



**WOKINGHAM  
BOROUGH COUNCIL**

## **TOWN AND COUNTRY PLANNING ACTS**

**TOWN AND COUNTRY PLANNING ACT 1990:  
SECTION 191 AND 192**

**TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015: ARTICLE 39**

Martin Aves  
AVES ARCHITECTURAL  
115 Anstey Road  
Alton  
GU34 2RN

### **NOTIFICATION OF REFUSAL OF CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT**

**Application Number:** 243192  
**Applicant Name:** Mr A Angelov  
**Site Address:** 14 Heatherway, Crowthorne, Wokingham, RG45 6HG  
**Proposal:** Application for a certificate of lawfulness for the proposed erection of a detached outbuilding and installation of hardstanding to form an enlarged patio.  
**Date of Decision:** 13 February 2025

Wokingham Borough Council hereby certifies that on 20 December 2024 (being the date of application for this certificate), and subject to any conditions and/or informatives below, the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, **would not have been lawful** within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. The proposed erection of a detached outbuilding constitutes development requiring planning permission. Permission is not granted under Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, the proposal not being in accordance with Schedule 2 (Part 1) (Class E) E1.eii and f of the Order.

The outbuilding would be less than 2 meters from the side boundary, therefore the height limit for the total development is restricted to 2.5 metres if it is to be permitted development. The total height is 2.65 meters, thus not permitted development.

The height of the eaves of the building is 2.60 metres, which is not under permitted development as the height of the eaves of the building should not exceed 2.5 metres. Therefore, planning permission is required for the development. The certificate cannot be approved for these reasons.

#### **Informatives**

1. This Certificate/Decision is issued in respect of plans; Location Plan, 24/06/10, 24/06/11 & 26/06/12 A received on 19/12/24 & 20/12/24.

2. The nearby trees are protected by a Tree Preservation Order and separate consent regarding works that will affect protected trees and the respective roots may be required. It is a criminal offence to cut down, top, lop, uproot, wilfully damage or destroy any TPO tree. It is advised that the applicant consults a specialist arboricultural consultant or tree surgeon before carrying out any works affecting TPO Trees. Further information can be found on the council's website [https://www.wokingham.gov.uk/countryside-parks-and-](https://www.wokingham.gov.uk/countryside-parks-and-conservation/trees-hedges-and-grass-cutting/tree-work-and-law)

[conservation/trees-hedges-and-grass-cutting/tree-work-and-law](https://www.wokingham.gov.uk/countryside-parks-and-conservation/trees-hedges-and-grass-cutting/tree-work-and-law)

### **FIRST SCHEDULE**

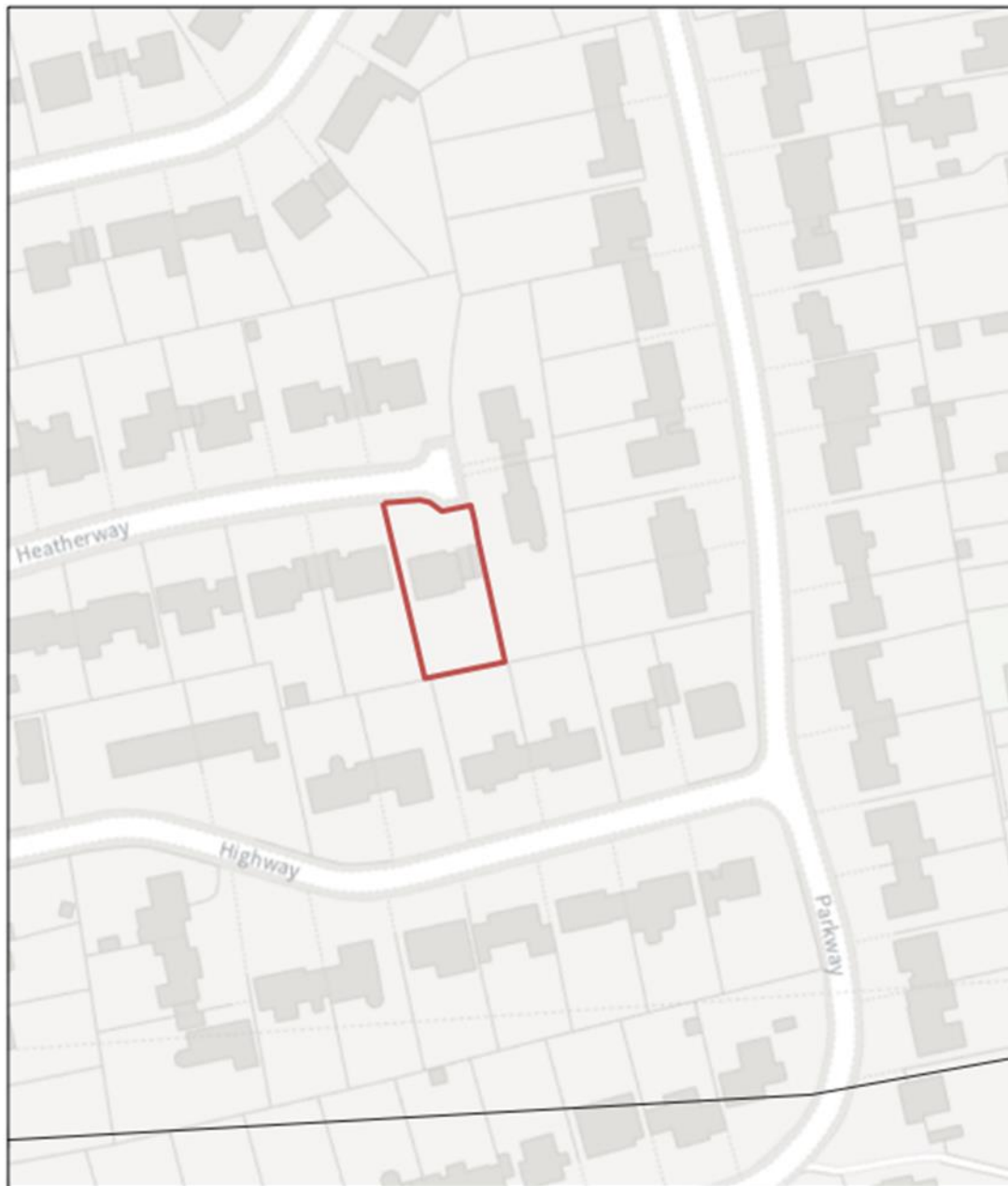
**Proposal:** Application for a certificate of lawfulness for the proposed erection of a detached outbuilding and installation of hardstanding to form an enlarged patio.

### **SECOND SCHEDULE**

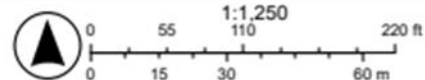
**Address:** 14 Heatherway, Crowthorne, Wokingham, RG45 6HG

## PLAN

14 Heatherway, Crowthorne, Wokingham



13/02/2025, 09:38:07



Wokingham Internal  
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Signed

*MHead*

Marcia Head  
Head of Development Management - Place & Growth  
Date: 13 February 2025

**PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW**



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**Other statutory legislation:** This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.

**Tree Preservation Order:** This decision notice does not give consent for any work that may be required as a result of the development above to a tree protected by a tree preservation order. You should apply separately for works to trees through the [Planning Portal website](#).

**Community Infrastructure Levy:** If the application includes 100 sqm or more of new floor area then it is liable for the community infrastructure levy.

**The Town & Country Planning (Development Management Procedure) Order:** This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.

**Officer Report:** An officer report explaining the decision will be available to view online.

**Appeals to the Secretary of State:** If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). There is **no time** limit for the submission of appeals in respect of certificates of lawful proposed use/development.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service as set out on the [.gov.uk](#) website which contains information and guides on the appeal process. Alternatively you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or through the [Planning Inspectorate website](#). Please note all documents will be published online by the Planning Inspectorate

and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

**Gas Mains and Services:** Building over a gas main or service that is located within your site could cause damage to pipework or potential gas leaks within buildings. You should check for information relating to services within your site at [Home - LinesearchbeforeUdig \(lsbud.co.uk\)](http://lsbud.co.uk) and contact the Plant Protection Team at SGN on 0800 912 1722 or [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk).

**Building Control:** The development subject to this certificate may also require Building Regulation approval to ensure it is built to national safety, design, and environmental standards. The Council's Local Authority Building Control (LABC) service offers a full range of plan approval, inspection, and associated services through an ISO9001 nationally accredited team of qualified building surveyors. These surveyors work closely with the Council's planning department to ensure the appropriate construction of your build. To find out more visit the Council's Building Control website or call 0300 790 0580 to speak to a member of the team.