SYSTEMS LTD

SOUTHPORT U.K. Tel.01704-26866 Fax.01704-25814
LONDON OFFICE Tel.0171-377-1777 Fax.0171-247-6181

APPLICATION NO:
F/2002/6102

LOCATION:
2 Rook Close, Wokingham.

APPLICANT:
Mr T Carne

PROPOSAL:
Proposed erection of replacement garden shed. (retrospective)

EARLIEST DATE FOR DECISION: ***14/04/2002***

APPLICATION WILL HAVE EXPIRED ON:
06/05/2002

CASE OFFICER: **Francis Leo**

54

DO

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr T Carne
2 Rook Close
Wokingham
Berks
RG41 3SQ

Application Number: F/2002/6102

Parish: **WOKINGHAM**

Location: **2, Rook Close, Wokingham.**

Proposal: **Proposed erection of replacement garden shed. (retrospective)**

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

Reason
1. The shed because of its size, height, colour and location, almost at the centre of Rook Close, would be detrimental to the visual amenities of the surrounding properties. As such the proposal would be contrary to policy SBE2 of the South East Area Local Plan.

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

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

Informative
2. The applicant is invited to discuss with officers an alternative scheme with a view to an approval.

Anna Cronin
Head of Planning & Transportation
Date: 02/05/2002

Notice checked by: _____

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

Appeal Decision

Site visit made on 29 October 2002

by Philip Major BA(Hons) 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

26 NOV 2002

Appeal Ref: APP/X0360/A/02/1093070
2 Rook Close, Woosehill, 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 T Carne against the decision of Wokingham District Council.
- The application (Ref. F/2002/6102), dated 25 February 2002, was refused by notice dated 2 May 2002.
- The development proposed is a garden shed to replace a previous shed on the same site.

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

Procedural Matters

1. The development to which this appeal relates has already been carried out and I will therefore treat this case as being for the retention of the garden shed.

Main Issue

2. I consider that the main issue in this appeal is the effect of the development on the character and appearance of the locality.

Planning Policy

3. The development plan comprises the Berkshire Structure Plan 1991 – 2006 of 1997, and the South East Area Local Plan of 1994. Policy EN1 of the Structure Plan seeks to protect and enhance the character and quality of the environment in built up areas by ensuring high quality development which is appropriate in, amongst other things, scale, form, impact, siting and design. Policy SBE1 of the Local Plan also requires a high standard of design appropriate to the character of the area so that it makes a positive contribution to its setting. Policy SBE2 seeks to restrict development which would adversely affect the character of an area by virtue of its siting, scale, form, massing, materials, colour or texture.

4. The emerging Wokingham District Local Plan Deposit Draft was published in February 2000. Policies WOS3 and WBE1 have similar aims to those of the development plan in that they seek to ensure development is of high quality, appropriate to its locality, and avoids detriment to the amenities of adjoining land uses and occupiers.

Reasons

5. The residential area within which Rook Close is located is relatively modern and exhibits a wide range of house sizes, styles and building materials, including dark stained weatherboarding. Many of the dwellings are set behind open plan front gardens, but many are so arranged that there are boundary walls or fences between house elevations and roadways. I noted examples of domestic extensions and outbuildings which are visible above some of these boundary walls and fences. Rook Close itself is a small cul de sac which has examples of both open plan and fenced garden areas.

6. The shed in question is located to the side of No 2, behind an existing fence which abuts an accessway serving other dwellings. I understand that the shed is located on the site of a former, smaller structure. The new shed is clearly visible above the fence, and is in view from much of the cul de sac and the windows of several houses. Although visible it is not, in my judgement, especially large as a domestic outbuilding. It seems to me that its current level of prominence stems partly from the fact that it is new and unweathered, partly from its colour, and partly from the level of the garden in relation to most of Rook Close.

7. On the other hand the shed is seen against a backdrop of other buildings from many aspects, is filtered by an existing tree from one direction, and is partly hidden by the existing fence. In my opinion the present rather stark appearance would be likely to weather over time, and therefore reduce its impact. A more immediate impact could be achieved by painting the shed a darker colour, similar to the weatherboarding on local houses, and this could be required by condition. In such circumstances I am satisfied that the shed would not be unduly prominent, and its design, scale and siting would not be unacceptably harmful to the character and appearance of the locality. As such it would not conflict with the objectives of Policies EN1, SBE1 and SBE2 of the development plan, nor with policies of the emerging plan.

Conditions

8. I agree with the Council that a condition requiring the painting of the shed would be necessary in the event of permission being granted, in the interests of visual amenity.

Conclusions

9. For the reasons given above and having regard to all other matters raised, including those matters to which I can afford little weight, such as the nature of covenants and access over private land, I conclude that the appeal should be allowed.

Formal Decision

10. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the retention of a garden shed to replace a previous shed on the same site at 2 Rook Close, Wokingham in accordance with the terms of the application [Ref. F/2002/6102] dated 25 February 2002, and the plans submitted therewith, subject to the condition that within 3 months of the date of this permission the shed hereby permitted shall be painted a colour which shall first have been agreed in writing with the local planning authority, and shall be so retained.

Information

11. 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.

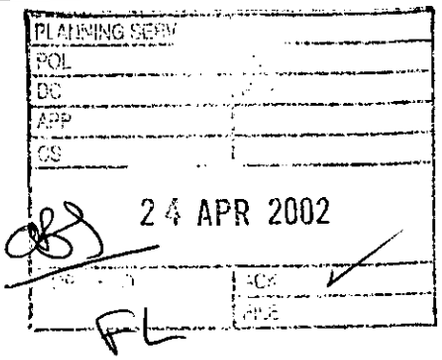
12. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

13. 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.

P Major.

INSPECTOR

Ian Jordan



From: WebComments@wokingham.gov.uk
Sent: 23 April 2002 22:34
To: ian.jordan@wokingham.gov.uk
Subject: Comments on Planning Applications

****

NatureofEmail: Support
ApplicationNumber: F20026012
Correspondent_FullName: Mrs. Pamela Nolan
Correspondent_StreetAddress: 7 Rook Close
Correspondent_Address2: Woosehill
Correspondent_Town: Wokingham
Correspondent_County: Berks
Correspondent_PostCode: RG41 3SQ
Correspondent_Telephone: 9619931
Correspondent_Email: nolan.family@ntlworld .com

Comments:

The objection to the shed at No. 2 Rook Close is without cause. We live opposite the said house and do not find the shed offensive - in fact this house is probably the best kept house in the Close. The gentleman in No. 6 does not speak for the residents of Rook Close and I would not like anyone to think he does.

6102
Had been filed on application 6012. Transferred to 6102 on 28/11/03.

WORK SHEET FOR : Francis Leo

Application Number : F/2002/6102

Applicant : Mr T Carne .

Location : 2, Rook Close, , Wokingham.
Proposal : Proposed erection of replacement garden shed. (retrospective)

Site Notice Displayed ? :

YES	NO	DATE
✓		21 March 02

Date of Neighbour Notifications : .....

Date of Site Visit : 22/4/02

Date Registered : 11/03/2002

Earliest Date for Decision : 14/04/2002

Latest Consultation Date/Site Notice Expiry Date : 14/04/2002

This application will have expired on: 06/05/2002. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses : 3 letters of objection and one letter in favour of the proposal.

The objection letters refer mainly to:- spoiling street scene, obtrusive colour, located in front garden hence clearly visible. and it is too high in comparison to the previous small sheds that was demolished.

Planning Issues : I'd Sett

SBE1, SBE2

WOS3, WBE1

EN1.

Application Number: F/2002/6102 **Officer : Francis Leo**
2 Rook Close, Wokingham

Appraisal :

Development
Proposed erection of replacement garden shed (retrospective).

The site is a semi-detached property located within the identified settlement of Wokingham.

Impact upon neighbouring properties
There are 4 properties in Rook Close that directly face application site and the shed. There are 3 more properties located towards the south-west corner reached by a private road that is off Rook Close. The shed is in fact in the middle of this residential estate and is clearly visible. Although the brick boundary wall nearest to the shed is approximately 1.4m high with creepers along the wall, the shed towers over the wall.

The height of the shed at the highest part of the ridge is approximately 2.6m, its depth is 1.85m and the width is 3.05m. It has been painted a light cream colour while the rest of the estate is of red brick colour. This in addition to the height of the shed make it stand out prominently to the visual detriment of the neighbouring properties contrary to policy SBE2 of the South East Area Local Plan which aims to resist inappropriate developments in terms of its relationship with adjoining sites and buildings or which would adversely affect the character of the area by virtue of its siting, scale, form, massing, materials, colour or texture.

Impact upon the character of the area
The location of the shed, its colour and height are not in keeping with the character of this Close and is considered to be detrimental to the appearance and character of the area.

1·8m high fencing covered in ivy.
Forward of building line
opening to driveways to goes.

Recommendation : approval ☐ **Refusal** ☑

Application Number F/2002/6102
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal

Reason for refusal

The shed because of its size, height, colour and location, almost at the centre of Rook Close, would be detrimental to the visual amenities of the surrounding properties. As such the proposal would be contrary to policy SBE2 of the South East Area Local Plan.

Informative for approvals

N16

(1)

~~LODDON AREA LOCAL PLAN POLICIES:~~

SOUTH-EAST AREA LOCAL PLAN POLICIES: SBE1 , SBE2

WOKINGHAM DISTRICT LOCAL PLAN POLICIES: WOS3 , WBE1

~~GREEN BELT LOCAL PLAN POLICIES:~~

BERKSHIRE STRUCTURE PLAN POLICIES: EN1

~~MINERALS LOCAL PLAN POLICIES:~~

(2) The applicant is invited to discuss with officers an alternative scheme ~~with~~ with a view to an approval.

RECOMMENDATION AND CONDITIONS/REASONS AGREED: R. McTaggart

(Development Control Manager)

Date: 2.5.02

RECORD OF SITE VISIT

SITE ADDRESS: 2 Rook Close Wokingham.

APPLICATION NUMBER: F/2002/6102

OFFICER: Francis Leo

DATE OF SITE VISIT: 22/4/02

1 SITE/STATUTORY NOTICE DISPLAYED ? Yes.

2. DESCRIPTION OF SURROUNDINGS 2 Storey detached dwellings with integral garages- quiet close. Buildings very close together.

3. DESCRIPTION OF SITE/BUILDING 2 storey bldg. with single storey side at rear reasonable large garden.

4. RELATIONSHIP TO ADJOINING PROPERTIES Shed is a little too high, clearly visible.

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING

LEVELS

BOUNDARY TREATMENT 1.8m high brick boundary wall via point and remaining is timber fence

OTHERS

Applicationo	Name & Address
F/2002/6102	Paul Clarke 5 Rook Close Woosehill WOKINGHAM. RG41 3SQ
F/2002/6102	Jonathon P Lippitt 6 Rook Close WOKINGHAM. RG41 3SQ
F/2002/6102	Mrs Pamela Nolan 7 Rook Close Woosehill WOKINGHAM. RG41 3SQ
Application Refused	Letters sent 08.05.02

WOKINGHAM UNITARY
Aiming for Excellence

PLANNING SERVICES | HPT
POL | TLS
DC FL | ENF
APP |
CS |
08 APR 2002
COPIES TO | ACK
FILE:

6 ROOK CLOSE
WOKINGHAM
BERKSHIRE
RG41 3SQ
Tel. 0118 978 4128 (Home)
Tel. 01895 200503 (Work)

4 April 2002

Mr Francis Leo
Development Control Officer
Environmental Services Department
Planning Services, Wokingham District Council
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

Dear Mr Leo,
Application Number: F/2002/6102
Site Address: 2 Rook Close, Wokingham
Proposal: Proposed erection of replacement garden shed (retrospective)

I wish to comment on the above referenced proposal.

I appreciate that only remarks about planning matters can affect the Council's decision, and I will restrict my comments primarily, but not exclusively, to the accuracy of the statements included in the planning application and to the relevant issues of design, appearance and layout.

The garden shed was erected in May 2001, and Mr Patrick Haran, Planning Enforcement Officer, visited the site at the beginning of June 2001.

I have examined the planning application submitted by the owners of No.2 Rook Close, and I find it to be both inaccurate and incomplete.

Firstly, the shed is described in the proposal as a "replacement garden shed". The answer to question 4 on the planning application states that the shed is 'TO REPLACE PREVIOUS SHED ON THE SAME SITE THAT STOOD FOR 10 YEARS'.

Any garden shed installed previously was considerably smaller - in length, width and height, would have occupied less ground space and was not visible from either the public road or the private access way and driveways to Nos. 3, 4, 5 and 6 Rook Close. Additionally, any shed occupying less ground space would not necessarily have been in the same position. The enclosed photograph demonstrates these points, as no shed can be seen over the fence or wall. I estimate the date of the photograph as late nineties, since there is evidence of building work on the two-storey extension, and the car in the foreground (parked on the access way to Nos.3, 4, 5 and 6) is currently owned by the owners of No.2.

Secondly, the answer to question 6 merely states 'TIMBER'. The example in the question mentions the word 'match'. The shed is CREAM in colour and does not match either the red brick of the house and walls or the dark brown fence that surrounds it.

Thirdly, question 7 asks 'Will the proposal change the pedestrian or vehicle access to the site?' The answer is inaccurately given as 'No'. In actual fact, a gate was installed in the fence, which is described (also erroneously) on the plan as the 'Rear Elevation East', to provide pedestrian access to land where access had been restricted due to the size and position of the shed. Please note this gate is in addition to the gate shown on the 'Side Elevation North'.

In June 2001, having restricted access to a section of land through the erection of the garden shed, the owners installed a gate in the surrounding fence to access the land through trespass. In order to access that land through the gate, the owners of the property have to trespass onto the garage access way owned by No.3 Rook Close. Only the owners of Nos.3, 4, 5 and 6 Rook Close have right of way over the access way to their driveways and properties. The owners of No.2 Rook Close do not have any right of way. This gate opens onto the narrow access way to the driveways of Nos.3, 4, 5 and 6 Rook Close, restricting access to and from the driveways and garages of those properties and causing a hazard to the owners of those properties and their children.

Fourthly, the floor plans and site layout plans give an inaccurate impression of the size of the shed in comparison with the available garden space at No.2. In particular, the plans do not show the extension that occupies a large part of the garden area. In addition, the original garden was not as big as has been drawn on the floor plan. This fact can be ascertained onsite.

In addition to the above, Mr Haran would have noted many of the following points relating to the design, appearance and layout of the garden shed, as well as other related planning considerations, at the time of his visit: -

1. On the question of street-scene and appearance of the building, the SIZE AND COLOUR make it an 'eyesore' for both local residents and visitors, particularly when approaching the access way to Nos.3, 4, 5 and 6 from the public road. To my mind, the effect is similar to that of a 'gatehouse'.

2. The garden shed is several feet taller than the fence and walls that surround the garden of No. 2 Rook Close, as can be seen in the side elevations submitted in the application.

3. The shed is positioned in close proximity to the house - a point that concerned your planning officer, Mr Haran.

4. It is positioned on a part of the property that was originally designated OPEN PLAN (please see reference to this in the original transfer documents for the property and in the attached copy letter from Taywood Homes to the owners of No. 2 Rook Close, dated 13th July 2001).

5. It is further development on a property that has restricted garden space due to previous development - see previous planning approvals and note my comments on the size of the original garden area.

6. The restrictive covenants contained within the original transfer documents (The Third Schedule, paragraph 5) state: -

'No hut shed or building of any description (whether of a permanent or temporary nature) shall be erected on the land hereby transferred except such as shall be in accordance with plans and elevations which shall have been approved in writing by the Vendor or the Vendors' Surveyors for the time being...'

It is my understanding that the owners have not complied with the terms of this paragraph.

Please also note that, at the date of this letter, I have not yet seen an (orange) notice of planning application displayed at or near No.2 Rook Close, in respect of this application.

I enclose the following: -

A. The photograph referred to, showing the fence and walls - at the rear elevation west (not east) - before the installation of the garden shed.
B. Extracts from the original title deeds, showing paragraph 5 of The Third Schedule of the restrictive covenants and a map of the original property (2 pages).
C. A copy of the letter from Taywood Homes to the owners of No.2 Rook Close, dated 13th July 2001.
D. A copy of a letter from Clifton Ingram, Solicitors, to the owners of No.2 Rook Close, sent on behalf of the owners of Nos.3, 4, 5 and 6 Rook Close and dated 15th June 2001 (2 pages).

I trust that you will give serious consideration to my comments during your decision process. Thank you.

Yours sincerely,

Jonathan P. Lippitt (No.6 Rook Close)





H.L.S.F. ESTATES
PHASE 3 AREA 6, WOOS
WOKINGHAM
SCALE 1:1250
1536/84

KEY
PROPOSED ADOPTABLE HIGHWAY (S.40)
PROPOSED OPEN SPACE
PLOT Nos IN HOUSE
POSTAL Nos

OFFICE COPY
GLOUCESTER
DISTRICT LAND REGISTRY

Transfer 11.6.1988

The full right and liberty for the Southern Electricity Board its successors in title servants agents or any others authorised by them to erect and lay and thereafter from time to time repair inspect and maintain re-erect relay replace and remove electric lines cables stays ducts pipes and other apparatus of whatever nature in such manner and in such positions as the Board shall in its absolute discretion determine (the rights hereby reserved to include the right to lay apparatus in addition to that originally laid in contradistinction from and in addition to the right to replace the same) causing as little damage as may be and so far as practicable making good

5 Where the property hereby transferred includes part of a footpath coloured blue on the said plan the full and free right for the owners and occupiers and their successors in title of the properties on the Estate which include part of or abut and are served by the said footpath coloured blue the right to pass and repass on foot only over the said part of the footpath coloured blue included within the property hereby transferred for all reasonable purposes subject to the payment of a fair proportion of the expense from time to time of keeping in repair and renewing the whole of the said footpath

6 Where the property hereby transferred includes part of a garage access way coloured brown on the said plan the full and free right for the owners and occupiers and their successors in title of the properties on the Estate the garages of which abut the said garage access way coloured brown to pass and repass with or without vehicles over the said part of the garage access way coloured brown included within the property hereby transferred for all reasonable purposes subject to the payment of a fair proportion of the expense from time to time of keeping in repair and renewing the whole of the said garage access

THE THIRD SCHEDULE above referred to
(Restrictions and Stipulations)

1. The Purchaser will keep the fences walls or screens on the boundaries or lines marked 'T' within the area of the land hereby transferred on the plan annexed hereto in good and substantial repair and condition

2. The Purchaser will not without the previous consent of the Vendor,
   (a) use the land hereby transferred or permit the same to be used for the purposes of any manufacture trade or business of any description nor for any purpose other than as a private dwellinghouse and a private garage
   (b) place or allow to be placed on any part of the said land any placard or name-plate (other than the name or number of the house)
   (c) keep any caravan on any part of the said land
   (d) install any oil storage tank

3 The Purchaser will not do or permit to be done any act or thing on or about the said land the doing or omission of which shall or may be or grow to be an annoyance nuisance damage danger or disturbance to the Vendor or the owner or occupiers of any part of the Estate

4 The Purchaser will not erect or construct any wall or fence or place or plant any hedge or other means of enclosure in or abutting the front garden of the land hereby transferred unless the Vendor shall have provided a dwarf wall on the front boundary at the time of the initial construction of the said land in which event the Purchaser shall be entitled to repair or replace the same when necessary with a structure as nearly as possible of identical nature

5 No hut shed or building of any description (whether of a permanent or temporary nature) shall be erected on the land hereby transferred except such as shall be in accordance with plans and elevations which shall have been approved in writing by the Vendor or the Vendors' Surveyors for the time being and whose proper and reasonable fee therefor shall be paid by the person submitting such plans and elevations for approval

6 The Purchaser will not erect or permit or suffer to be erected upon any part of the land hereby transferred any external aerial

7. Not to keep on the land hereby transferred or any part thereof any pigeons rabbits pigs or poultry

8. The Purchaser will keep the front garden of the said land in tidy and properly cultivated order and condition

9. The Purchaser will bear and pay a fair and reasonable proportion of the cost of maintaining and repairing any drains sewers pipes wires and cables serving the land hereby transferred and other parts of the Estate other than drains or sewers maintained at public expense

TAYWOOD HOMES

Taywood Homes Limited
Legal Department
Greenham Park House
Chertsey Road
Feltham
Middlesex TW13 4RW
~~Tel 020 8917 7000~~
Fax 020 8893 2415
DX 36104 Feltham
Direct Line 020 8917 7075
Email Address:
Johanna.Perring@taywood.co.ul

01344 426688

Your Ref: JFS3/am/Lippitt
Our Ref: JIP/jrj/

13 July 2001

Mr and Mrs T Carne
2 Rook close
Woosehill
Wokingham
RG41 3SQ

Dear Mr and Mrs Carne

Re: Rook Close

I am now writing to clarify the position regarding the shared Accessway belonging to Numbers 3, 4, 5 and 6 Rook Close adjoining your property (adjoining your South Western boundary). I shall refer to the owners of these houses as "the Owners" throughout.

In the Transfer to each of the Owners from Heron Homesteads now Taywood Homes there is a paragraph which sets out the meaning of the Accessways. This paragraph sets out that the area and Accessway is to be used for foot and vehicular access respectfully by each Owner.

The Owners and any person they so authorise to visit, or otherwise, their property to pass with or without vehicles (this includes cars, Royal mail van, dustbin lorry, you name it, if it is a vehicle). This Right has been conveyed to the Owners and can only be waived or extended by them through legal documentation. This Right is for eternity.

You do not have any right of way whether on foot or by vehicle to use the Accessway. Please therefore refrain from using this Accessway.

Please also note that the front gardens should be open plan.

I certainly hope that this now clarifies the position

Yours faithfully

Johanna Perring
Legal Department

Ian Jordan

From: WebComments@wokingham.gov.uk
Sent: 23 April 2002 22:34
To: ian.jordan@wokingham.gov.uk
Subject: Comments on Planning Applications

****

NatureofEmail: Support
ApplicationNumber: F 2002 6102
Correspondent_FullName: Mrs. Pamela Nolan
Correspondent_StreetAddress: 7 Rook Close
Correspondent_Address2: Woosehill
Correspondent_Town: Wokingham
Correspondent_County: Berks
Correspondent_PostCode: RG41 3SQ
Correspondent_Telephone: 9619931
Correspondent_Email: nolan.family@ntlworld .com

Comments:

The objection to the shed at No. 2 Rook Close is without cause. We live opposite the said house and do not find the shed offensive - in fact this house is probably the best kept house in the Close. The gentleman in No. 6 does not speak for the residents of Rook Close and I would not like anyone to think he does.

Ref - Francis Leo

F/2002/6102

2 Rook Close

5 Rook Close
obs Woosehill
Wokingham
Berks
RG41 3SQ
24 03 02

PLANNING SERVICES	APPT
POL	TLS
DSC FL	ENF
APP	
CS	
23 MAR 2002	
COPIES TO	ACK ✓

Wokingham Unitary

Dear Francis Leo,

At this date we are the owners of 5 Rook Close but are about to exchange contracts prior to completion of sale. We object to the erection of the shed because :-

1/ It spoils the street scene because of its height.

2. It spoils the street scene and is obtrusive because of its colour.
3. It is in the front garden
4. The owner has not been given permission to go onto a driveway belonging to 3, 4, 5, 6 Rook Close to gain access to the rear of the shed.

The prospective owner of 5 Rook Close will be made aware of these objections through our solicitor who is
Sara Kinge Charles Plated & Partners Shute End Wokingham Berks RG40 1BS 9784866.

Yours sincerely

PAUL CLARKE

22-24 Broad Street
Wokingham
Berkshire
RG40 1BA
DX 33500 Wokingham

E-mail: JennySavage@
cliftoningram.co.uk
Direct Line: 0118 912 0299

Clifton Ingram
SOLICITORS

Our ref JFS3/am/Lippitt

15 June 2001

Mr and Mrs T Carne
2 Rook Close
Woosehill
Wokingham
RG41 3SQ

Telephone
0118-978-0099
International
+44-118-978-0099
Fax
0118-977-1122
International
+44-118-977-1122
Web site www.
cliftoningram.co.uk

Partners
Dennis Eyriey
John Housden
James Dyson
Bill Annan
Chris Baggs
Marilyn Young
Melinda Newbery
Jonathan Davis
Ian Graham

Associate Solicitors
Tim Adams
Tina Crow
Anne Deller
Caroline Lindon-Morris
Lisa Phelps
James Procter
Tim Read
Stephanie Rose

Legal Executive
Jenny Savage

Practice Administrator
Jim Paterson

Dear Sir and Madam

We have been consulted by your neighbours, Mr and Mrs Lippitt of 6 Rook Close, Wokingham on behalf of themselves and the owners of nos 3,4 and 5 Rook Close . We understand that in breach of your restrictive covenants in the title to your property you have a garden fence around your property.

Mr Lippitt and Mr Clarke (no 5) visited you last weekend to express their concern that you have now installed a gate in that fence giving access on to land designated as a garage access way (for the use of nos 3,4,5 and 6 Rook Close) and owned by No 3. In addition, the gate opens out onto the driveway, effectively blocking the access.

Firstly, may we point out that you have no rights whatsoever over the garage access way, either of a pedestrian or vehicular nature, and whilst we understand that you have advised our clients and their neighbours that you intend to reverse the gate to open inwards, there is little point in a gate in a fence which, so far as you are concerned, you have no right to use.

Secondly, whilst it will be up to others to enforce the restrictive covenants with regard to the erection of the fence, and indeed the gate itself, we must make it clear that if at any time you seek to use the garage access way and, with respect, there can be little point in having a gateway unless it is your intention to do so, we have advised the owners to apply to the court to obtain a restraining or mandatory injunction to prevent you from doing so. You are aware that the access way is extremely narrow and that it is used by those who do have rights, not only for access to their garages, but also by their young children. We would therefore suggest that to avoid any misunderstandings in the future as to your possible unauthorised use of the access way, the gate should be removed immediately.

Community Legal Service



Regulated by The Law Society in the conduct of investment business

Clifton Ingram
SOLICITORS

We confirm that should it be necessary to apply to the court for an injunction, costs will be claimed against you.

Yours faithfully
Clifton Ingram

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

Tel: 0118 974 6502

Date: 21 March 2002

My ref: F/2002/6102

WOKINGHAM UNITARY
Aiming for Excellence

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

Councillor Marinos
10 Wildcroft Drive
Wokingham
RG40 3NY

Dear Councillor

Application Number: F/2002/6102
2, Rook Close, , Wokingham.
Proposed erection of replacement garden shed. (retrospective)

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

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

If you have concerns about the proposals it may be possible for these to be addressed during the consideration of the application. In these circumstances it would be helpful if you could discuss these with the case officer **Francis Leo** on **0118 974 6502** in the first instance.

Yours sincerely
Trevor Watson
Development Control Manager

LISTING FORM
Case officer: **Francis Leo** Application Number: **F/2002/6102**
2, Rook Close, , Wokingham.
Proposed erection of replacement garden shed. (retrospective)
I wish this application to be listed should the officers recommendation be for: GRANT/REFUSAL and my reasons are:

_____

_____

Should the officers recommendation be in accordance with my views I am happy for the application to be determined under delegated powers. YES/NO

Signed: _____ Date: _____

Councillor Marinos

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

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

Tel: 0118 974 6502

Date: 21 March 2002

My ref: F/2002/6102

WOKINGHAM UNITARY
Aiming for Excellence

Councillor D Morgan
Valois Farm
Range Road
Wokingham
RG40 3NR

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

Dear Councillor

Application Number: F/2002/6102
2, Rook Close, , Wokingham.
Proposed erection of replacement garden shed. (retrospective)

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

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

If you have concerns about the proposals it may be possible for these to be addressed during the consideration of the application. In these circumstances it would be helpful if you could discuss these with the case officer **Francis Leo** on **0118 974 6502** in the first instance.

Yours sincerely
Trevor Watson
Development Control Manager

LISTING FORM
Case officer: **Francis Leo** Application Number: **F/2002/6102**
2, Rook Close, , Wokingham.
Proposed erection of replacement garden shed. (retrospective)
I wish this application to be listed should the officers recommendation be for: GRANT/REFUSAL and my reasons are:

_____

_____

Should the officers recommendation be in accordance with my views I am happy for the application to be determined under delegated powers. YES/NO

Signed: _____ Date: _____

Councillor D Morgan

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

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

Tel: 0118 974 6502

Date: 21 March 2002

My ref: F/2002/6102

WOKINGHAM UNITARY
Aiming for Excellence

Councillor King
C/O Wokingham District Council

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

Dear Councillor

Application Number: F/2002/6102
2, Rook Close, , Wokingham.
Proposed erection of replacement garden shed. (retrospective)

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

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

If you have concerns about the proposals it may be possible for these to be addressed during the consideration of the application. In these circumstances it would be helpful if you could discuss these with the case officer **Francis Leo** on **0118 974 6502** in the first instance.

Yours sincerely

Trevor Watson

Development Control Manager

LISTING FORM

Case officer: **Francis Leo** Application Number: **F/2002/6102**
2, Rook Close, , Wokingham.
Proposed erection of replacement garden shed. (retrospective)
I wish this application to be listed should the officers recommendation be for: GRANT/REFUSAL and my reasons are:

_____

_____

Should the officers recommendation be in accordance with my views I am happy for the application to be determined under delegated powers. YES/NO

Signed: _____ Date: _____

Councillor King

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

Received by Wokingham District Council

Application No: F/2002/6102

Proposal:
Proposed erection of replacement garden shed. (retrospective)

Location:
2, Rook Close, , Wokingham.

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

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

WOODLEY LIBRARY HEADLEY ROAD WOODLEY 9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday and 1.00pm - 4.00pm Sunday. Library closed all day Wednesday. If you intend to view this application at Woodley Library please allow 4 days from the date of this letter for delivery of plans and remember to quote application number F/2002/6102 to enable the library staff to locate the correct information.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Francis Leo P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 14/04/2002. Written comments submitted will become available for public inspection.

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

Trevor Watson
Development Control Manager

21 March 2002

Organisation_Name	Building_Name	address1	Postcode
		1ROOK CLOSEWOKINGHAM	RG413SQ
		2ROOK CLOSEWOKINGHAM	RG413SQ
		3ROOK CLOSEWOKINGHAM	RG413SQ
		4ROOK CLOSEWOKINGHAM	RG413SQ
		5ROOK CLOSEWOKINGHAM	RG413SQ
		6ROOK CLOSEWOKINGHAM	RG413SQ
		7ROOK CLOSEWOKINGHAM	RG413SQ
		8ROOK CLOSEWOKINGHAM	RG413SQ
		9ROOK CLOSEWOKINGHAM	RG413SQ

Neighbours Consulted 21.3.02 F/2002/6102.

6102

11.MAR2002* 6102

Mr T Carne
2 Rook Close
Woosehill
Wokingham
Berkshire
RG41 3SQ
Tel: 0118 9775377

Mr J Hedley,
Planning Enforcement Officer
Environmental Services Department
Planning Services
Wokingham District Council
Shute End
Wokingham
Berkshire
RG40 1WR

Date: 8 March 2002

Your Ref: FS/4458/02/JH

Dear Mr Hedley,

As requested, please find enclosed my planning application for a garden shed to replace the previous shed that stood on the same site for more than 10 years.

Thank you for your assistance in this matter and I look forward to hearing from you in due course.

Yours sincerely



Mr T Carne

Environmental Services

For office use only.
Application number: 11.MAR2002* 6102

Householder planning application form

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

1	Your name	MR T CARNE
	Address and postcode	2 ROOK CLOSE WOOSEHILL WOKINGHAM BERKS RG41 3SQ
	Phone number	
	Agent's Name	
	Address and postcode	N/A
	Phone number	
3	Site We need you to send in six copies of the 1:2500 scale location plan and six copies of the 1:500 scale block plan, with the site outlined in red. You can buy these maps from the Environmental Services reception or order them by phoning 0118 974 6485.	PLANS ATTACHED
4	Give brief details of the proposal for example, two storey side extension. About the application	GARDEN SHED TO REPLACE PREVIOUS SHED ON THE SAME SITE THAT STOOD FOR 10 YEARS
5	Are there any trees on the site? If Yes, please show their positions, spread and species of the trees on the plans. Say which trees you plan to cut down.	Yes ☐ No ☑
6	Please list the external materials you will use for example, red brick to match any existing bricks and dark stained timber.	TIMBER
7	Will the proposal change the pedestrian or vehicle access to the site? Please show details of the existing access and any proposed changes on the plans.	Yes ☐ No ☑
8	Will the car parking provision at the site be changed? If Yes, please show details of any changes on the plans.	Yes ☐ No ☑

3544 Crystal Mark
Clarity approved by Plain English Campaign

Please turn over

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

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

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

Certificate A

I certify that

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

Certificate B

I certify that

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

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

None of the land forms part of an agricultural holding.

Your signature: [signature] on behalf of

Date 25/2/02

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

Application Number : F/2002/6102	Map No : 45A
Case Officer : FL.	Site Area : 0.02
Valid Date : 11-3-02	Received Date: 11/03/2002

Level : Delegated Application

Description : Proposed erection of replacement garden shed. (retrospective)

Location : 2, Rook Close, , Wokingham.

Parish : WK Ward : EVE 21.3.02 JB.

Applicant : Mr T Carne .

Fee Required: £95 Fee Received: £95

Additional: ..... or Refund: .....

Enforcement Section to be notified ☑ JH. 21.3. (tick if required)

Additional information required for validation;

REASON	NOTES	DATE REQ	DATE RECD
LOCATION PLANS	red line to road.		
BLOCK PLANS			
FORMS UNSIGNED			
S.66 MISSING/INCORRECT/ UNSIGNED			
ELEVATION PLANS			
FLOOR PLANS			
NO SCALE OR SCALE IS IMPERIAL			
ENCROACHMENT LETTER REQUIRED			
OTHER	NB: I assume this is already there?		

Is the site in a Conservation Area: ☐ Yes ☐ No If "Yes" which one _____

Is the site a Listed Building: ☐ Yes ☐ No

Is a Statutory Advertisement required: ☐ Yes ☐ No

INTERNAL CONSULTATIONS 21.3.02.

Building Control

Heritage (Harold Sanders)

Landscape

Trees

Environmental Health

Housing

Leisure & Cultural Services

Public Rights of Way Officer

Property

Policy & Plans

Joint Strategic Planning Unit

Archaeological Officer (BABTIE)

Education

Social Services

Highways

EXTERNAL CONSULTATIONS

Adjacent DPA : _____

Adjacent Parish : _____

SEB

British Gas

Oil pipeline

Transco

Environment Agency

Railtrack

Police Arch Officer

HERITAGE BODIES

Victorian Society
The Georgian Group
Ancient Monuments Society
Council for British Arch
RCHME
NRPB (Telecommunications)
Sport England
Society for Proct' of Ancient Bldgs
English Heritage

OTHERS

.....

.....

.....

.....

.....

.....

NEIGHBOURS

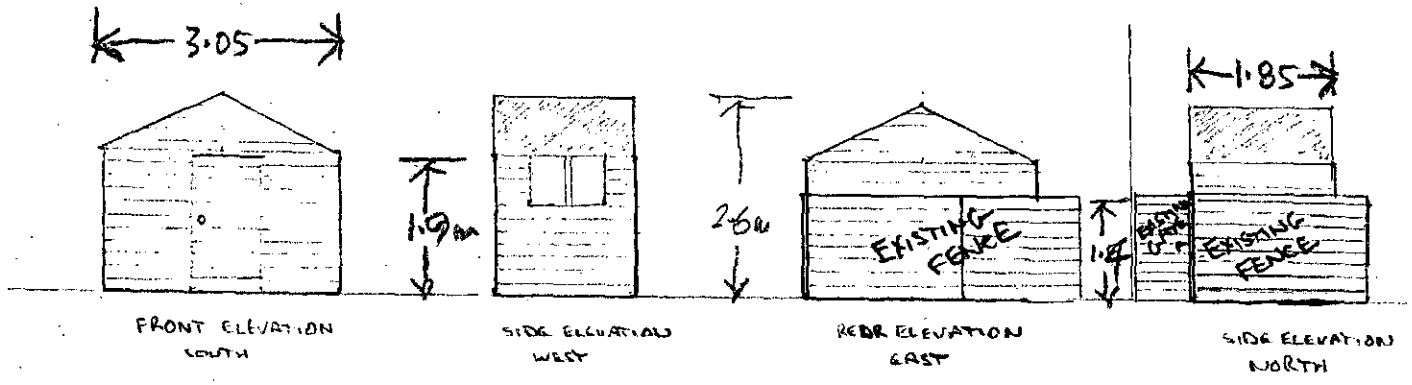
.....

S/N + see map

.....

No pre-apps

PLAN FOR GARDEN SHED - 2 ROOK CLOSE



11.MAR2002* 6102



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.Wokingham District Council Licence LA086134

Development Control Section, Environmental Services, Wokingham District Council.
18 March 2002

Scale: 1 : 1250

N
W E
S

LEX SYSTEMS LTD
SOUTHPORT U.K. Tel.01704-28866 Fax.01704-25814
LONDON OFFICE Tel.0171-377-1777 Fax.0171-247-8181

APPLICATION NO.6102

Name of appellant:
Mr T Carne

Site address:
2 Rook Close

Proposal:Proposed erection of replacemen garden shed (retrospective)

Case Officer:LS

Approved
26/11/02

53

DO

Appeal Decision

Site visit made on 29 October 2002

by Philip Major BA(Hons) 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

26 NOV 2002

Appeal Ref: APP/X0360/A/02/1093070
2 Rook Close, Woosehill, 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 T Carne against the decision of Wokingham District Council.
- The application (Ref. F/2002/6102), dated 25 February 2002, was refused by notice dated 2 May 2002.
- The development proposed is a garden shed to replace a previous shed on the same site.

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

Procedural Matters

1. The development to which this appeal relates has already been carried out and I will therefore treat this case as being for the retention of the garden shed.

Main Issue

2. I consider that the main issue in this appeal is the effect of the development on the character and appearance of the locality.

Planning Policy

3. The development plan comprises the Berkshire Structure Plan 1991 – 2006 of 1997, and the South East Area Local Plan of 1994. Policy EN1 of the Structure Plan seeks to protect and enhance the character and quality of the environment in built up areas by ensuring high quality development which is appropriate in, amongst other things, scale, form, impact, siting and design. Policy SBE1 of the Local Plan also requires a high standard of design appropriate to the character of the area so that it makes a positive contribution to its setting. Policy SBE2 seeks to restrict development which would adversely affect the character of an area by virtue of its siting, scale, form, massing, materials, colour or texture.

4. The emerging Wokingham District Local Plan Deposit Draft was published in February 2000. Policies WOS3 and WBE1 have similar aims to those of the development plan in that they seek to ensure development is of high quality, appropriate to its locality, and avoids detriment to the amenities of adjoining land uses and occupiers.

Reasons

5. The residential area within which Rook Close is located is relatively modern and exhibits a wide range of house sizes, styles and building materials, including dark stained weatherboarding. Many of the dwellings are set behind open plan front gardens, but many are so arranged that there are boundary walls or fences between house elevations and roadways. I noted examples of domestic extensions and outbuildings which are visible above some of these boundary walls and fences. Rook Close itself is a small cul de sac which has examples of both open plan and fenced garden areas.

6. The shed in question is located to the side of No 2, behind an existing fence which abuts an accessway serving other dwellings. I understand that the shed is located on the site of a former, smaller structure. The new shed is clearly visible above the fence, and is in view from much of the cul de sac and the windows of several houses. Although visible it is not, in my judgement, especially large as a domestic outbuilding. It seems to me that its current level of prominence stems partly from the fact that it is new and unweathered, partly from its colour, and partly from the level of the garden in relation to most of Rook Close.

7. On the other hand the shed is seen against a backdrop of other buildings from many aspects, is filtered by an existing tree from one direction, and is partly hidden by the existing fence. In my opinion the present rather stark appearance would be likely to weather over time, and therefore reduce its impact. A more immediate impact could be achieved by painting the shed a darker colour, similar to the weatherboarding on local houses, and this could be required by condition. In such circumstances I am satisfied that the shed would not be unduly prominent, and its design, scale and siting would not be unacceptably harmful to the character and appearance of the locality. As such it would not conflict with the objectives of Policies EN1, SBE1 and SBE2 of the development plan, nor with policies of the emerging plan.

Conditions

8. I agree with the Council that a condition requiring the painting of the shed would be necessary in the event of permission being granted, in the interests of visual amenity.

Conclusions

9. For the reasons given above and having regard to all other matters raised, including those matters to which I can afford little weight, such as the nature of covenants and access over private land, I conclude that the appeal should be allowed.

Formal Decision

10. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the retention of a garden shed to replace a previous shed on the same site at 2 Rook Close, Wokingham in accordance with the terms of the application [Ref. F/2002/6102] dated 25 February 2002, and the plans submitted therewith, subject to the condition that within 3 months of the date of this permission the shed hereby permitted shall be painted a colour which shall first have been agreed in writing with the local planning authority, and shall be so retained.

Information

11. 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.

12. 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.

13. 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.

P Major.

INSPECTOR

WRITTEN REPRESENTATION APPEAL

CASE OFFICER: LS

APPLICATION NUMBER: 6102

APPELLANT: Mr T Carne

SITE: 2 Rook Close, Wokingham

APPEAL REF: APP/X0360/A/02/1093070

START DATE: 24/06/02

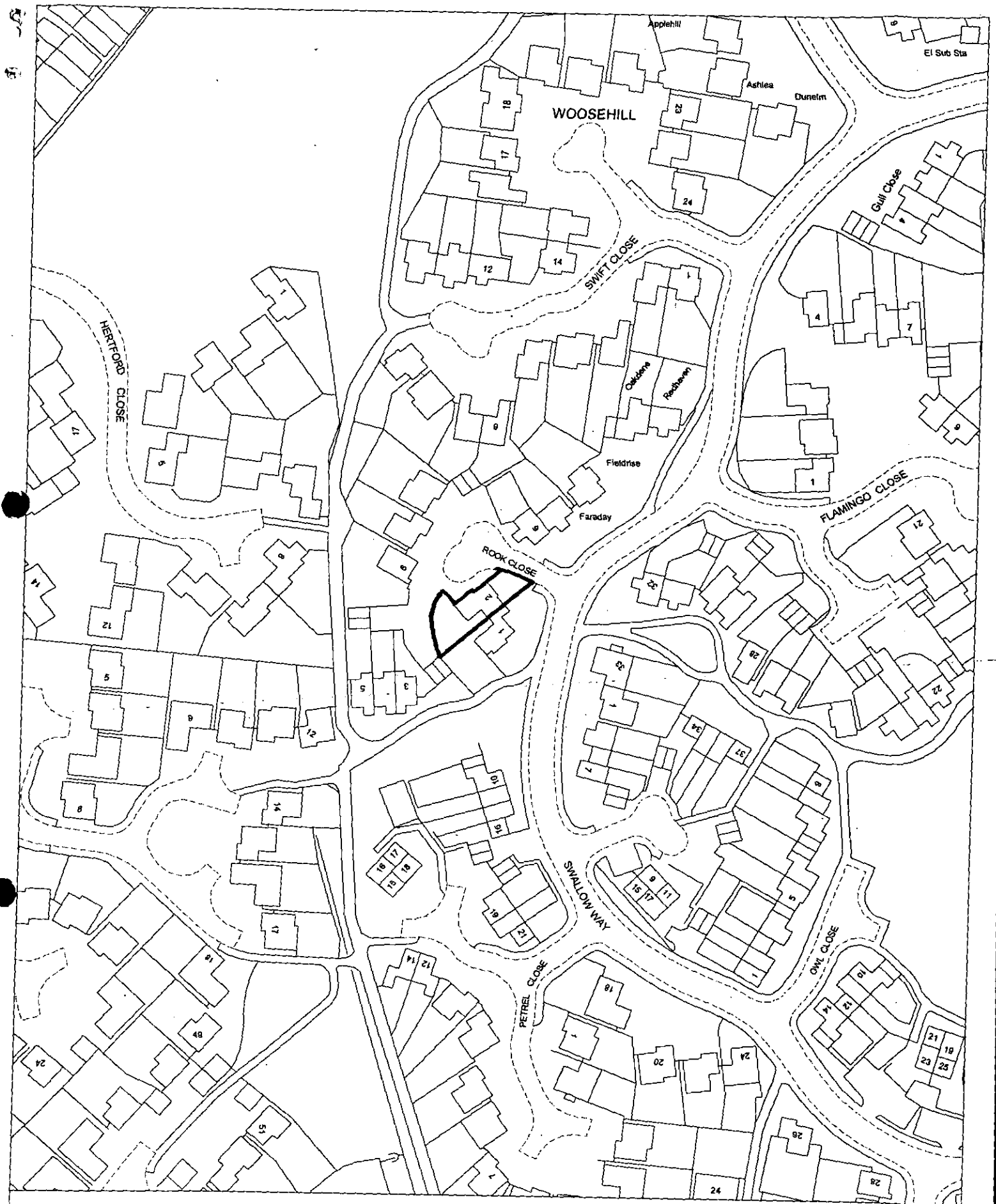
DATE OF SITE VISIT 29/10/02

Allowed 26/11/02

Progress Record	Date Actioned	Initials
Appeal Logged:	25/06/02	
Entered on Access:	01/07/02	DG
Notification Letters Due:	**08/07/02**	
Notification Letters Sent:	3/07/02	DG
Questionnaire Due:	**08/07/02**	
Questionnaire Sent:	03/07/02	DG
Statement Due:	**05/08/02**	
Statement Sent:	29/07/02	DG
Comments on Statement Due	26/08/02	
Comments on Statement Sent	/	
Decision letter circulated:	27/11/02	DG
Decision entered on Access:	27/11/02	DG

Appendices

Appendix 1



Site Plan, Scale: 1 to 1250

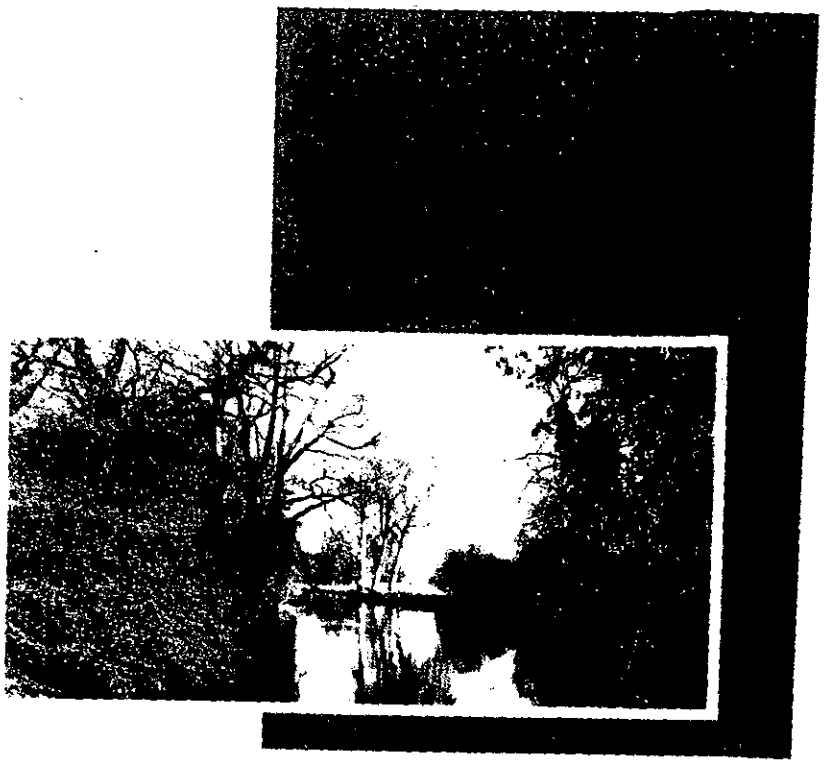
This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO Office. © Crown Copyright. Wokingham District Council, Licence No. LA086134

Date: 3 July 2002

N
W E
S

Appendix 2



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





6 ENVIRONMENT AND CONSERVATION

MAINTAINING ENVIRONMENTAL QUALITY

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

The Environment of the Built-up Areas

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

Protection and Enhancement of the Environment of Built-Up Areas

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

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

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

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

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

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

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

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

Environmental Nuisance

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

Protection from Environmental Nuisance

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

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

Flooding

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

Appendix 3

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

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

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

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

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

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

❖ SBE1 DESIGN OF NEW DEVELOPMENT

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

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

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

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

❖ SBE2 INAPPROPRIATE DESIGN

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

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

ENVIRONMENTAL IMPROVEMENT

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

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

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



❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

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

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

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

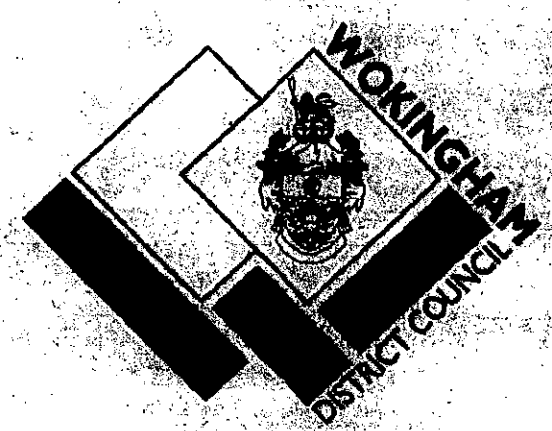
SUNLIGHT, DAYLIGHT AND NOISE

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

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND

Appendix 4



Wokingham District Local Plan
Deposit Draft
With Proposed Amendments Highlighted

February 2000

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

POLICY 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.

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.

Appendix5



WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

CHAPTERS OTHER THAN HOUSING

Mr D Hollis
October 2001

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.

Appendix 6

APPENDIX 6 - Conditions subject to application being approved:

Condition

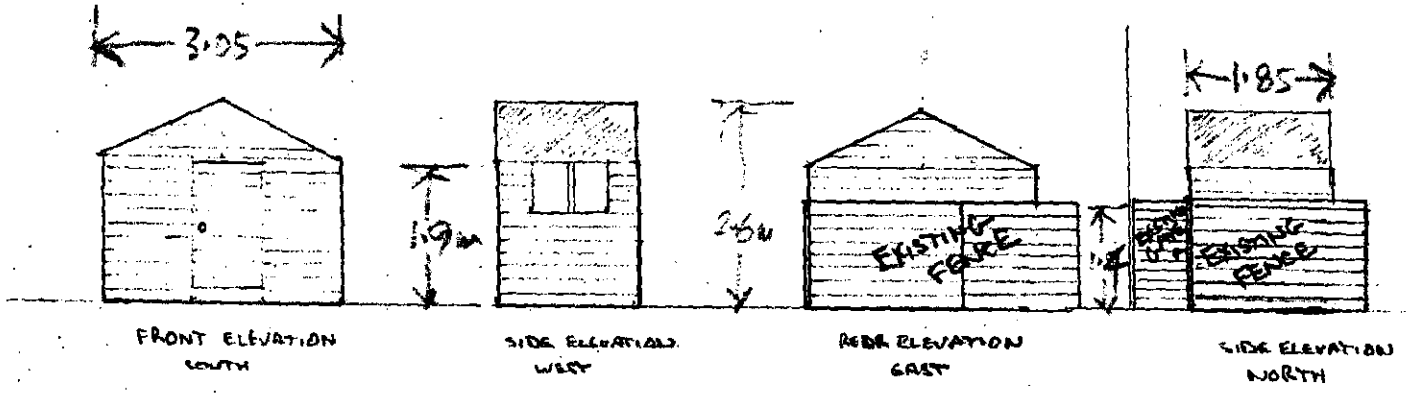
1. Within 3 months of this consent the shed shall be painted/stained in a colour that has been submitted to and approved in writing by the Local Planning Authority.

Reason

1. In the interests of Visual amenity.

Appendix 7

PLAN FOR GARDEN SHED - 1 ROOK CLOSE



PRIVATE ROAD

PUBLIC ROAD

BOUNDARY

SITE OF PREVIOUS SHED

REFUSED

11 MAR 2002 6.1.02

SCALE 1:100

Evans Planning and Development Consultancy

PLANNING SERVICES	HPT 57534
POL	TLS
DC Se	ENF
APP	
CS	
17 JUN 2002	
COPIES TO	ACK:
	FILE:

EPDC

Mike Evans BA MA MPhil DipTP MRTPI
Chartered Town Planner
18 Webb Court
Wokingham
Berkshire
RG40 5YR
Tel: 0118 9892968
Mobile: 07766 053657
Email: EvansPlanningUK@Yahoo.com

Wokingham District Council
Shute End
Wokingham
Berkshire
RG40 1BN

14th June 2002

APPEAL RE 2 ROOK CLOSE, WOOSEHILL

Dear Sir

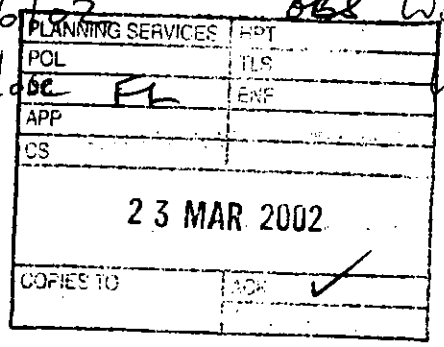
I enclose papers regarding a planning appeal I have submitted to the Planning Inspectorate.

Yours sincerely

Mike Evans

Ref - Francis Leo
F/2002/6[illegible]
2 Rook Close

5 Rook Close
obs Woosehill
Wokingham
Berks
RG41 3SQ
24 03 02



Wokingham Unitary

Dear Francis Leo,

At this date we are the owners of 5 Rook Close but are about to exchange contracts prior to completion of sale. We object to the erection of the shed because :-

1/ It spoils the street scene because of its height.

2 It spoils the street scene and is obtrusive because of its colour.
3. It is in the front garden
4 The owner has not been given permission to go onto a driveway belonging to 3, 4, 5, 6 Rook Close to gain access to the rear of the shed.

The prospective owner of 5 Rook Close will be made aware of these objections through our solicitor who is
Sara Kinge Charles Patel & Partners Shute End Wokingham Berks RG40 1BS 9784866.

Yours sincerely

PAUL CLARKE

Ian Jordan

From: WebComments@wokingham.gov.uk
Sent: 23 April 2002 22:34
To: ian.jordan@wokingham.gov.uk
Subject: Comments on Planning Applications

****

NatureofEmail: Support
ApplicationNumber: F 2002 6102
Correspondent_FullName: Mrs. Pamela Nolan
Correspondent_StreetAddress: 7 Rook Close
Correspondent_Address2: Woosehill
Correspondent_Town: Wokingham
Correspondent_County: Berks
Correspondent_PostCode: RG41 3SQ
Correspondent_Telephone: 9619931
Correspondent_Email: nolan.family@ntlworld .com

Comments:

The objection to the shed at No. 2 Rook Close is without cause. We live opposite the said house and do not find the shed offensive - in fact this house is probably the best kept house in the Close. The gentleman in No. 6 does not speak for the residents of Rook Close and I would not like anyone to think he does.

The Planning Inspectorate

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

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

PLANNING SERVICES HP 61926 POL TLS TP 8a ENF
08 OCT 2002
PLANNING DO ACK FILE

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

Your Ref: F/2002/6102

Our Ref: APP/X0360/A/02/1093070

Date: 7 October 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR T CARNE
SITE AT 2 ROOK CLOSE, WORKINGHAM, BERKS, RG41 3SQ

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

Mr Phil Major BA DipTP MRTPI

The Inspector will visit the appeal site at 12:00 on 29 October 2002. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

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

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

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

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

Yours faithfully

N. R. Lang

Mr Neale Lang

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

209D

The Planning Inspectorate

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

Direct Line 0117-3728764
Switchboard 0117-3728000
Fax No 0117-3728804

GTN 1371-8764

PLANNING SERVICES REF 61930
PCL TLS
DC DG ENF
08 OCT 2002
COPIES TO ACN
FILE

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

Your Ref: F/2001/5279

Our Ref: APP/X0360/A/02/1093297

Date: 7 October 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS W ALLEY
SITE AT HAZELDELL COTTAGE, SCARLETTS LANE, KILN GREEN, READING, BERKSHIRE

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

Mr Phil Major BA DipTP MRTPI

The Inspector will visit the appeal site at 10:00 on 29 October 2002. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

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

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

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

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

Yours faithfully

N.R. Lang.

Mr Neale Lang

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

209D

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr T Carne
SITE: 2 Rook Close, Wokingham
APPLICATION NO.: 6102
PROPOSAL: Proposed erection of replacement garden shed (retrospective)

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Evendons

Mrs D King

Mrs T Marinos

Mr D C Morgan

Clerk(s) of Parish / Town Council of Wokingham

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

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

The Owner / Occupiers of: 1 - 9 Rook Close, Wokingham

6102

filing

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

59714

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

Your Ref: F/2002/6102

Our Ref: APP/X0360/A/02/1093070

Date: 9 August 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR T CARNE
SITE AT 2 ROOK CLOSE, WORKINGHAM, BERKS, RG41 3SQ

I enclose third party correspondence relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter. — 26/08/02

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

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

Yours faithfully

Mrs M Pocock

211AL(BPR)

6 ROOK CLOSE
WOKINGHAM
BERKSHIRE
RG41 3SQ
Tel. 0118 978 4128 (Home)
Tel. 01895 200503 (Work)

22 July 2002

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

Dear Mrs Pocock,
Reference: APP/X0360/A/02/1093070
Application Number: F/2002/6102 (Wokingham Unitary)
Site Address: 2 Rook Close, Wokingham
Proposal: Proposed erection of replacement garden shed (retrospective)

These comments should be read in conjunction with the representations made in my letter dated 4th April 2002 and addressed to Mr Leo at Wokingham District Council, following the original application for planning permission.

I have studied the planning appeal submitted by the owners of No.2 Rook Close, together with the document prepared by Michel Evans of Evans Planning and Development Consultancy on their behalf. In my view, all the reasons for opposing the planning application stated in my letter dated 4th April 2002 are still valid, and I support the decision to refuse the application for the shed 'because its size, height, colour and location, almost at the centre of Rook Close, would be detrimental to the visual amenities of the surrounding properties.' However, for the purposes of clarification, I feel that it is necessary to comment on specific references made in the planning appeal document.

1.01 Firstly, the appeal document refers to a 'communal parking area'. The area referred to is in fact the access road to and the private driveways of numbers 3, 4, 5 and 6 Rook Close, which are not 'communal'. Each property has a driveway clearly defined on its plans, together with access rights to that driveway. In this respect, the driveways are no different to the two driveways on the front of the property known as No.2 Rook Close. The area referred to in the appeal is not and does not in any way resemble a 'communal parking area'. Please refer to the letter from Clifton Ingram, Solicitors, to the owners of No.2 Rook Close, and dated 15th June 2001 (a copy of which was enclosed with my original letter of representation dated 4th April 2002).

Arguably, the appeal site is located on the left hand side, or centre of Rook Close (as stated in the reasons given for the refusal of the planning application) and not at the end of the cul-de-sac.

3.01 The colour of the shed (CREAM) contrasts not only with the red brick of nearby dwellings, but also with the brown fencing that surrounds the shed and with that of other neighbouring properties.

3.02 The reason for refusal does not exclusively, if at all, refer to private views, as is assumed in the appeal. Indeed, the shed is visually detrimental to the neighbouring properties at the point of entering the cul-de-sac and, in particular, when approaching No.6 Rook Close and the access way that leads onto its private driveway and the private driveways of Nos.3, 4 and 5 Rook Close.

With respect to living conditions, it is worth noting that the site plans and plans submitted with the original application give a false impression of the size of the garden and location of the shed, particularly in comparison with the available garden space at No.2, due in part to previous development at No.2 Rook Close, as stated in my original letter. Also as stated in my previous letter, Mr Patrick Haran, Planning Enforcement Officer, Wokingham District Council, expressed concern at the shed's proximity to the house.

3.03 Please consider that the height of the fence surrounding the shed is already taller than that permitted, without the unnecessary addition of trellis to the top of the fence as proposed in the appeal document. I enclose copy of a letter from Mr Patrick Haran, Planning Enforcement Officer, Wokingham District Council, and dated 9th July 2001, in which he states that 'the fence is higher than permitted by the Town and Country Planning (General Permitted Development) Order 1995'.

4.02 I dispute the claim that the garden shed is not unusually large, particularly as (on the basis of figures given in the appeal document) the shed is nearly three foot (0.8 metres) taller than the surrounding fence and walls. The size of the shed has also restricted access to a section of the property of No.2 Rook Close, leading the owners to install a gate in the surrounding fence to gain access to the land through trespass.

4.03 The location of the shed is indeed in a visually sensitive space which dominates the centre of the cul-de-sac and, as stated in my letter of 4th April 2002, is on a part of the property which was originally designated OPEN PLAN. The horizontal planking is clearly visible from the street outside No.6 Rook Close and when approaching the access way to the driveways of Nos.3, 4, 5 and 6 Rook Close. I dispute the claim that the single storey element at the front of the dwelling dominates the visible part of the shed, which is certainly obtrusive.

4.04 The shed dominates the view of the cul-de-sac approaching No.6 Rook Close and the access way leading to the private driveways of Nos.3, 4, 5 and 6 Rook Close.

Whereas the trees referred to in the application which are located on the property of No.6 Rook Close are part of the original development by Heron Homes (now Taywood Homes), the fenced area, inside which the shed is located, at No.2 Rook Close is on a part of the property which was originally designated OPEN PLAN. I dispute the claim that the shed together with the fencing in any way serves to make the streetscene more attractive and claim that it does quite the opposite.

Without the fencing and the shed, there would be a view of Nos.3, 4 and 5 Rook Close as well as of the access way and part of the private driveways for these properties and for No.6 Rook Close. Please consider that this was, in fact, the view on the original approved development by Heron Homes. Indeed, it is the owners of No.2 Rook Close who have changed the character of the streetscene, by converting the open plan area immediately in front of their property into an additional tarmac driveway, as well as fencing off part and erecting the shed which is the subject of this appeal.

4.05 I suggest to you that the presence of other sheds or conservatories on neighbouring properties, specified or otherwise, which may have been erected with or without planning permission, is irrelevant to any decision on the particular planning proposal under consideration and its effect on the visual amenities of the surrounding properties.

In conclusion, I respectfully submit to you that the appeal dated the 10th June 2002 gives no good reason for overturning the local planning authority's decision to refuse planning permission for the garden shed and that the appeal should be DISALLOWED.

Yours sincerely,

Jonathan P. Lippitt (No.6 Rook Close)

Tel: (0118) 974 6447 (Direct Line)
Fax: (0118) 974 6484
Email: patrick.haran@wokingham.gov.uk
Date: 09 July 2001
My ref: PJH/2/RFS/01/4458

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

Mr J. Lippitt
6 Rook Close
Woosehill
Wokingham
Berkshire RG41 3SQ

Dear Mr Lippitt

DEVELOPMENT AT 2 ROOK CLOSE, WOOSEHILL, WOKINGHAM

I write further to our telephone conversation of the 6th July 2001 and with reference to the above.

As we discussed on the 6th July I have to advise you that I can take no action with regard to the fence or the gate that has been inserted into the fence. While the fence is higher than permitted by the Town and Country Planning (General Permitted Development) Order 1995, in this instance it is necessary to refer to the Planning and Compensation Act 1991, where Part 1, Section 4 imposes a time limit on enforcement action. In this instance the relevant time period after which enforcement action cannot be taken is 4 years. It is my understanding that the fence was erected more than four years ago.

In this situation, where the fence is now lawful by default, the alteration of that fence, by the insertion of a gate, is considered to be permitted development and does not require the benefit of planning permission.

I will be contacting the owner of No.2 with regard to the shed that has been erected and will be requesting a planning application for its retention. Other than this I can take no further action until the application has been determined.

I apologise if this is not a satisfactory course of action in your view but if you would like to discuss the matter, please do not hesitate to contact me.

Yours sincerely

Mr PJ Haran
Planning Enforcement Officer

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT : MR T CARNE

APPEAL SITE : 2 ROOK CLOSE, WOKINGHAM

REASON FOR APPEAL : REFUSAL FOR PLANNING PERMISSION OF REPLACEMENT GARDEN SHED (RETROSPECTIVE)

LOCAL PLANNING AUTHORITY REFERENCE : F/2002/6102

DEPARTMENT OF THE ENVIRONMENT TRANSPORT & THE REGIONS REFERENCE : APP/H0330/A/02/1093070

1.00 LOCATION AND SITE DESCRIPTION

1.01 The site is a link-detached dwelling situated in a prominent corner plot location within Rook Close. The dwelling lies within the identified settlement boundary of Wokingham.

1.02 The immediate street scene comprises detached and terraced properties with integral and detached garages. (See Appendix 1 for site location plan).

2.00 RELEVANT PLANNING HISTORY

2.01 Planning consent was granted for a two-storey side extension to the south elevation of the dwelling under applications 96/63611F and 97/65342F.

2.02 In May 2002, retrospective planning permission F/2002/6102 was refused under delegated powers for the following reason:

" The shed, because of its size, height, colour and location, almost at the centre of Rook Close, would be detrimental to the visual amenities of the surrounding properties. As such the proposal would be contrary to policy SBE2 of the South East Area Local Plan ".

3.00 POLICY BACKGROUND

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

Berkshire Structure Plan (1996-2006)

The Berkshire Structure Plan (1996-2006) was adopted on 4th November 1995 and is the statutory Structure Plan for the area.

South East Area Local Plan (Adopted 5th May 1995)

The South East Area Local Plan forms the statutory basis for the operation of planning policy in this part of the District.

Wokingham District Local Plan (Deposit Draft 1997)

The draft Wokingham District Local Plan (WDLP) was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for the 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 in October 1998. The Inspector's report on the local plan inquiry was published in October 2001 but has yet to be formally considered and adopted.

3.02 The relevant Berkshire Structure Plan policy is (see Appendix 2):

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

3.03 The relevant South East Area Local Plan policies are (see Appendix 3):

SBE1 - Design of New Development.
SBE2 - Inappropriate Design.

3.04 The relevant Wokingham District Local Plan (Deposit Draft) policies are (see Appendix 4):

WBE1 - Development in its Local Context.
WOS3 - Developing Control Principles.

3.05 The Inspector's report (October 2001) comments on policy WBE1. It is recommended that the importance of good design is more strongly emphasised. (see appendix 5)

4.00 THE CASE FOR THE LOCAL PLANNING AUTHORITY

4.01 No. 2 Rook Close assumes a prominent and central corner plot location in the estate, and the garden projects to the north west of the dwelling, which although at the rear of the site, extends forward of the

building line. Therefore, the shed occupies a central position within this residential estate and is clearly visible.

4.02 There are 4 properties in Rook Close that directly face the application site and the shed. There are 3 more properties located towards the south-west corner reached by a private road leading off Rook Close. The shed is in fact in the middle of this residential estate and is clearly visible. Although the boundary fence nearest to the shed is approximately 1.8m high with creepers along the wall, the shed towers above.

4.03 The height of the shed at the ridge is approximately 2.6m, its depth is 1.85m and the width is 3.05m. It has been painted a light cream colour while the rest of the estate is of red brick colour. Combined with the height of the shed this renders the structure a prominent and incongruous feature, to the detriment of the visual amenity of the street scene. It is therefore contrary to policy SBE2 of the South East Area Local Plan which aims to resist inappropriate developments in terms of its relationship with adjoining sites and buildings or which would adversely affect the character of the area by virtue of its siting, scale, form, massing, materials, colour or texture.

4.04 The location of the shed, its colour and height is not in keeping with the character of this Close and is considered to be detrimental to the visual amenity of Rook Close.

5.00 COMMENTS ON THE APPELLANT'S STATEMENT

5.01 The appellant draws attention to the General Permitted Development Order 1995. He claims that the shed is a 'modest' structure and cites under Schedule 2, Part 1 Class E, wherein development can be erected to a height of 4 metres with a pitched roof. However he neglects to add that this is only the case wherein a structure is not erected forward of a dwelling onto a highway, and should not be within 5 metres of the dwelling house. In this case the proposal is set in a prominent and therefore sensitive location.

As discussed earlier, the shed is a dominant feature in this setting due to its scale and colour.

5.02 The appellant claims that the shed is well screened and is read in context with the single storey element to the front of the dwelling. Admittedly the shed is set behind a 1.8m high fence which is covered by creepers. However, the shed is almost twice the height of the fence and its colour is in strong contrast to the brown wooden fence and creepers. It is not considered that the shed could be 'read' alongside the front single storey component to the dwelling. The shed is detached from the dwelling, constructed in completely contrasting materials and set in a prominent position.

5.03 The appellant draws attention to the tree located on the opposite side of the shed at the opening to the access way to car parking at the rear. He argues that this shed screens views of car parking to the rear. This is not considered the case. The shed presents an impression of enclosure at this opening in an otherwise 'open plan' estate.

5.04 The appellant refers to a garden shed which is seen in views to the car park at the rear. This shed is in a different context to the shed in question and does not appear to be an equally prominent/obtrusive feature.

5.05 The appellant furthermore cites the example of a conservatory at the rear of No. 32 Swallowfield Way. This conservatory does not detract from the visual amenity of the area. It adjoins the dwelling and therefore assumes a subservient position in its 'reading' against the dwelling, unlike the detached shed in question here. Conservatories can have a white framework, however the glazing gives the structure a lightweight character and its impact both physically and visually is less than the shed at No. 2 Rook Close.

5.06 Colour is not the sole reason for refusal – it is a combination of factors, however, the colour of the structure does exaggerate the prominence of the feature. Therefore painting this structure as the appellant suggests would not solve the problem.

Post application discussion took place and it was advised by senior officers that the shed be relocated to the south-west corner of the garden close to the adjoining garages.

6.00 CONCLUSION

6.01 The fence at No. 2 Rook Close by virtue of its scale, colour and location is an incongruous feature, detrimental to the visual amenity of the street scene.

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

7.00 CONDITIONS IN THE EVENT OF PLANNING PERMISSION BEING GRANTED

7.01 (See Appendix 6).

Louise Smith
Planning Officer

APPENDICES

1. Site Location Plan.

2. Berkshire Structure Plan Policy EN1.

3. South East Area Local Plan Policies SBE1 and SBE2.

4. Wokingham District Local Plan Policies WBE1 and WOS3.

5. Inspector's Report (October 2001) – comments on policy WBE1

6. Conditions subject to application being approved.

7. Copy of Plans.

0828

FL

08 APR 2002

COPIES TO: FILE

6 ROOK CLOSE
WOKINGHAM
BERKSHIRE
RG41 3SQ
Tel. 0118 978 4128 (Home)
Tel. 01895 200503 (Work)

4 April 2002

Mr Francis Leo
Development Control Officer
Environmental Services Department
Planning Services, Wokingham District Council
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

Dear Mr Leo,
Application Number: F/2002/6102
Site Address: 2 Rook Close, Wokingham
Proposal: Proposed erection of replacement garden shed (retrospective)

I wish to comment on the above referenced proposal.

I appreciate that only remarks about planning matters can affect the Council's decision, and I will restrict my comments primarily, but not exclusively, to the accuracy of the statements included in the planning application and to the relevant issues of design, appearance and layout.

The garden shed was erected in May 2001, and Mr Patrick Haran, Planning Enforcement Officer, visited the site at the beginning of June 2001.

I have examined the planning application submitted by the owners of No.2 Rook Close, and I find it to be both inaccurate and incomplete.

Firstly, the shed is described in the proposal as a "replacement garden shed". The answer to question 4 on the planning application states that the shed is 'TO REPLACE PREVIOUS SHED ON THE SAME SITE THAT STOOD FOR 10 YEARS'.

Any garden shed installed previously was considerably smaller - in length, width and height, would have occupied less ground space and was not visible from either the public road or the private access way and driveways to Nos. 3, 4, 5 and 6 Rook Close. Additionally, any shed occupying less ground space would not necessarily have been in the same position. The enclosed photograph demonstrates these points, as no shed can be seen over the fence or wall. I estimate the date of the photograph as late nineties, since there is evidence of building work on the two-storey extension, and the car in the foreground (parked on the access way to Nos.3, 4, 5 and 6) is currently owned by the owners of No.2.

Secondly, the answer to question 6 merely states 'TIMBER'. The example in the question mentions the word 'match'. The shed is CREAM in colour and does not match either the red brick of the house and walls or the dark brown fence that surrounds it.

Thirdly, question 7 asks 'Will the proposal change the pedestrian or vehicle access to the site?' The answer is inaccurately given as 'No'. In actual fact, a gate was installed in the fence, which is described (also erroneously) on the plan as the 'Rear Elevation East', to provide pedestrian access to land where access had been restricted due to the size and position of the shed. Please note this gate is in addition to the gate shown on the 'Side Elevation North'.

In June 2001, having restricted access to a section of land through the erection of the garden shed, the owners installed a gate in the surrounding fence to access the land through trespass. In order to access that land through the gate, the owners of the property have to trespass onto the garage access way owned by No.3 Rook Close. Only the owners of Nos.3, 4, 5 and 6 Rook Close have right of way over the access way to their driveways and properties. The owners of No.2 Rook Close do not have any right of way. This gate opens onto the narrow access way to the driveways of Nos.3, 4, 5 and 6 Rook Close, restricting access to and from the driveways and garages of those properties and causing a hazard to the owners of those properties and their children.

Fourthly, the floor plans and site layout plans give an inaccurate impression of the size of the shed in comparison with the available garden space at No.2. In particular, the plans do not show the extension that occupies a large part of the garden area. In addition, the original garden was not as big as has been drawn on the floor plan. This fact can be ascertained onsite.

In addition to the above, Mr Haran would have noted many of the following points relating to the design, appearance and layout of the garden shed, as well as other related planning considerations, at the time of his visit: -

1. On the question of street-scene and appearance of the building, the SIZE AND COLOUR make it an 'eyesore' for both local residents and visitors, particularly when approaching the access way to Nos.3, 4, 5 and 6 from the public road. To my mind, the effect is similar to that of a 'gatehouse'.

2. The garden shed is several feet taller than the fence and walls that surround the garden of No. 2 Rook Close, as can be seen in the side elevations submitted in the application.

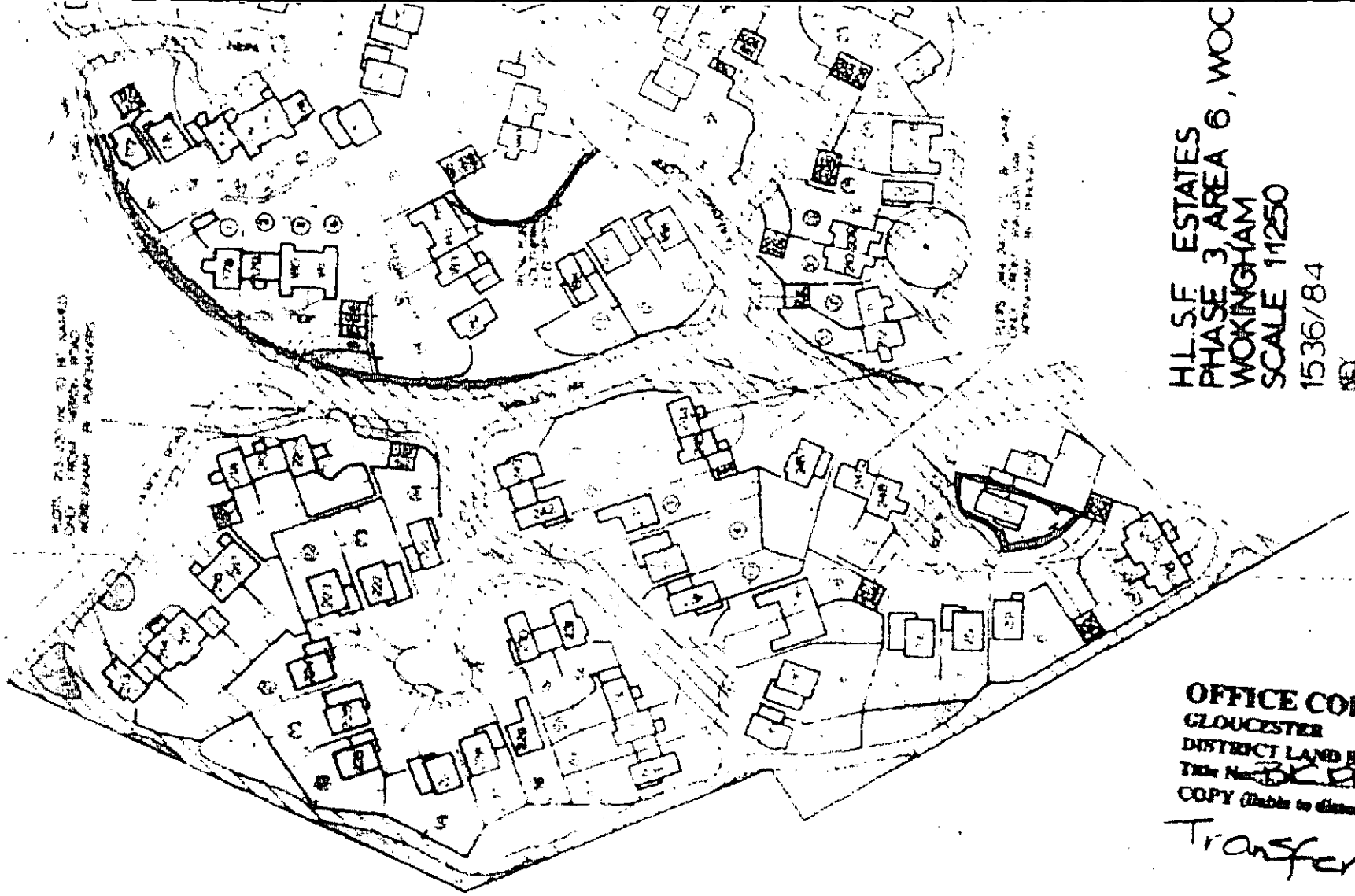
3. The shed is positioned in close proximity to the house - a point that concerned your planning officer, Mr Haran.

4. It is positioned on a part of the property that was originally designated OPEN PLAN (please see reference to this in the original transfer documents for the property and in the attached copy letter from Taywood Homes to the owners of No. 2 Rook Close, dated 13th July 2001).

5. It is further development on a property that has restricted garden space due to previous development - see previous planning approvals and note my comments on the size of the original garden area.

6. The restrictive covenants contained within the original transfer documents (The Third Schedule, paragraph 5) state: -





H.L.S.F. ESTATES
PHASE 3, AREA 6, WOC
WOKINGHAM
SCALE 1:1250
1536/84

KEY
PROPOSED ADOPTABLE HIGHWAY (S.40)
PROPOSED OPEN SPACE
PLOT Nos IN HOUSE
POSTAL Nos

OFFICE COPY issued by
GLOUCESTER
DISTRICT LAND REGISTRY
Title No. BK 20071
COPY (liable to distortion)

Transfer 11.6.1982

the full right and liberty for the Southern Electricity Board its successors in title servants agents or any others authorised by them to erect and lay and thereafter from time to time repair inspect and maintain re-erect relay replace and remove electric lines cables stays ducts pipes and other apparatus of whatever nature in such manner and in such positions as the Board shall in its absolute discretion determine (the rights hereby reserved to include the right to lay apparatus in addition to that originally laid in contradistinction from and in addition to the right to replace the same) causing as little damage as may be and so far as practicable making good

6 Where the property hereby transferred includes part of a footpath coloured blue on the said plan the full and free right for the owners and occupiers and their successors in title of the properties on the Estate which include part of or abut and are served by the said footpath coloured blue the right to pass and repass on foot only over the said part of the footpath coloured blue included within the property hereby transferred for all reasonable purposes subject to the payment of a fair proportion of the expense from time to time of keeping in repair and renewing the whole of the said footpath

6 Where the property hereby transferred includes part of a garage access way coloured brown on the said plan the full and free right for the owners and occupiers and their successors in title of the properties on the Estate the garages of which abut the said garage access way coloured brown to pass and repass with or without vehicles over the said part of the garage access way coloured brown included within the property hereby transferred for all reasonable purposes subject to the payment of a fair proportion of the expense from time to time of keeping in repair and renewing the whole of the said garage access

THE THIRD SCHEDULE above referred to
(Restrictions and Stipulations)

1. The Purchaser will keep the fences walls or screens on the boundaries or lines marked 'T' within the area of the land hereby transferred on the plan annexed hereto in good and substantial repair and condition

2. The Purchaser will not without the previous consent of the Vendor.
   (a) use the land hereby transferred or permit the same to be used for the purposes of any manufacture trade or business of any description nor for any purpose other than as a private dwellinghouse and a private garage
   (b) place or allow to be placed on any part of the said land any placard or name-plate (other than the name or number of the house)
   (c) keep any caravan on any part of the said land
   (d) install any oil storage tank

3 The Purchaser will not do or permit to be done any act or thing on or about the said land the doing or omission of which shall or may be or grow to be an annoyance nuisance damage danger or disturbance to the Vendor or the owner or occupiers of any part of the Estate

4 The Purchaser will not erect or construct any wall or fence or place or plant any hedge or other means of enclosure in or abutting the front garden of the land hereby transferred unless the Vendor shall have provided a dwarf wall on the front boundary at the time of the initial construction of the said land in which event the Purchaser shall be entitled to repair or replace the same when necessary with a structure as nearly as possible of identical nature

5 No hut shed or building of any description (whether of a permanent or temporary nature) shall be erected on the land hereby transferred except such as shall be in accordance with plans and elevations which shall have been approved in writing by the Vendor or the Vendors' Surveyors for the time being and whose proper and reasonable fee therefor shall be paid by the person submitting such plans and elevations for approval

6 The Purchaser will not erect or permit or suffer to be erected upon any part of the land hereby transferred any external aerial

7. Not to keep on the land hereby transferred or any part thereof any pigeons rabbits pigs or poultry

8. The Purchaser will keep the front garden of the said land in tidy and properly cultivated order and condition

9. The Purchaser will bear and pay a fair and reasonable proportion of the cost of maintaining and repairing any drains sewers pipes wires and cables serving the land hereby transferred and other parts of the Estate other than drains or sewers maintained at public expense

TAYWOOD
HOMES

Taywood Homes Limited
Legal Department
Greenham Park House
Chertsey Road
Feltham
Middlesex TW13 4RW
~~Tel 020 8917 7000~~
Fax 020 8893 2415
DX 36104 Feltham
Direct Line 020 8917 7075
Email Address:
Johanna.Perring@taywood.co.

01344 426688

Your Ref: JFS3/am/Lippitt
Our Ref: JIP/jrj/

13 July 2001

Mr and Mrs T Carne
2 Rook close
Woosehill
Wokingham
RG41 3SQ

Dear Mr and Mrs Carne

Re: Rook Close

I am now writing to clarify the position regarding the shared Accessway belonging to Numbers 3, 4, 5 and 6 Rook Close adjoining your property (adjoining your South Western boundary). I shall refer to the owners of these houses as "the Owners" throughout.

In the Transfer to each of the Owners from Heron Homesteads now Taywood Homes there is a paragraph which sets out the meaning of the Accessways. This paragraph sets out that the area and Accessway is to be used for foot and vehicular access respectfully by each Owner.

The Owners and any person they so authorise to visit, or otherwise, their property to pass with or without vehicles (this includes cars, Royal mail van, dustbin lorry, you name it, if it is a vehicle). This Right has been conveyed to the Owners and can only be waived or extended by them through legal documentation. This Right is for eternity.

You do not have any right of way whether on foot or by vehicle to use the Accessway. Please therefore refrain from using this Accessway.

Please also note that the front gardens should be open plan.

I certainly hope that this now clarifies the position

Yours faithfully

Johanna Perring
Legal Department

FAO - F. Leo
Louise

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

58631

DG

15 JUL 2002

COPIES TO | ACK. | FILE

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

Your Ref: F/2002/6102

Our Ref: APP/X0360/A/02/1093070

Date: 12 July 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR T CARNE
SITE AT 2 ROOK CLOSE, WORKINGHAM, BERKS, RG41 3SQ

With reference to the above appeal, this is to let you know that Mr. M Evans is representing Mr. T Carne and from time to time, Mr. Evans works as a Planning Inspector for the Inspectorate.

Yours faithfully

M Burne

pp Mrs Margaret Pocock

211B(BPR)

The Planning Inspectorate

For offical use only
Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/X0360/A/02/1093070 **GRID REF:** _____

APPEAL BY: Mr T Came

SITE: 2 Rook Close, WOKINGHAM

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

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

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

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

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

a	Is the development in Schedule 1 or column one of 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;		✓
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?	05/08/02	
b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application	3	
ii) the planning officer's report to committee		✓
iii) any relevant committee minute		✓
17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY		
Do you intend to send another statement about this appeal? If NO, please send the following information:-	YES / ~~NO~~	
a. In non-determination cases:		
i) what the decision notice would have said;		
ii) how the relevant development plan policies relate to the issues of this appeal.		
b. In all cases:		
i) the relevant planning history;		
ii) any supplementary reasons for the decision on the application;		
iii) matters which you want our Inspector to note at the site visit.		
18. THE MAYOR OF LONDON CASES ONLY		
a. Was it necessary to notify the Mayor of London about the application? If YES, please attach a copy of that notification.	YES / NO	
b. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.	YES / NO	

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

Signature: _____ on behalf of Wokingham Unitary ~~Council~~

Date sent to us and the appellant 03/07/02 Our Ref: F/2002/6102

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

This document is printed on a recycled (UK) paper containing 100% post-consumer waste.

© Crown Copyright 1998. Copyright in the printed material and designs is held by the crown. You can use extracts of this publication in non-commercial in-house material, as long as you show that they came from this document. You should apply in writing if you need to make copies of this document (or any part of it) to:

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

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

58631

D9

15 JUL 2002

COPIES TO

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

Your Ref: F/2002/6102

Our Ref: APP/X0360/A/02/1093070

Date: 12 July 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR T CARNE
SITE AT 2 ROOK CLOSE, WORKINGHAM, BERKS, RG41 3SQ

With reference to the above appeal, this is to let you know that Mr. M Evans is representing Mr. T Carne and from time to time, Mr. Evans works as a Planning Inspector for the Inspectorate.

Yours faithfully

M Burne

pp Mrs Margaret Pocock

211B(BPR)

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;

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)

The Planning Inspectorate

RIGHT TO CHALLENGE THE DECISION

The attached appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for redetermination. It does not follow necessarily that the original decision on the appeal will be reversed when it is redetermined.

You may wish to consider taking legal advice before embarking on a challenge. The following notes are provided for guidance only.

Under the provision of section 288 of the Town and Country Planning Act 1990, or section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the grounds:

1. that the decision is not within the powers of the Act; or

2. that any of the `relevant requirements' have not been complied with; (`relevant requirements' means any requirements of the 1990 Acts or of the Tribunals & Inquires Act 1992, or of any order, regulation or rule made under those Acts).

The two grounds noted above mean in effect that a decision cannot be challenged merely because someone does not agree with the Inspector's judgement. Those challenging a decision have to be able to show that a serious mistake was made by the Inspector when reaching his or her decision; or, for instance, that the inquiry, hearing or site visit was not handled correctly, or that the appeal procedures were not carried out properly. If a mistake has been made the Court has discretion not to quash the decision if it considers the interests of the person making the challenge have not been prejudiced.

It is important to note that such an application to the High Court must be lodged with the Administrative Court <u>within 6 weeks</u> from the date of the decision. This time limit cannot be extended.

An appellant whose appeal has been allowed by an Inspector should note that `a person aggrieved' may include third parties as well as the local planning authority.

If you require further advice about making a High Court challenge you should consult a solicitor, or contact the Administrative Court at the Royal Courts of Justice, Queens Bench Division, Strand, London WC2 2LL. Telephone: 020 794 76000.

INSPECTION OF DOCUMENTS

It is our policy to retain case files for a period of one year from the date of the Inspector's decision. Any person entitled to be notified of the decision in an inquiry case has a legal right to apply to inspect the listed documents, photographs and

plans within 6 weeks of the date of the decision. Other requests to see the appeal documents will not normally be refused. All requests should be made quoting our appeal reference and stating the day on which you wish to visit, to:

Room 4/09 Kite Wing,
Temple Quay House, 2 The Square,
Temple Quay,
Bristol BS1 6PN

Please give at least 3 working days notice and include a daytime telephone number, if possible.

COMPLAINTS TO THE INSPECTORATE

Any complaints about the Inspector's decision, or about the way in which the Inspector has conducted the case, or any procedural aspect of the appeal should be made in writing and quoting our appeal reference, to:

The Complaints Officer,
Quality Assurance Unit,
Room 4/09 Kite Wing,
Temple Quay House, 2 The Square,
Temple Quay, Bristol BS1 6PN.

You should normally receive a reply within 15 days of our receipt of your letter. You should note however, we cannot reconsider an appeal on which a decision has been issued. This can be done following a successful High Court challenge as explained overleaf.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)

If you consider that you have been unfairly treated through maladministration by us you can ask the Ombudsman to investigate. The Ombudsman cannot be approached direct; reference can be made to him only by an MP. While this does not have to be your local MP (whose name and address will be in the local library) in most cases he or she will be the easiest person to approach. Although the Ombudsman can recommend various forms of redress he cannot alter the Inspector's decision in any way.

COUNCIL ON TRIBUNALS

If you feel there was something wrong with the basic procedure used for the appeal, a complaint can be made to the `Council on Tribunals', 22 Kingsway, London WC2B 6LE. The Council will take the matter up if they think it comes within their scope. They are not concerned with the merits and cannot change the outcome of the appeal decision.

© Crown copyright
405 (Nov 01)
Printed in Great Britain by the Planning Inspectorate on recycled paper

The Planning Inspectorate

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

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

GTN 1371-6079

PLANNING SERVICES | HPT 63689
POL | TLS
DG | EIF
CS
27 NOV 2002
COPIES TO | FILE

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

Your Ref: F/2002/6102

Our Ref: APP/X0360/A/02/1093070

Date: 26 November 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR T CARNE
SITE AT 2 ROOK CLOSE, WORKINGHAM, BERKS, RG41 3SQ

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

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

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

COVERDL1

Tel. (0118) 974 6448 (Direct Line)
Date: July 29, 2002
My ref: F/2002/6102
Your ref: APP/X0360/A/02/1093070

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 T Carne
SITE: 2 Rook Close, Wokingham

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: July 3, 2002
My ref: F/2002/6102
Your ref: APP/X0360/A/02/1093070

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 T Carne
SITE: 2 Rook Close, Wokingham

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. July 3, 2002
My ref: F/2002/6102
Your ref:

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

Evans Planning & Development Consultancy
18 Webb Court
Wokingham
RG40 5YR

Dear Sir

APPEAL BY: **Mr T Carne**
SITE: **2 Rook Close, Wokingham**

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

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

8/7

The Planning Inspectorate

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

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

PLANNING SERVICES HP 57850
25 JUN 2002
COPIES TO

FL. (H) LS.

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

Your Ref: F/2002/6102

Our Ref: APP/X0360/A/02/1093070

Date: 24 June 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR T CARNE
SITE AT 2 ROOK CLOSE, WORKINGHAM, BERKS, RG41 3SQ

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

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

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

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

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

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

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

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

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

Within 6 weeks from the starting date -

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

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

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

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

Planning obligations - Section 106 agreements

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

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

Yours faithfully

Mrs Margaret Pocock
102(BPR)

The Planning Inspectorate

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

For official use only
Date received

PLANNING APPEAL FORM

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

Please use a separate form for each appeal

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

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

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

A. APPELLANT DETAILS

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

Name Mr T. CARNE

Address 2 ROOK CLOSE

WOOSEHILL, WOKINGHAM, BERKSHIRE

Postcode RG41 3SQ

Daytime phone no

Fax no

E-mail address

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Mr M. EVANS - EVANS PLANNING AND DEVELOPMENT CONSULTANCY

Address 18 WEBB COURT

WOKINGHAM

BERKSHIRE

Postcode RG40 5YR

Your reference

Daytime phone no 0118 9892968

Fax no

E-mail address EvansPlanningUK@yahoo.com

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM DISTRICT COUNCIL

LPA's application reference no F/2002/6102

Date of the planning application 25.2.02

Date of LPA's decision notice (if issued) 2.5.02

D. APPEAL SITE ADDRESS

Address 2 ROOK CLOSE,
WOOSEHILL, WOKINGHAM,
BERKSHIRE

Postcode RG41 3SQ

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)

GARDEN SHED TO REPLACE PREVIOUS SHED ON THE SAME SITE THAT STOOD FOR 10 YEARS

Size of the whole appeal site (in hectares): 0.025

Area of floor space of proposed development (in square metres): 5.6

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.

Please turn over

H. GROUNDS OF APPEAL

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

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

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

Please continue on a separate sheet if necessary.

SEE ATTACHED

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 M Evans (on behalf of) Mr. T. CARNE

Name (in capitals) MICHAEL EVANS Date 10.6.02

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

NOW SEND:

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

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

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

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid and who is dealing with it.

2) Tell you and the LPA the procedure for your appeal.

3) Tell you the timetable for sending further information or representations.

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

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

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

Published by the Planning Inspectorate April 2002

Printed in the UK April 2002 on paper comprising 25% post consumer waste and 100% ECF recycled paper.

© Crown Copyright 1998. Copyright in the printed material and designs is held by the Crown. You can use extracts of this publication in non-commercial in-house material, as long as you show that they came from this document. You should apply in writing if you need to make copies of this document (or any part of it) to:

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

J. ESSENTIAL SUPPORTING DOCUMENTS

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

✔

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

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

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

   _____

   _____

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

    _____

    _____

    _____

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

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

H. GROUNDS OF APPEAL (continued)

SEE ATTACHED

Please turn over



EVANS PLANNING AND DEVELOPMENT CONSULTANCY

APPEAL BY MR T CARNE AGAINST THE REFUSAL OF PLANNING PERMISSION BY WOKINGHAM DISTRICT COUNCIL FOR THE ERECTION OF A GARDEN SHED AT 2 ROOK CLOSE, WOOSEHILL, WOKINGHAM, BERKSHIRE.

LOCAL PLANNING AUTHORITY REFERENCE: F/2002/6102

Evans Planning and Development Consultancy
18 Webb Court
Wokingham
Berkshire
RG40 5YR

1.00 DESCRIPTION OF SITE AND SURROUNDINGS

1.01 Rook Close is located within the wider residential area of Woosehill. Rook Close is accessed from Swallow way as are a number of other cul de sacs. It comprises a small cluster of dwellings. The appeal site is located at the end of Rook Close and has its garden adjacent to an access road to a communal car parking area.

2.00 PLANNING POLICIES

2.01 The development plan includes the South East Area Local Plan (SEALP) (adopted May 1995). Policy SBE2 seeks to protect the character and appearance of areas.

3.00 BACKGROUND

3.01 The planning application was refused under delegated powers by the Head of Planning and Transportation. The reason for refusal identifies the size, height, colour and location of the shed as specific problems. It also says that it would be detrimental to the visual amenities of the surrounding properties. There is an officers report which I attach at Appendix One. It would appear from this report that the Council's concern is purely with the effect of the shed on the character and appearance of the area. It is claimed that the colour of the shed contrasts with the red brick of nearby dwellings and that because of its height it would be prominent. It is claimed that this would be visually detrimental to the neighbouring properties.

3.02 This does seem to be referring to private views which of course are not a planning matter. The other interpretation would be that it is referring to living conditions. Given the distances involved and the comments made in the text this appears unlikely.

3.03 Discussions have taken place with the Council following the refusal and despite offers to paint the publicly visible elevations in a dark colour and add a trellis to the top of the fence, the Council maintains its objection.

4.00 THE CASE FOR THE APPELLANT

4.01 The main issue to be considered in this appeal is the effect of the proposal on the character and appearance of the area.

4.02 The development in question is a normal garden shed of the kind usually found within the gardens of dwellings. It is not unusually large in any dimension and is a standard garden shed. Its height is a mere 2.6 metres. Curtilage buildings under permitted development rights can be erected to a height of 4 metres with a pitched roof and 2 metre high fences can often be erected without the need for planning permission. This puts the proposal in context and the height is, therefore, very modest.

4.03 The location of the shed is entirely where it would be expected. It is not in a visually sensitive open space but is in a garden and is largely screened by a 1.8 metre high close boarded fence. It is only the pitched roof and the very top of the vertical planking that is visible from the street. The shed is wholly subordinate to the existing dwelling which it is viewed in relation to. The single storey element at the front of the dwelling dominates the small part of the garden shed that is visible. This puts the shed in its appropriate context of a very minor structure and means it is not in the least bit obtrusive.

4.04 I do not accept that this is such an unusual or obtrusive feature as to justify a refusal of planning permission. It is an ancillary residential building in a residential location of which only a small part is visible from public viewpoints. It is adjacent to an access to communal car parking and is seen in relation to that. On the opposite side of the access is a large tree. Both the fencing with the shed and the tree on the other side serve to create a sense of enclosure which makes the streetscene more attractive. Without the fencing and shed there would be a void with more open views of the car parking.

4.05 As it is there are views to the car park. These views include what appears to be a garden shed which is quite prominent and can also be seen from Swallow Way. In Swallow Way at no. 32 there is a large white conservatory which is a much more prominent feature in the streetscene than the shed. It is also in a much more prominent and widely viewed location. These examples show that normal subordinate structures are acceptable in gardens and the mere fact that they can be seen or have a different colour does not justify refusal.

4.06 One of the concerns of the Council is the colour of the walls of the shed. For the reasons given above I do not accept this argument. However the appellant would be willing to accept a condition requiring the walls visible from the public highway to be painted a dark brown colour. The appellant would also be willing to install a trellis above those parts of the fence which are immediately adjacent to the shed. Again I do not consider this necessary but it would serve to completely screen even more of the shed.

5.00 CONCLUSION

5.01 The proposal is for a very modest structure which is partly visible above an existing garden fence. The shed is not in the least bit unusual or out of the ordinary and there are other similar structures in the locality. The shed is viewed in the context of a car parking area, with views to another shed, and next to the house at 2 Rook Close which completely dominates it. For these reasons it is not an obtrusive structure and is certainly not out of character with the locality and does not harm the appearance of the area.

5.02 It is therefore respectfully requested that the above appeal be ALLOWED.



Site Plan, Scale: 1 to 1250

This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO Office. © Crown Copyright. Wokingham District Council, Licence No. LA086134

Date: 3 July 2002

N
W E
S

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: July 3, 2002
My ref: **F/2002/6102**

COPY

WOKINGHAM UNITARY
Aiming for Excellence

The Owner / Occupier
3
ROOK CLOSE

WOKINGHAM
BERKSHIRE
RG413SQ

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

Dear Sir/Madam

APPLICATION No: F/2002/6102
APPEAL BY: Mr T Carne
SITE: 2 Rook Close Wokingham
PROPOSAL: Proposed erection of replacement garden shed. (retrospective)

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

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

If you wish to make further representations, you should, if possible, send three copies to Mrs M Pocock, The Planning Inspectorate, Room 3/03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference **APP/X0360/A/02/1093070**. Comments received after **05/08/2002** will not normally be seen by the Inspector & will be returned.

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

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

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

Yours faithfully

Denise Gumbrell

Appeals Assistant