the side garden to 9 Tomlinson Close, but it should be appreciated the appellants offered to delete the window in the front elevation and fenestrate the return elevation, facing towards the site access (see above). Revised plans are therefore being prepared, for consideration as part of the appeal, but in any case, it is submitted the matter can properly and reasonably be addressed by condition on the grant of planning permission, if considered necessary.

On the other hand it will seen on the site inspection that, as shown on the submitted plans, the boundary between the appeal site and 9 Tomlinson Close is not only screened by 1.8m. high fencing, but also by extensive planting in the garden to that property.

The bedroom window would also face only a small part of the side garden to that property and not the main amenity area which remains secluded. Indeed this part of the garden is 28 metres deep and the appellants simply do not accept there will be any undue overlooking caused as a consequence of these proposals.

For the above reasons, the appellants are of the opinion the appeal should be allowed. They must however reserve the right to add to or amend these grounds of appeal on receipt of the Council's Statement and/or at the Hearing in the light of the evidence submitted thereto.

DGG PLANNING LTD

The Planning Inspectorate

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

For official use only
Date received

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our diversity helpline on 0117 372 8939.

Please use a separate form for each appeal

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

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

A. APPELLANT DETAILS

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

Name Mr D. Rogers

Address 7 Tomlinson Drive. Finchampstead

Postcode

Daytime phone no

Fax no

E-mail address

B. AGENT DETAILS (if any)

Name DGG. Planning Ltd.

Address Kirkwood 5 Windermere Close Winnersh Berkshire

Postcode RG41 5XW

Your reference D 3203

Daytime phone no 0118 9 018798

Fax no 01189619606

E-mail address anthony.glenete@ntl.world.c

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Wokingham District Council

LPA's application reference no F/2002/5753

Date of the planning application 23 1 02

Date of LPA's decision notice (if issued) [illegible]

D. APPEAL SITE ADDRESS

Address 7 TOMLINSON DRIVE.

FINCHAMPSTEAD

WOKINGHAM

Postcode

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

E. DESCRIPTION OF THE DEVELOPMENT

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

Size of the whole appeal site (in hectares)

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

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

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

or

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

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

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

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

*Please tick **one** box only* ✔

1. WRITTEN REPRESENTATIONS ☐

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

2. HEARING ☑

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

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

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

3. INQUIRY ☐

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

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

H. GROUNDS OF APPEAL

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

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

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

Please continue on a separate sheet if necessary.

See Separate Sheet

H. GROUNDS OF APPEAL (continued)

I. APPEAL SITE OWNERSHIP DETAILS

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

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

CERTIFICATE A ☐

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

OR

CERTIFICATE B ☐

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

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

CERTIFICATES C and D ☐

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

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

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

✔

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

OR

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

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

J. ESSENTIAL SUPPORTING DOCUMENTS

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

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

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

7.	**Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: N/A	☐
8.	Any relevant **correspondence** with the LPA. N/A	☐
9.	If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose: N/A	
	(a) the relevant outline application;	☐
	(b) all plans sent at outline application stage;	☐
	(c) the original outline planning permission.	☐
10.	If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. N/A	☐
11.	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). N/A	☐
12.	If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. N/A	☐

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

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not, your appeal will not normally be accepted).*
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature DQP PLANNING LTD (on behalf of) M D RIGBY

Name (in capitals) A.K. GLENISTER Date 30.4.02

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

NOW SEND:

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

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

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

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid and who is dealing with it.
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for us receiving further information or representations.

   YOU MUST KEEP TO THE TIMETABLE
   If information or representations are received late we may disregard them. They will not be seen by the Inspector **but will be sent back to you.**
4) Tell you about the arrangements for the site visit, hearing or inquiry.

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

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Notes

1st Pre-app you have a copy

All dimensions and levels on site are to be checked prior to commencement of work.

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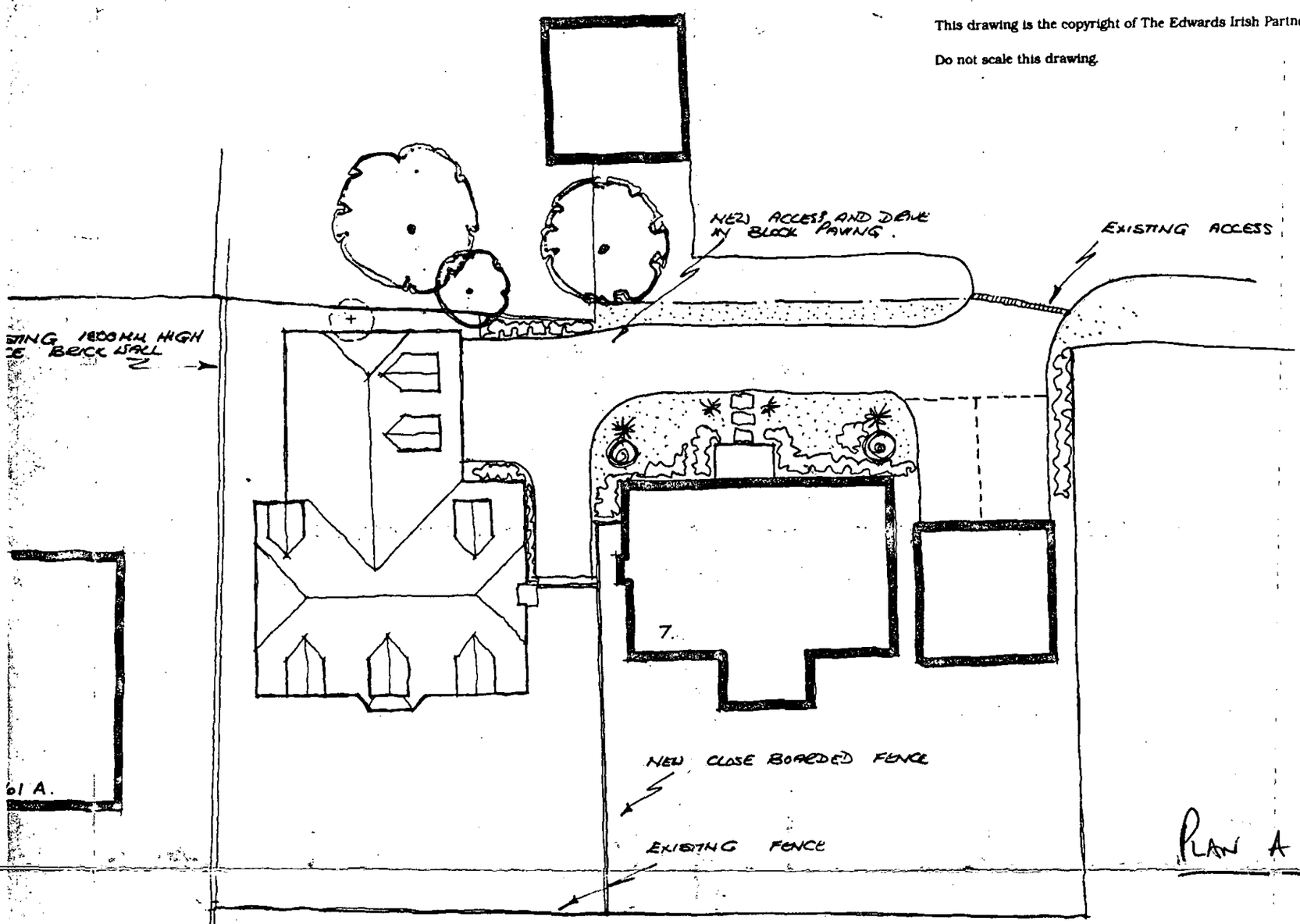
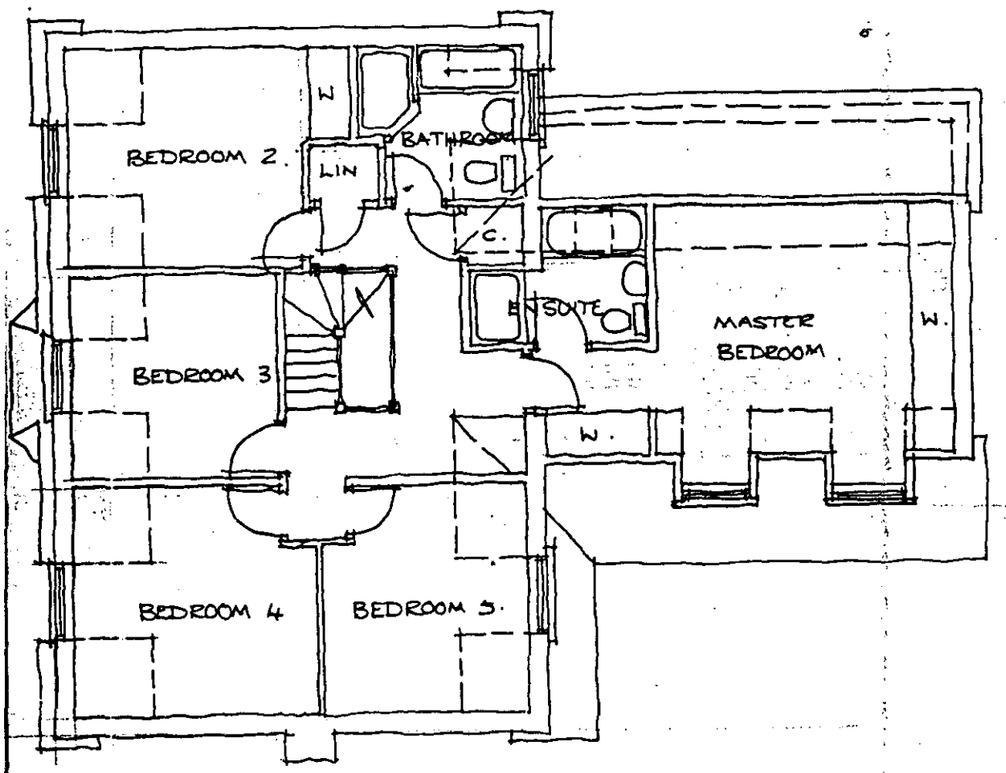
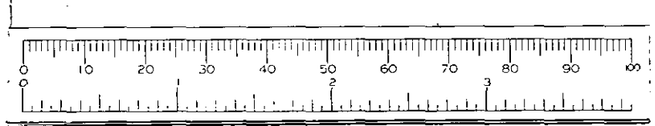


PLAN A

SITE PLAN 1:200



FIRST FLOOR.



Project

PROPOSED DETACHED HOUSE
7 TOMLINSON DRIVE
FINCHAMPSTEAD
WOKINGHAM
BERKS

Client

MR & MRS D ROGERS.

Drawing

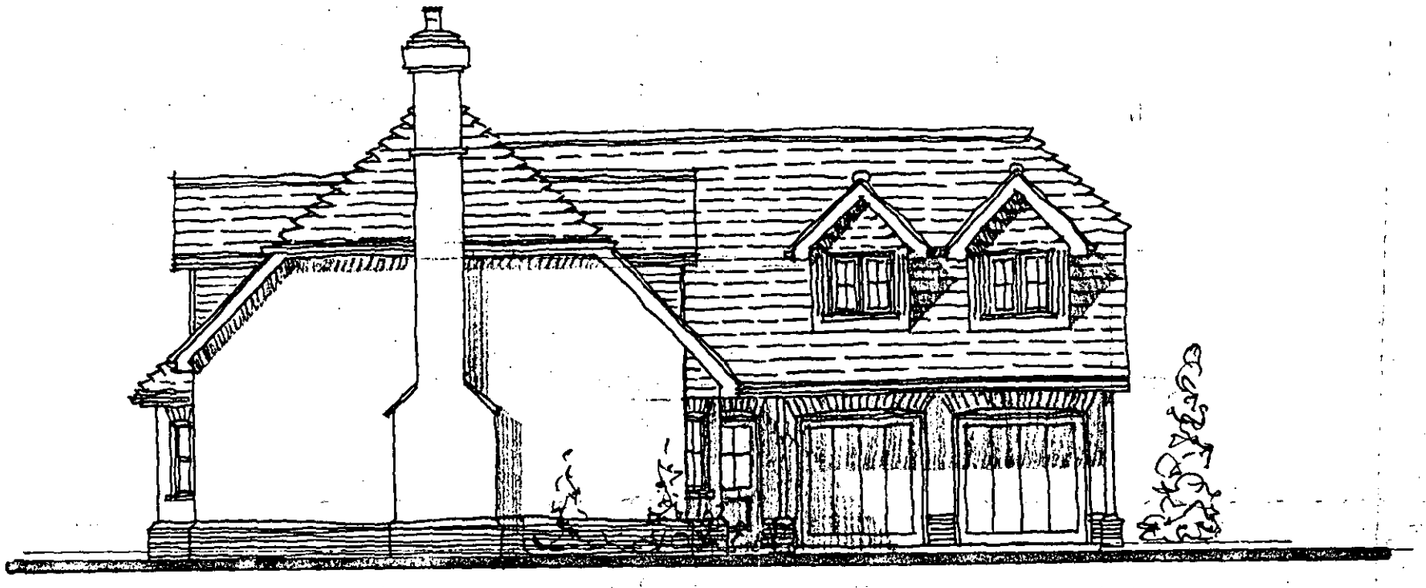
SKETCH PLANS

Scale 1:100

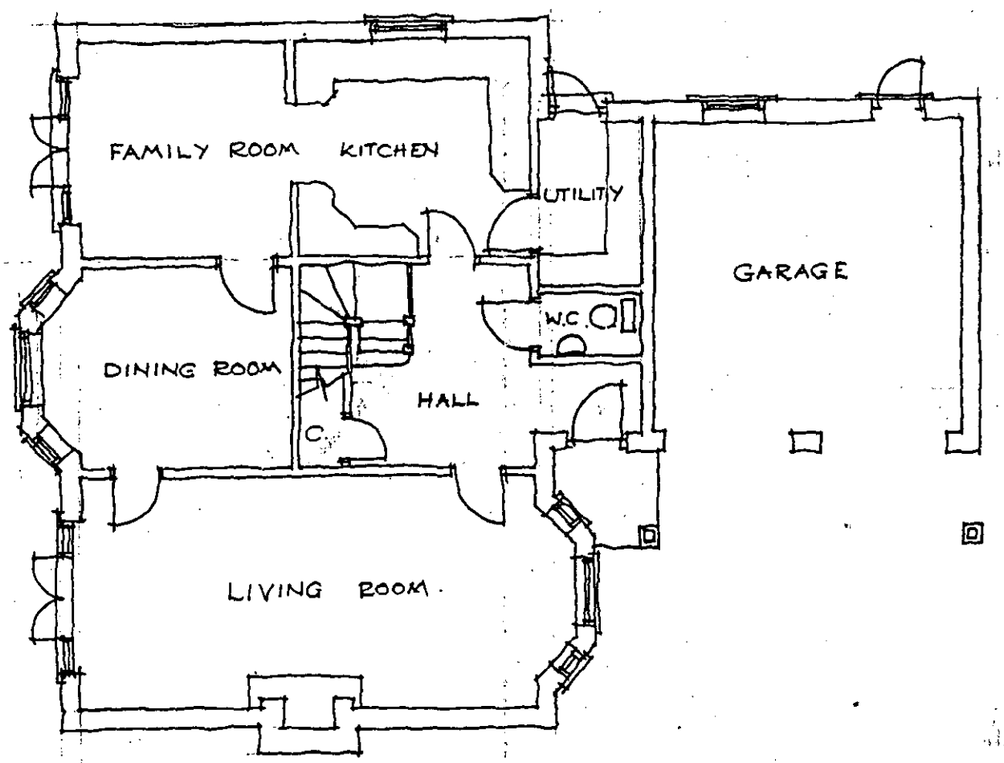
Date OCTOBER 200.

The Edwards Irish Partnership
Architects & Surveyors
36 Langborough Road, Wokingham, Berks. RG40 2BT
Tel: 0118-989-4403 Fax: 0118-989-4383 E-mail: the.eip@virgi

Job 1485 Dwg. 01 SK.



FRONT ELEVATION



GROUND FLOOR





SITE SECTION A-A

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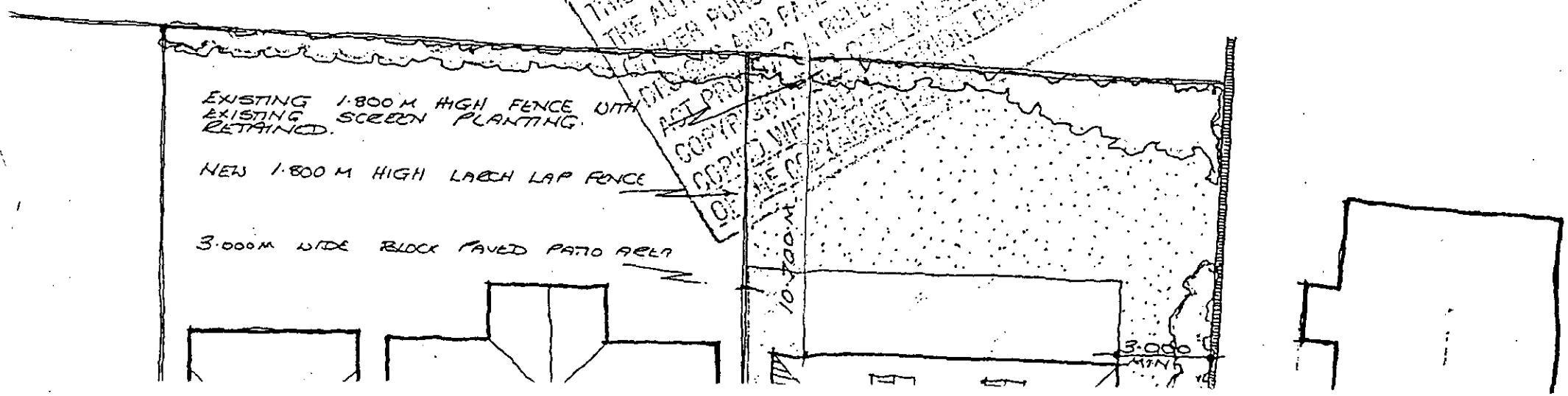

Notes

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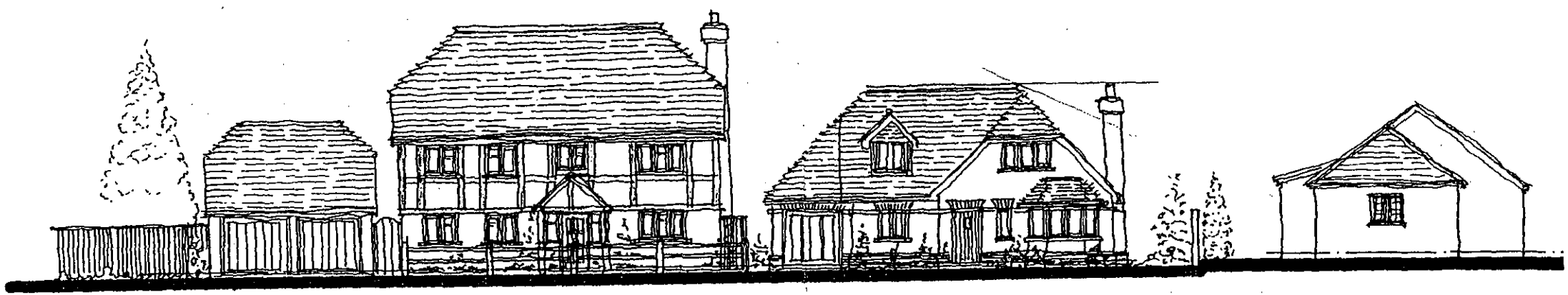

Nº 7 NEW DWELLING Nº 261a

SITE SECTION A-A