

DELEGATED OFFICER REPORT



**WOKINGHAM
BOROUGH COUNCIL**

Application Number:	251179
Site Address:	45 Appleby Walk, Shinfield, Wokingham, RG7 1UZ
Expiry Date:	20 August 2025
Site Visit Date:	20 May 2025
Proposal: Full application for the change of use of amenity land to residential garden including erection of a new boundary fence, plus erection of a single storey rear extension and a detached garden outbuilding to form a home office. (Part retrospective)	

PLANNING CONSTRAINTS/STATUS

Scale and Location of Development Proposals – Shinfield
Great Crested Newt Consultation Zone – Amber Risk Zone
Strategic Development Location – South of M4

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB23 – Biodiversity and Development
Wokingham Borough Local Plan Update (LPU)	SS1 – Sustainable development principles SS2 – Spatial strategy and settlement hierarchy CE3 – Environmental standards for residential development FD1 – Development and flood risk (from all sources) FD2 – Sustainable drainage NE1 – Biodiversity and geodiversity NE4 – Trees, woodland, hedges and hedgerows NE5 – Landscape and design DH2 – Safeguarding amenity

Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Sustainable Design and Construction Supplementary Planning Document Shinfield School Green Village Character Statement
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PLANNING HISTORY

Application No.	Description	Decision & Date
F/2013/0347	Full planning permission for the erection of 276 dwellings with associated access landscaping and open space following demolition of existing dwelling and ancillary buildings (214a Hyde End Road).	Approved 22/07/2014

CONSULTATION RESPONSES

Internal

WBC CIL – Development is not CIL liable

External

None consulted

REPRESENTATIONS

Parish/Town Council	Shinfield Parish Council objects to the proposed use of amenity land for private garden. No objection to the extension of the house. The impact on the large tree needs to be properly assessed by WBC.
Ward Member(s)	No comments received
Neighbours	Four objections received on the following grounds: - Impact on TPO Ash Tree - Removal of neighbouring property's vegetation (Officer comment: The vegetation removed was not protected and further concerns regarding this are a civil matter, rather than a planning one.) - The applicant does not own the fence (Officer comment: The Land Registry Title Plan and Register for no.45 Appleby Walk demonstrates that the applicant owns the amenity land.) - Impact on flooding due to amenity land/ditch encroachment

APPRAISAL

Site Description:

The application site consists of a modest semi-detached dwelling on Appleby Walk, Shinfield.

The rear garden of the site faces onto a densely vegetated area of amenity land, originally designated as such when constructing the estate that Appelby Walk forms a part of (consent F/2013/0347). This amenity land forms a verdant buffer between the dwellings on Appleby Walk and Elizabeth Rout Close to the east.

Proposal Description:

This application seeks approval for the proposed change of use of amenity land to residential garden including erection of a new boundary fence, plus the erection of a single storey rear extension and a detached garden outbuilding to form a home office.

The change of use of the amenity land to residential, and the erection of the new fence, has already occurred. Enforcement investigations have resulted in the submission of this application.

Principle of Development:

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

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

Character of the Area:

With regards to the change of use, the new fence line encloses approximately 18sqm of amenity land to create an extension to the residential garden. The fence is a standard 1.8m (6 ft) close boarded fence with concrete foundation posts.

The amount of land proposed to change to residential use is negligible in the wider context of the application site. It would have no visual impact on the street scenes of either Appleby Walk or Elizabeth Rout Close as the notable tree coverage surrounding it would screen it well and would legibly maintain the sense of a buffer between the two roads, as was originally intended.

With regards to the outbuilding proposed, it would have a modest footprint of 1.4 x 0.9 metres and flat roof height of 2.4 metres. It is proposed to be used as a garden office. Overall, the outbuilding is modest in scale and would not be visible from the street scene, making its impact on the character of the area acceptable.

The proposed rear extension would have a mono-pitch form and would comply with the Borough Design Guide as it would protrude a maximum of 3 metres from the rear

of the dwelling, with an eaves height of 2.7 metres. The extension would be well screened from the roadside and would have an acceptable impact on the character of the area.

Neighbouring Amenity:

Overlooking:

There are no anticipated overlooking impacts; the rear extension and outbuilding would predominantly outlook onto the rear garden space which is acceptable.

Loss of Light and Overbearing:

There are no loss of light or overbearing concerns regarding the relocated fence line. Similarly, due to its limited scale and separation distance from the southern site boundary, there are no concerns pertaining to the garden office.

With regards to the rear extension, it would abut the boundary to no.47 Appleby Walk but its modest 3 metre depth and sloping mono-pitch roof form would ensure no adverse loss of light or overbearing impacts onto no.47's rear elevation; no.47 only includes one central living room door to the rear that is legibly offset from the shared side boundary.

Highway Access and Parking Provision:

There are no impacts on the site's existing parking provision which remains acceptable. As such, there are no anticipated impacts on highway safety.

Amenity Space:

The proposed development would not harm the usability of the dwelling's rear amenity space.

Flooding and Drainage:

Concerns have been raised by residents regarding the flood risk this development poses, in particular the change of use and fence line. The amenity land itself is sloped at both sides, creating an informal drainage ditch. This area of amenity land was never designated as a form of drainage mitigation, as was confirmed by WBC Drainage during the enforcement investigations into the works.

Whilst WBC Drainage have not been consulted on this application, they confirmed during the enforcement investigation that they had no objection to the new fence line and its impact on flood risk. The site is located within Flood Zone 1 and is not in an area that historically has been at risk from surface water flooding.

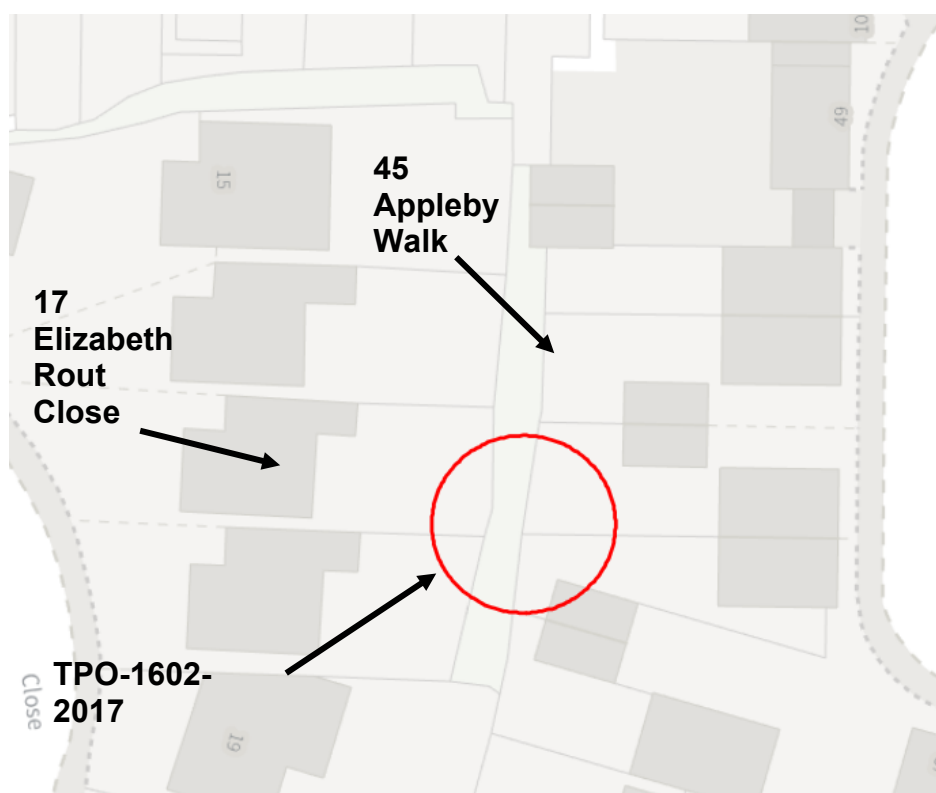
Therefore, no objections are raised in this regard.

Landscape and Trees:

Concerns have been raised that the proposed development encroaches the RPA of a TPO Ash Tree (TPO ref: TPO-1602-2017).

To clarify, the Council acknowledge the presence of a TPO Ash tree within this area of amenity land but it is not the Ash Tree situated to the rear of no.45 Appleby Walk, nor is it impacted by the proposed development. TPO-1602-2017 is located, as described on the official order, as the Ash Tree to East of and adjacent to the rear

boundary (outside of) 17 Elizabeth Rout Close, Spencers Wood, RG7 1DQ):



It is acknowledged that the fence line lies within 0.75 metres of another Ash Tree on this area of amenity land, but this is not a TPO tree. The distance retained from its trunk and minimal ground intrusions associated with the fence posts would ensure no adverse harm comes to the tree. Notwithstanding this, the tree is unprotected. Therefore, it could be removed without the need for planning permission.

Ecology:

The site is located within an Amber Risk Zone for Great Crested Newts, however the very limited scale of the development is unlikely to harm this protected species.

Conclusion:

The proposal is acceptable in principle and accords with local plan policy and guidance.

Community Infrastructure Levy (CIL):

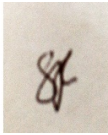
When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed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

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected

characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Approval
Date:	21 July 2025
Earliest date for decision:	16 July 2025

Recommendation agreed by: (Authorised Officer)	
Date:	21.7.25