APPLICATION NO. 6056 -

Name of appellant:
Mr I Rivers

Site address:
Land adjoining 4 Wyvols Cottages, The Street

Proposal:Proposed erection of detached dwelling. Amendment of consent 3725 (Retrospective)

Case Officer:NAB

ALLOWED

15/07/03

Appeal Decision

Hearing held on 19 June 2003

by Bridget M Campbell BA(Hons) MRTPI

an Inspector appointed by the First Secretary of State

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Temple Quay House
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Date

15 JUL 2003

Appeal A: APP/X0360/C/02/1103995
Beaver Cottage, The Street, Swallowfield

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr I Rivers against an enforcement notice issued by Wokingham District Council.
- The Council's reference is 00211/e.
- The notice was issued on 10 October 2002.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a section of a dwellinghouse shown hatched black on the attached plan.
- The requirements of the notice are to:
  i) Remove 950mm of the front part of the existing dwellinghouse across the whole width, shown for identification purposes hatched black on the plan attached to the Notice; and
  ii) remove from the land all building materials and rubble arising from compliance with the first requirement above, and restore the land to its condition before the breach took place.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in sections 174(2) (a), (f) and (g) of the 1990 Act.

Summary of Decision: The enforcement notice is quashed.

Appeal B: APP/X0360/A/02/1100256
Beaver Cottage, The Street, Swallowfield

- 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 I Rivers against the decision of Wokingham District Council.
- The application (Ref.F/2002/6056), dated 5 March 2002, was refused by notice dated 12 September 2002.
- The development proposed is erection of detached dwelling – variation to F/2001/3725 (retrospective).

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

Preliminary Matters

1. At the Hearing an application for costs was made on behalf of Mr Rivers against Wokingham District Council. This application is the subject of a separate Decision.

Appeal A – The enforcement appeal

The Enforcement Notice

2. Planning permission was granted by the Council in July 2001 for the erection of a dwelling on the appeal site (ref:F/2001/3725). The house as built is some 950mm forward of the

siting as shown on the approved drawings. What has been built is thus materially different from the approved structure so that it does not fall within the terms of the planning permission granted. The allegation in the Notice is, therefore, incorrect as it should refer to the erection of the whole dwellinghouse.

3. The requirements of the Notice also need correction as "to restore the land to its former condition" does not tell the recipient of the notice what he has to do. The former condition of the land was that there was no dwelling house and yet only the front 950mm of the building needs to be removed. The requirements might be altered along the lines of "moving the front walls back by 950mm" or "moving the front walls so as to comply with planning permission F/2001/3725".

4. Because of the change needed to the wording of the allegation, however, such a requirement would, in effect, be under-enforcing so that s173(11) of the Act would bite and planning permission would be granted for the resultant building which would not be subject to the conditions imposed on the original planning permission. This would be prejudicial to the Council because it would leave the development shorn of conditions which the Council clearly considered to be necessary.

5. The requirements might be changed to "demolish the house" or to "alter the dwelling so as to comply with the terms including conditions and limitations of the planning permission granted". However, both of these would be more onerous for the Appellant in that they would necessitate more extensive work than the existing requirements of the Notice.

6. My powers to correct or to vary an enforcement notice extend only to such cases where to do so would not result in injustice to either of the parties. In this case I consider that if I were to correct the allegation and to vary the requirements of the Notice it is likely that injustice would result either for the Council or for the Appellant. It does not, therefore, fall within my power to do so.

Conclusion

7. For the reasons given above and having regard to all other matters raised, I conclude that the notice is fundamentally flawed and it is not open to me to correct it using my powers under section 176(1)(a) of the Act (as amended) since injustice would be caused were I to do so. I intend to quash the Notice. In these circumstances the appeal under grounds (a), (f) and (g) as set out in section 174(2) of the 1990 Act and the application deemed to have been made under section 177(5) of the Act (as amended) do not fall to be considered.

Appeal B – the application for planning permission

Preliminary matters

8. At the hearing it was confirmed that what is being sought is planning permission for the house as built. In addition to the set forward of the building by some 950mm, it was agreed that there had also been some alterations to the side and rear openings resulting from modification to the internal layout of the house and these were not included on the drawings determined by the Council. It was requested for the Appellant that the floorplans and elevations on drawing number 2324/01B be superseded and additional drawings BC/1, 2 and 3 be accepted in replacement. The Council raised no objection to these changes and I am satisfied that the revisions do not materially alter the nature of the application. I shall, therefore, take the replacement drawings into account.

The main issue

9. The main issue in this appeal is the effect of moving the siting of the house forward by some 950mm on The Street street scene.

Planning policy

10. The Development Plan for the area comprises the Berkshire Structure Plan 1991-2006 (1995) and the Loddon Area Local Plan (1995). There is also an emerging Wokingham District Local Plan which is material to my consideration of this appeal although it does not carry the full weight of the adopted Development Plan. At the hearing the Council confirmed that the policies of the Plans cited in the refusal notice were of relevance, rather than the slightly different range set out in the Enforcement Notice.

11. Structure Plan policy EN1 is concerned with the protection and enhancement of the environment of built-up areas, whilst Local Plan policies LBE1 and 2 address the design of new development and inappropriate design. In the emerging Local Plan, policy WOS3 sets out development control principles and WBE1 deals with development in its local context. In summary, and in relation to this appeal, the policies seek a high standard of design for development with respect for the location and the character of the area having regard, amongst other things, to siting.

Reasons

12. The appeal site is situated on the northern side of The Street where dwellings line both sides, before the road enters open countryside a short distance to the west. The site lies on the inside of a shallow curve to the road and, I understand, formerly provided an access to the field to the rear of the site. The house thus provides an infill form of development, the principle of which has been accepted by the Council, along with the design which does not differ, other than in minor alterations to side and rear windows, from that approved under reference F/2001/3725. Whilst there is some confusion as to whether the materials had been formally approved, samples had been submitted as required, and at the hearing the Council confirmed that they were acceptable.

13. Along both sides of The Street within the vicinity of the appeal site, I found plenty of diversity in the age, type and design of the dwellings. The buildings are generally well set back from the street with generous front gardens but I found no rigid uniformity in the pattern of development along the road, with no recognisable front building line, varying gaps between properties and buildings set at differing angles to the road. In my opinion, this lack of formality, together with planting in the front gardens positively contributes to the village character of The Street.

14. The development clearly has an impact on The Street street scene since there is now a building where there was none before. It is, therefore, bound to be noticed by people familiar with the area and particularly so as it situated on the inside bend of the road and has yet to mellow so that it still has the appearance of a newly built house.

15. Looking at the appeal site from directly across the road, the forward siting of the house from that approved is not discernible since a good depth of front garden, not dissimilar to other properties, remains. When approaching the site along the road from the east and west, the house, including a significant amount of the flank elevations, is visible although to the

west some screening is afforded by vegetation in neighbouring gardens but this would be less so in winter.

16. From both directions, however, I consider that the set forward of some 950mm makes no appreciable difference to the appearance of the house in the street scene. Even in its approved position a large amount of the front of the building including the sides would still be visible in views along the road and the forward siting is not so sizeable that the house appears too close to the road. In a road with no formal layout, where buildings are clearly visible and flank walls are a common feature in views along it, I find nothing about the siting of the house to suggest that it results in a building that is out of keeping with its surroundings. I therefore conclude on the main issue that moving the siting of the house forward by some 950mm has not harmed The Street street scene and that there is no conflict with the relevant policies of the existing and emerging Development Plan.

Other matters

17. I have noted the concerns raised about highway safety, but there is already planning permission for a house on this site and no reduction in on-site parking is envisaged. A measured survey of the site has also revealed that the front garden, which is laid out for parking, is wider than was originally shown.

18. With regard to the change in the position of windows on the side elevations, I am satisfied that this does not cause any undue overlooking towards neighbouring properties. At first floor, the east and west elevations each contain one opening lighting a bathroom or shower room, with an additional staircase window at a slightly lower level in the east elevation.

19. Local people have expressed concern that the building was constructed without approval for the incorporated changes. However, the Act allows for retrospective planning applications to be made and such applications have to be determined on their planning merits having regard to the provisions of the Development Plan. There is no provision within the Act for withholding permission as a form of reprimand for incorporating changes that have not been authorised.

Conditions

20. The Council has suggested a number of conditions in the event that the appeal is allowed. At the hearing it was agreed that the 2 relating to landscaping were unnecessary since the gardens of the house have been planted. The front garden parking and the access thereto should be retained in the interests of highway safety, although the Council explained that the condition was not intended to extend to the garage.

21. The suggested condition withdrawing permitted development rights seems to me to be a blanket approach which would leave the householder able to do little without making a planning application. Paragraph 87 of Circular 11/95 advises that only in exceptional circumstances should such conditions be imposed. In this case, notwithstanding the small size of the site as shown on the application drawings, I consider that it would be unreasonable to take away all rights conferred by Classes A, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. However, I do find it necessary to withdraw the rights under Class B because extensions to the roof could have a considerable impact on the character of the area. I also concur with the Council's concern to protect the privacy of neighbouring occupiers and in

this respect a condition could be imposed simply to prevent any additional first floor openings in side elevations of the building.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that appeal B should succeed.

Formal Decision

Appeal A

23. In exercise of the powers transferred to me, I direct that the enforcement notice be quashed.

Appeal B

24. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of a detached dwelling – variation to F/2001/3725 (retrospective) at Beaver Cottage, The Street, Swallowfield in accordance with the terms of the application Ref.F/2002/6056 dated 5 March 2002, and the plans submitted therewith as amended by the deletion of the floorplans and elevations shown on drawing number 2324/01B and the substitution therefor of drawing numbers BC/1, BC/2 and BC/3, subject to the following conditions:

    1) The front parking spaces and access thereto shown on drawing number 2324/01B shall not be used for any purpose other than for the parking and movement of vehicles.

    2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no first floor openings in the flank elevations of the house other than those expressly authorised by this permission shall be constructed.

    3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement of the house consisting of an addition or alteration to the roof, as set out in Class B of Schedule 2 of the Order, shall be constructed.

Information

25. A separate note is attached setting out the circumstances in which the validity of any of these decisions may be challenged by making an application to the High Court.

26. 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.

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Miss M Fraser	Partner in the firm of Fladgate Fielder Solicitors, 25 North Row, London W1K 6DJ
Mr R Bradbeer BA(Hons) MRTPI	Robin Bradbeer Limited, Steepways Farm, Nether Lypiatt, Stroud, Gloucestershire GL6 7LS
Mr A James MA DipArchCantab ARB RIBA	81 Mill Street, Oxford OX2 0AL
Mr I Rivers	Beaver Cottage, The Street, Swallowfield, Berkshire RG7 1RH

FOR THE COUNCIL:

Miss N Brown BSc	Planning Officer
Mr M Hamlin BSc MA MRTPI	Senior Planning Enforcement Officer

INTERESTED PERSONS:

Mrs C Adams	Clerk to the Swallowfield Parish Council, Parish Office, Swallowfield Street, Swallowfield, Reading RG7 1QX
Mrs G Gower	Shillings, Foxborough, Swallowfield, Reading, Berkshire

DOCUMENTS

Document	1	List of persons present at the hearing
Document	2	Letters of notification of the hearing and list of persons notified
Document	3	Letters of representation
Document	4	Supporting Documents 1-10 to the statement for the Appellant
Document	5	Copies of correspondence attached to supplementary statement for the Appellant
Document	6	Appendices 1-5 to the Council's statements
Document	7	Letter from Councillor Mrs C Beatty submitted at the hearing
Document	8	Bundle of letters submitted at the hearing by Swallowfield Parish Council

PLANS

Plan	A	Application drawing – site plan, 1:2500
Plan	B	Application drawing – existing site plan , 1:500
Plan	C	Application drawing – 0219 – 01
Plan	D	Application drawing – 2324/01B in part superseded at the hearing
Plan	E	Application drawing – 2324/200
Plan	F	Application drawing – 2324/02A
Plan	G	Application drawing – BC/1 brought in at the hearing
Plan	H	Application drawing – BC/2 brought in at the hearing
Plan	I	Application drawing – BC/3 brought in at the hearing
Plan	J	Superseded application drawing – 2324/01A
Plan	K	Superseded application drawing – 2324 SK100
Plan	L	Superseded application drawing – 2324/02

Costs Decision

Hearing held on 19 June 2003

by Bridget M Campbell BA(Hons) MRTPI

an Inspector appointed by the First Secretary of State

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Date
15 JUL 2003

Costs application in relation to Appeals Ref: APP/X0360/C/02/1103995 & APP/X0360/A/02/1100256
Beaver Cottage, The Street, Swallowfield

- The application is made under the Town and Country Planning Act 1990, sections 78, 174, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr I Rivers for a full award of costs against Wokingham District Council.
- The hearing was in connection with an appeal against an enforcement notice alleging the erection of a section of a dwellinghouse without planning permission and an appeal against refusal of planning permission for the erection of a detached dwelling.

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

The Submissions for Mr Rivers

1. The Council acted unreasonably in issuing the enforcement notice and refusing the planning application which has resulted in unnecessary wasted expense for the Appellant.

2. Paragraphs 23 and 24 of Annex 3 of Circular 8/93 indicate that a local planning authority will be at risk of an award of costs if it fails to demonstrate that it had reasonable grounds for considering it expedient to issue an enforcement notice. It is unreasonable to issue a notice solely to remedy the absence of a valid planning permission if it is concluded on appeal that there is no significant planning objection to the breach of control alleged in the notice. In this case the Council did not behave reasonably in exercising its discretion to take enforcement action, particularly as there is a distinct possibility that the Notice is fundamentally flawed.

3. The Council failed to show that the breach of control unacceptably affects public amenity and thus that it was expedient to issue the Notice. It has also failed to produce evidence to support the reason for refusing the planning application. Harm is alleged but nothing has been provided by the Council to substantiate this claim. The officer's report on the planning application said that the siting of the building has no effect on the adjoining neighbours, so it is difficult to understand how there can be harm for more distant neighbours.

4. At the hearing, the Council also accepted that irrelevant policies had been cited in the Enforcement Notice.

5. The Council's behaviour has been unreasonable and has resulted in unnecessary planning and enforcement appeals. This has involved wasted expense for the Appellant and a full award of costs is justified.

The Response by the Council

6. Paragraph 21 of Annex 3 to Circular 8/93 makes clear that taking enforcement action is within the local planning authority's discretion and that such action should be taken when it is clearly in the public interest to do so.

7. The Council has demonstrated that the development is unacceptable in planning terms and that it is contrary to the Development Plan. It was, therefore, expedient to take action.

8. Whilst it is accepted that the Enforcement Notice may have been badly worded, the Council had tried to take a reasonable approach by under-enforcing. It is only concerned with the effect on the street scene and thus the forward projection of the building by a further 950mm.

9. Harm is a matter of planning judgement and is subjective. The Council has shown that the development harms the character of the area and the street scene and conflicts with the Development Plan. There is no suggestion that the development harms adjoining occupiers in terms of their outlook, light or privacy; the only issue is the effect on the street scene.

10. It is accepted that some of the policies in the Enforcement Notice were wrong, but it is quite clear from the planning refusal notice and from the Council's statement which policies the Council considered to be relevant.

11. The Council has not behaved in an unreasonable manner and an award of costs is not justified.

Conclusions

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

13. Looking first at the enforcement notice, the shortcomings in the drafting of the notice were identified by the Appellant's Agent at an early stage, when the appeal against the notice was first lodged, and this included reference to relevant judicial authority. However, it was not until this matter was again aired at the hearing that the Council agreed that the notice was flawed and incapable of correction without prejudice to one or other of the parties.

14. At the hearing, the Council said that it had tried to take a reasonable approach to the unauthorised development by only requiring the removal of that part of the development considered to be harmful. It pointed out that even though the notice was defective and incapable of correction, there was still a s78 appeal against the refusal of planning permission and that if this were dismissed, there would still be the opportunity to serve another enforcement notice.

15. Whilst the Council's action in seeking to attack only that part of the development considered to be unacceptable is commendable, no satisfactory explanation was advanced as to why, on having the shortcomings of the notice pointed out, it continued to proceed to defend the appeal against the notice. In its statement, the Council said that there were powers to amend a notice, but at the hearing it was unable to suggest how this might be done without injustice to one or other party.

16. Paragraph 22 of the circular says that when using their discretionary powers, planning authorities will be expected to exercise care to ensure that their decision to issue an enforcement notice takes full account of relevant judicial authority, the government's guidance in PPG18 and well publicised appeal decisions. A serious misunderstanding of clearly established principles of law is likely to be regarded as unreasonable conduct. In my view, the Council's actions in relation to the appeal against the enforcement notice amounts to unreasonable conduct. The notice was incorrectly drafted and incapable of correction without prejudice and the Council, rather than seeking to rectify the problem when pointed out, continued to defend the notice until a concession was finally made at the hearing. In doing so, the Appellant was put to unnecessary expense in having to pursue the matter to the hearing.

17. I turn next the Council's evidence in relation to the ground (a) enforcement appeal and to support the reason for refusal in relation to planning application. In this respect, the principal concern was the effect of the development on the street scene. The Council's evidence was that the forward siting of the building by some 950mm, in a location on a bend in the road, made the building more visually prominent, thereby creating a visually intrusive and incongruous feature.

18. I recognise that appearance issues involve an element of subjective judgement. However, the fact that a building might be more visible does not in itself signify that it is harmful. This is particularly so along a road of informal layout with other houses which are equally or more apparent in the street scene. The Council, in the grant of the previous planning permission, had already agreed the design of the house so that the harm had to stem from the forward siting. The Council was invited, both during the hearing and on the site visit, to expand upon its reasons and to describe the harm that the building caused. However, no more was offered than that the forward position of the building and its location on the bend made the building more prominent.

19. This does not, in my view, amount to sufficient evidence to illustrate any demonstrable harm or to show that the development conflicts with the relevant provisions of the Development Plan. From my visit, it was clear that even with 950mm shaved off, a significant amount of the building would still be seen in views up and down the road, and the existing depth of front garden is not dissimilar to that of other properties.

20. I am fully aware that more detailed evidence was submitted by other interested parties. However, it is incumbent on the Council to demonstrate that it had reasonable grounds for considering it expedient to issue an enforcement notice and to show why the development applied for could not reasonably be permitted. This it failed to do. In this respect, I find the Council's behaviour to have been unreasonable and to have resulted in unnecessary wasted expense for the Appellant in having to pursue the matter to appeal. I conclude that a full award of costs is justified.

Formal Decision and Costs Order

21. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990, and all other powers enabling me in that behalf, I HEREBY ORDER that Wokingham District Council shall pay to Mr I Rivers, the costs of the appeal proceedings, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned:

i) an appeal under section 174 of the Town and Country Planning Act 1990 against an enforcement notice issued by Wokingham District Council alleging the erection of a section of a dwellinghouse without planning permission, and

ii) an appeal under s78 of the Town and Country Planning Act 1990 against the refusal of planning permission for the erection of a detached dwelling,

on land at Beaver Cottage, The Street, Swallowfield.

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



INSPECTOR

RECEIVED
14 NOV 2002
PINS AA PEP

Mr & Mrs P Cobbold
Bowyers Farm Cottage
The Street Swallowfield
Reading Berkshire
RG7 1RE 12/11/02

1100256

Ref: Planning Application: F/2002/6056
Proposal: Amendment of Consent F/2001/3725
Site: Land Adjoining 4 Wyvols Cottages The Street Swallowfield Reading

Dear Sir/Madam

We are writing with reference to the above appeal, which has been lodged with respect to the house built on the land adjoining 4 Wyvols Cottages in Swallowfield.

Whilst we initially did not, and do not, object to the fact that a house has been built in this location, we do have the following comments to make with respect to the fact that the house has NOT been constructed in accordance with the original planning consent. The builder has quite clearly ignored and in fact seems to have flouted the planning laws.

As such we strongly object to this amendment of planning application for the following reasons:

First appearances upon entering the village are very important to the character of the village. This dwelling in its current constructed format creates a VERY obtrusive appearance upon entering and leaving the village from the Basingstoke Road. It is in a prominent position on a dangerous bend in the road. It detracts from the character of the existing houses to both sides.

The position of the house, being 1 metre further forward than the original planning permission creates an objectionable looking house that is completely out of line and symmetry with all the existing houses too both sides.

We also strongly object to the fact that the original terms of the planning consent have been totally ignored by the builder who has quite clearly not built the house within the building envelope agreed when the original application was granted.

It is vitally important that the planning laws are observed or we could all just do what we want. It is very important in a village of the nature of Swallowfield, that ALL new buildings and alterations are constructed in a sympathetic manor that befits the nature and architecture of the village. This house quite clearly does none of these.

We strongly oppose this application for all the above reasons and would hope that this house is returned to the size and location that was originally given planning consent. It currently looks like a carbuncle in a row of very attractive cottages, and its position puts it completely at odds with its environmental surroundings.

Yours faithfully Mr & Mrs Cobbold

Document 4

Town & Country Planning Act 1990 Sections 78 & 174

Appellant:	Mr I. RIVERS
Site:	BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE RG7 1RH

October 24th 2002

Ref: **137 / 3.13 / 01**

REPORT

by

ADRIAN D. JAMES MA DipArchCantab ARB RIBA

Specialist Field: URBAN DESIGN

INTRODUCTION

My name is Adrian James. I am a chartered architect, trained at Cambridge University, fully qualified for 15 years, a member of the RIBA, and principal of my own practice Adrian James Architects for 7 years. Prior to starting my practice I was one of two associates in the internationally renowned practice John Outram Associates, where I was in charge of major design projects in Houston, Texas and the Hague. My practice has established a national reputation for urban design: our work has been widely published in the architectural press and the national press, including the Daily Telegraph, the Financial Times, the RIBA Journal, the Architects Journal and Architecture Today. We have won many design awards including the Daily Telegraph Best Townhouse Award twice, the Oxford Preservation Trust Award twice, the national Best Brick House Award and an RIBA Downland Prize. These awards recognise the positive contribution made by our buildings to their urban environment.

BRIEF

My brief is to analyse the location of Beaver Cottage, The Street, Swallowfield in urban design terms. The specific issue is whether the location of the building just under a metre forward of the approved position is detrimental to the context, and if so whether it is sufficiently detrimental to warrant partial demolition. The issue is not the design of the building itself, just its forward siting.

METHODOLOGY

This evidence is in two parts:

1. a paper analysis of the context of the house which considers the planometric survey of the street using four different methods,
2. a site analysis of The Street itself, using photographs to describe an empirical assessment of the actual context.

1.0 PAPER ANALYSIS

1.1 CONTEXT (Figure 1.)

1.1.1 To assess the effect on the building's context , we must first establish the extent of the context. It is not sufficient to only consider it in relation to its immediate neighbours: we must assess such matters as the extent of its visual influence, the character of the area, any patterns in the surrounding buildings such as building lines, etc. If, for instance, the neighbouring buildings are tightly organised with a clear continuous building line, then obviously the displacement of a single building is more important than in a looser arrangement.

1.1.2 The Street in Swallowfield has three distinct parts, with the two end sections separated by the central hub of the shop and surgery with their forecourt parking areas. Beaver Cottage sits roughly in the centre of the western sweep of the road, mid-way between the surgery and the Grange, which marks the western entry to the village. This section of the road is about 300m. long, and this is also the approximate limit of visibility of Beaver Cottage.

1.1.3 This part of the road can be judged as a distinct area in the village and forms the context of the house within which to assess its influence. This context is shown in Figure 1, on the next page.

1.1.4 I have included Beaver Cottage, as built, on the plan, and indicated with a dashed line the permitted position of the front of the house. The following four figures 2-5 and descriptions analyse this plan using different parameters.

1.2 FIGURE / GROUND ANALYSIS (Figure 2.)

This plan shows only the building outlines and the street line, with all peripheral information on site boundaries and pavement lines removed. This allows a clearer examination of the buildings in relation to each other and the street. There are six immediate observations that can be made from this:

1.2.1 The houses are arranged relatively loosely, with plenty of variety in their set-back from the road. (See figure 3.)

1.2.2 Many of the buildings are not parallel to the road, but are angled to it, so confusing any possible building line. (See figure 4.)

1.2.3 Some of the buildings have most or all their side elevations visible from a distance along the road. (See figure 5.)

1.2.4 Many of the buildings do not have flat front elevations. In some cases it is only the porch that projects forward but in other cases, such as Halfway Up, Windy Ridge, Applehurst, Serenade, Park Villas, the building has a two-storey bay or wing projecting forward, confusing any possible building line further.

1.2.5 Beaver Cottage does not jump out as being exceptionally sited.

1.2.6 The difference between the actual position and the permitted position is negligible when seen in plan context like this.

1.3 SET-BACK DIMENSIONS (Figure 3.)

Figure 3. shows an analysis of the set-backs of the neighbouring buildings. The set-backs vary from 8m. minimum to 38m. maximum, which is a very wide range.

1.3.1 There is however a definite gradual progression on the north side of the street, where Beaver Cottage is, with the houses moving further away from the road towards the edge of the village. This goes from 11.4m. to 16.1m. Beaver Cottage falls well within this range, being 12.4m from the road, which matches approximately the two neighbours Altdeare and Little Gables. Their exact set-back depends on whether one includes porches or not, but this is academic given that both of them – and Beaver Cottage - are angled to the road, so all one can say with certitude is that all 3 have approximately the same set-back.

1.3.2 On the south side of the street, there is a greater range of set-backs, and no such gradual progression. The closest house is actually Grange Lodge at the village edge, which is only 8.2m. from the road.

1.3.3 Within this range of set-backs, Beaver Cottage is completely unexceptional. It sits comfortably within the natural progression on the north side of the road, and relates very closely to its neighbours.

1.4 FAÇADE ZONE (Figure 4.)

1.4.1 Any attempt to formulate a building line for the north side of the road must be frustrated by three facts:

- there is huge variety in the set-backs from the road,
- many of the buildings are placed at an angle to the road,
- many of the buildings do not have a flat front façade.

1.4.2 What may be possible is to define a continuous zone of a certain depth within which all the facades fall. This is what is shown in Figure 4. This defines a smoothly curving zone, approximately 5m. deep within which all the front elevations of the houses on the north side of the road fall. The curve has been formulated without Beaver Cottage, but as can be seen the house does fall within the zone, in both its actual and permitted positions.

1.4.3 This is not a definitive zone, and it may be that other curves could be applied. But that would in itself reinforce the point that there simply is not a clear single building line or zone. This is not a street with a building line on either side of the road, so one cannot and should not fix with certainty where any building must go, nevertheless Beaver Cottage as built does fit in an approximate façade zone model.

1.5 VISIBLE FLANKS (Figure 5.)

The last analysis of the plan considers the visible flanks of the houses in the context of Beaver Cottage.

1.5.1 Approaching the village from the west, the houses at the end of the road naturally present their exposed side to the road. Grange Lodge in particular and then the houses on both sides present their complete flanks. These vary in length from 5.8m to 7.2m. Directly opposite Beaver Cottage there is a double garage 7.5m. wide totally visible from the road. In this context, the actual visible length of Beaver Cottage's side elevation of approximately 5.5m. is completely unexceptional. Given its position on an external radius, which will naturally expose more of a building's flank, this dimension is all the more reasonable.

1.5.2 Approaching the house from the east, many buildings expose large flanks to the road, because they are angled to the road. Applehurst, Halfway Up and Little Gables, all on the north side, successively expose almost all or all of their flanks, varying from 7.0 to 9.2m. wide. In this context, the 4.4m. which is visible of Beaver Cottage's flank as built is quite modest and perfectly reasonable.

1.6 PAPER ANALYSIS CONCLUSION

1.6.1 The location of Beaver Cottage on plan, when viewed in context, is unexceptional and perfectly acceptable:

1.6.2 The houses on this part of the Street vary considerably in their set-back from the road. Beaver Cottage falls within any perceived pattern in set-backs, while other houses stray further from any apparent pattern.

1.6.3 There is a lot of variety in positioning, massing and twist of the neighbouring buildings. This means it is not possible or correct to ascribe a precise building line to the houses. To the extent that any zone can be established within which facades fall, Beaver Cottage does comply.

1.6.4 Beaver Cottage does present some of its flank elevations to the road on both sides. But this is entirely unexceptional and modest, given how much of how many other houses' flanks are visible from both directions.

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

2.0 SITE ANALYSIS

The actual site conditions include other factors against which the importance of precise siting of buildings must be weighed. Architecture and landscaping can both make more or less impression on the complete context and make the actual siting more or less important.

2.1 ARCHITECTURE

2.1.1 The buildings of Swallowfield are varied in architectural style and quality. While there are some excellent examples of Victorian vernacular architecture, these are thinly spaced around the village, particularly at the west end of the Street, and the majority of the houses are mediocre or worse 20th century dwellings, which may notionally match their predecessors in material (brick) but remain solidly banal.





Photos 1. & 2. Examples of range in style and quality of architecture in the street.

2.1.2 The houses are mostly two storeys with pitched roofs, with a few bungalows remaining, although these will presumably be replaced in time. But beyond this there is little consistency and this end of the village certainly does not merit precious treatment.

2.1.3 Given the lack of stylistic consistency, it could well be argued that the more recent houses have been too modest in their ambitions and are consequently lacklustre: the village could sustain and thrive on greater variety. In this context, Beaver Cottage, being obsequious in detail to the older neighbouring cottages, is nothing special and stands out less than other buildings because of their high or low quality.





Photos 3. & 4. Beaver Cottage. The new brickwork will mellow and is not the issue.

2.1.4 All in all, in walking through the village, it is the architectural variety -and its general failure to impress - which is more instantly affecting than any appreciation of proximity.

2.2 LANDSCAPING

2.2.1 The topography of the village is unimportant. Entering the village from the west the Street falls gradually towards Wyvols Cottages, but not to such an extent that it obscures or highlights any buildings, except for Grange Lodge. This bungalow at the village entrance is unattractive, with a large wall on its boundary: it immediately sets the wrong tone, detracting from the pleasant leafiness of the Street ahead. And it is this vegetation which is the important landscaping factor in the village.

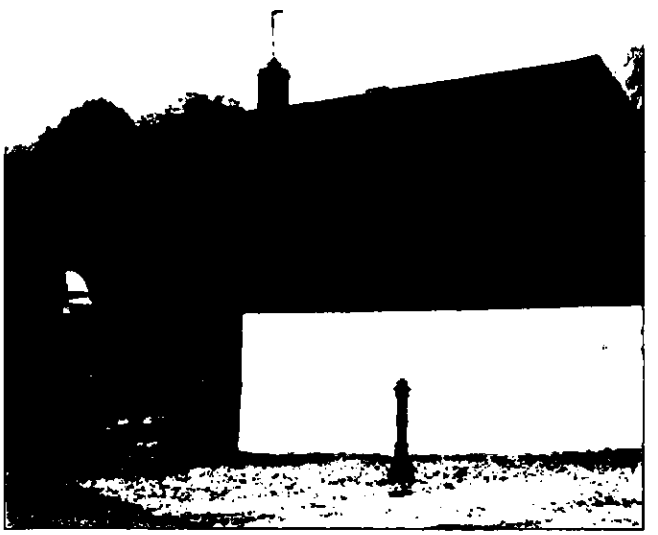


Photo 5.
Grange Lodge & its wall.



Photo 6.
The view of Beaver Cottage obscured by vegetation.

2.2.2 Because the houses are generally set back more than 10m. they all have generous front gardens. In fact what would be the primary view of Beaver Cottage's west flank is largely obscured by vegetation until one is viewing it at a sharp angle. Of course too much emphasis should not be placed on vegetation since it has no permanence and is not subject to planning law (here). However, the general truth remains that, whatever may happen to any particular tree or shrub, these houses all have generous front gardens and so there will always be some substantial vegetation obscuring and downplaying the siting of individual buildings.

2.3 VISIBILITY

2.3.1 So approaching from the west, the prominence of Grange Lodge and the amount of vegetation both serve to diminish any possible visual intrusion by Beaver Cottage to the point where it is negligible in its context.

2.3.2 Approaching from the east, neither architectural style nor landscaping are as dominant, but the visible flanks of the preceding houses on the north side of the road are as prominent as the plan implies. From this direction, bearing in mind these precedents along the road, Beaver Cottage has minimal relative impact and is entirely unexceptional.



Photo 7.
The flank of 'Halfway Up'.



Photo 8.
The flank of 'Little Gables'
(Beaver Cottage just visible beyond.)

2.4 CONCLUSION

2.4.1 **The conclusions of the paper analysis are vindicated in reality.**

2.4.2 **The visible flanks of many houses serve to normalise the visible flanks of Beaver Cottage and, while they might be intrusive elsewhere, in this context they are unimportant.**

2.4.3 **The generous front gardens of all the neighbouring houses provide considerable long-term screening with mature vegetation and this obscures and downplays any architectural impact.**

2.4.4 **The variety of style and quality in the village architecture, and the prominence of one or two poor buildings, means there is a lack of consistency and a level of distraction which again diminish any possible intrusion.**

2.4.5 **The houses in this section of the Street in Swallowfield are arranged without precise organising principles and the existing architecture and landscaping serve to diminish the effect of any siting decisions. There is not the consistency to enable guidance on siting beyond general principles about being a reasonable approximate distance back from the road. Beaver Cottage fits within any such guidance and there can be no possible justification for enforcing any demolition.**

Meadow View
Trowes Lane
Swallowfield
Berks
RG7 1RQ
Tues 5th Nov 2002

RECEIVED
8 - NOV 2002
PINS AA PEP

Application No F/2002/6056
Appeal by: Mr. I. Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling Amendment of consent F/2001/3725 (Retrospective
Reference: APP/X0360/A/02/1100256

Dear Sir/Madam,

Re the above application.

I am concerned that the dwelling, although only projecting about 1 metre forward, stands out considerably from the surrounding houses completely spoiling the effect of the look of the Street. I cannot understand how it could have been built especially as the developer was well aware that he did not have planning permission. If it is allowed to stand it would seem to make a mockery of having to comply with granted planning permission.

Yours Sincerely, Linda Banks (Mrs)

DOVECOTE HOUSE
SWALLOWFIELD PARK
READING, BERKS. RG7 1TG
READING (0118) 988 4775

11th November 02

Dear Madam,

Re APP/X0360/A/02/1100256

House adjoining 4 Wyvols Cottages, Swallowfield

We object to the erection of the above-mentioned house on the basis

1. that it has been erected in defiance of the views of Wokingham District Council and Swallowfield Parish Council

2. that it sticks out like a sore thumb.

Yours faithfully,

L.H.L. Cohen

Eleanor Cohen.
E. L. COHEN

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

From Dr Zella M Fraser

Tel: 0118 988 3446

Uplands
Basingstoke Road
Swallowfield
Reading
Berkshire
RG7 1PY

11th November 02

Mrs M Pocock,
Planning Inspectorate

Dear Madam,

re Application F/2002/6056
Amendment of consent (Retrospective)
F/2001/3725
Ref APP/X0360/A/
02/1100256
in respect of
Land adjacent to 4 Wyvols Cottages.

There appears to have been a deliberate flouting of planning regulations in the building by a man of a much larger property than that which was passed by Wokingham District Planning Authority: the lack of the notice of a warning when otherwise was

partly constructed. This small time builder does not live long in his properties before moving on. Why then should I see ignorant as to whether his previous property is almost complied with planning permissions.

The answer is a property in The Street too large for the plot and extending way over the allowed building line. A similar thing happened when Balcombe Lodge was built close to my house. Permission for change of use was granted but a very large two storied building was built and sold by the owner. This time a tough line was taken with building of houses over the line with planning permission granted by planning authorities.

We could very well speed up to take action.

Yours Sincerely, Elizabeth

THE LINNEY,
5, FOXBOROUGH
SWALLOWFIELD
READING
RG7 1RW
8.11.02

Dear Madam,

Ref: Application No. F/2002/6056
Appeal by. Mr. I. Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield Reading.
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

The extension to the house adjoining 4 Wyvols Cottages (Beaver Cottage) protrudes from the line of the existing houses looking unsightly and spoiling the appearance of the village. The fact that the dwelling is positioned on the bend makes this more obvious. In our opinion the choice of building material and style is out of character, points which would not have been such an issue if the property had been erected in the correct position but these are now glaring.
We feel it's important for developers to abide by planning permission, if this appeal is accepted this sends out the message to future developers that planning rules are there to be broken and they can build where and in whatever style they choose.

Yours faithfully,

L A Carroll.

MRS L.A. CARROLL.

M & B J Nelhams
Maypool House
Swallowfield
Reading
RG7 1RE

11 November 2002

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

Dear Mrs Pocock

Application No: F/2002/6056
Appeal by: Mr I Rivers
Site: Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

I refer to our previous statements in respect of the above applications and would reiterate all the points stated therein, which remain valid considerations in respect of this Appeal.

The developer has clearly ignored the original Planning Consent and has persisted in overruling the Parish Council and the Wokingham District Council, which quite correctly and rightly, set out the parameters of the planning for the village. Matters such as this cannot be undertaken lightly and the Applicant appears to have done just this.

It is clearly important to ensure that all planning consents by both the Parish Council and the Wokingham District Council are strictly adhered to, for that is the way the Planning Laws are stipulated. Clearly, in this particular instance, this has not been done. Justice therefore, must prevail and the Appeal must be rejected and the house should be rebuilt where it should have been sited under the original Planning Application.

Having regard to the above, there is no merit whatsoever in the Applicant's Appeal. To allow the Appeal will be a complete breach of natural justice and will encourage others to simply ignore the legitimate aims of the Planning Legislation.

The Parish Council and Wokingham District Council have set out the objections to this retrospective application and I do not intend to repeat them here. However, you are urged to think about the visual intrusion in respect of the way this house has now been built (hence the original consent); the "ugly" appearance in this important area on entering the village; the congestion of on-street parking; the very noticeable effect of the forward building of this dwelling and its effect on the remainder of the houses in the locality and the attractiveness of the rural site, which is clearly envisaged by the original Planning consent and which has been flagrantly disregarded by the Applicant.

There is no doubt in our minds that to agree to such an Appeal would be a breach of natural justice in all the circumstances.

We trust that you will reach the appropriate decision.

Yours sincerely

M & B J Nelhams

11 Foxborough
Swallowfield
Reading
RG7 1RW

11/11/02.

Dear Mrs Pocock.

Re App No F/2002/6056. Appeal by Mr I Rivers Site - Land Adjoining 4 Wyvols Cott, The Street, Swallowfield. Proposal - Erection of Detached Dwelling. Amendment Consent F/2001/3725 (Retrospective) Reference - APP/X0360/A/02/1100256.

We write in support of the councils decision to reject the retrospective application as the property as built does not blend with the existing character of the street as it now occupies a rather prominent position on the outside of the bend.

It is no doubt irelevant whether or not the mistake was innocent or deliberate as the error was, we understand, brought to the developers attention during construction when rectification would have been easier.

Yours sincerely

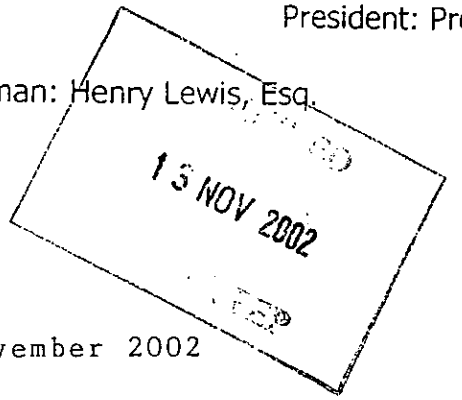
Andrew & Dawn Thomas

(Andrew & Dawn Thomas)

Swallowfield
Local History Society

President: Professor Mike Biddiss

Chairman: Henry Lewis, Esq.



Secretary: Ken Hussey
'Kimberley'
Swallowfield
Reading
RG7 1QX

Tel: 0118 9883650

12 November 2002

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

Dear Sirs

Application No. F/2002/6056
Appeal by: Mr.I.Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detatched dwelling. Amendment of consent F/2001/3725 (Retrospective)
Reference APP/X0360/A/02/1100256

You will have already received comments from our Society regarding the unsuitability of the above proposed development and we trust that this appeal will be refused.

We are very proud of our village heritage and are determined to do whatever we can to protect it.

The development is totally inappropriate in its present location and is significantly detrimental to the street scene. On entering the village from the Basingstoke Road (i.e. from the south west), as one approaches the first bend one is confronted by this monstrosity projecting beyond the neighbouring building line. There is a similar appearance when leaving the village.

The enclosed photographic prints show the protrusions quite clearly. We have indicated by stick-on labels, one metre of length of wall. We have been unable to measure the exact protrusion for health reasons, but the protrusion would appear to be considerably in excess of 900mm rather than less. Whatever the dimension may be, it's the appearance that matters.

(continued overleaf

continued)

The materials that have been used in the construction form a stark contrast to those of adjacent properties. These features we have already highlighted. Additionally, the door and window frames are dark in colour, in contrast to the white of all neighboring properties. This feature stands out when the rear elevation of the property is viewed, from a distance, across the field from Swallowfield Street on entering the village from the north west (see photograph). Summarising, the design and materials used in the construction of the building are totally unacceptable.

We urge you to refuse this appeal on the grounds of incompatibility with the attractive village scene.

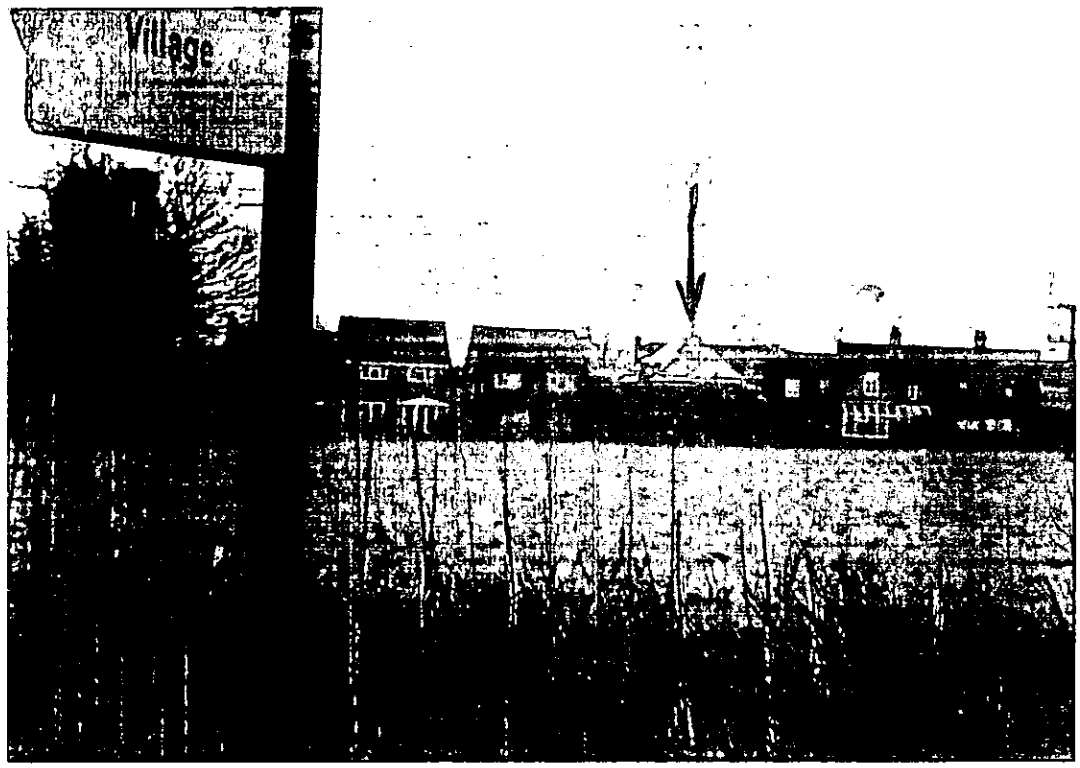
Yours faithfully

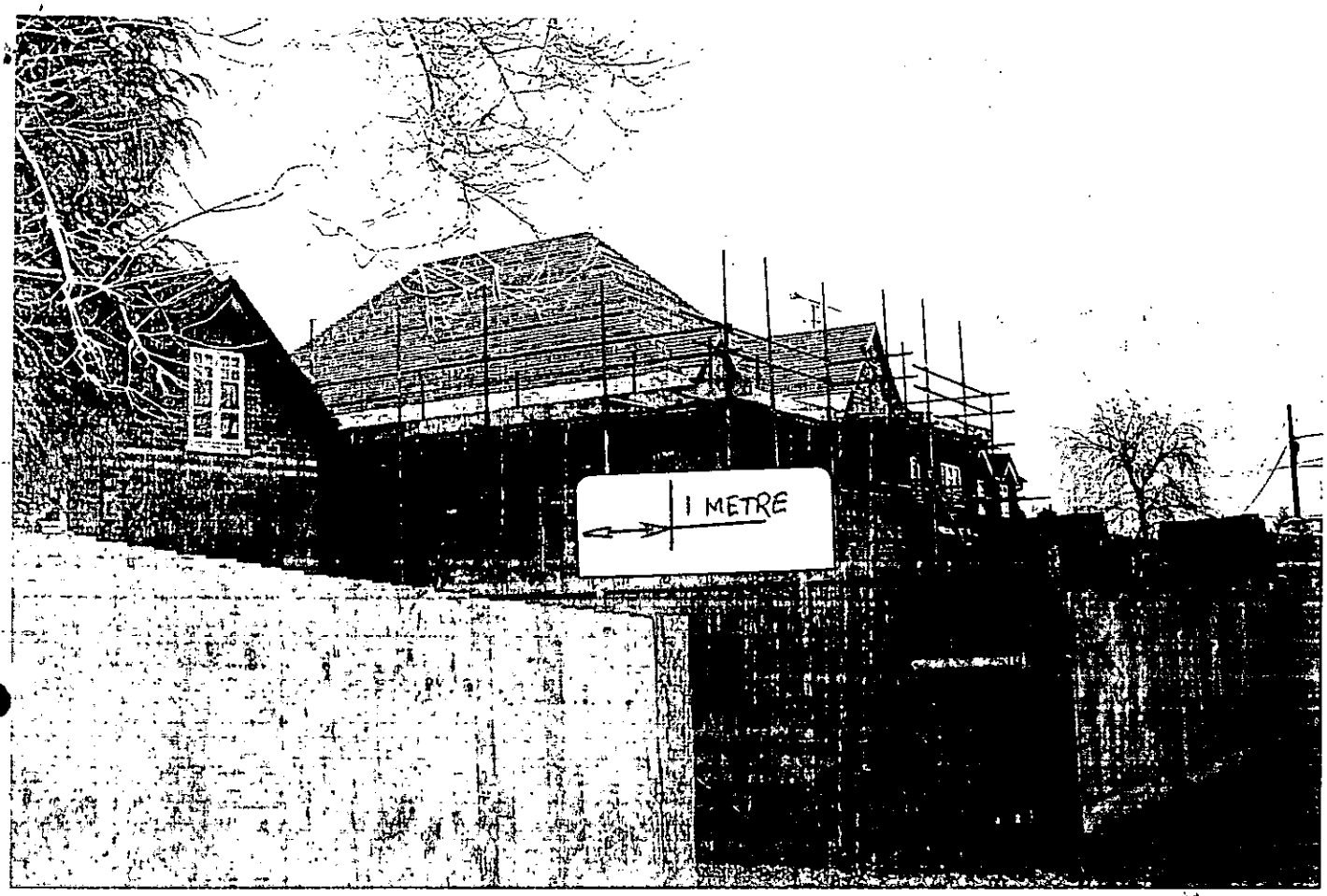
K.Hussey
Honorary Secretary

THE FOLLOWING SCANNED IMAGES
ARE DOCUMENTS OF BAD QUALITY
OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY
APPEAR UNREADABLE ON SCREEN


Village



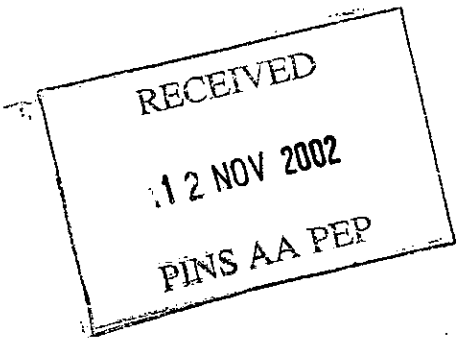
LOOKING NORTH-EAST

BEAVER COTTAGE

LOOKING SOUTH-WEST



Application No F/2002/6056
Appeal by: Mr. I. Rivers
Site: Land adjoining 4 Wyvols Cottages,
The Street,
Swallowfield,
Reading.
Proposal : Proposed erection of detached dwelling. Amendment of consent F/2001 /3725 (Retrospective)
Reference: APP/X0360/A/02/1100256.



36 Foxborough
Swallowfield
Reading
10 Nov. 2002
01189887036

Dear Mrs. Pocock,

I drive past the above mentioned site daily and have come to the following conclusion. The points raised by the Swallowfield Parish Council seem exaggerated to me and even appear to be verging on hysterical. We are talking about an almost insignificant distance and therefore to instruct the owner to demolish the property would be an act of criminal waste. If another penalty is more suitable then so be it but the claims regarding the impact this property has on the village are ridiculous and the outcome sought is too severe.

Yours sincerely,

Alasdair J. Murray.

Brambles
Trowes Lane
Swallowfield
Berkshire
RG7 1RQ
tel: 0118 988 5747



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

4 November 2002

Dear Mrs Pocock

Application no. F/2002/6056
Appeal by: Mr I Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling. Amendment of Consent F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

We feel very strongly that the above appeal concerning retrospective planning application, which was rejected by Wokingham District Council, should be rejected by The Planning Inspectorate. While we appreciate that planning permission was granted for a dwelling set further back, the developer has wilfully ignored this and has built the house in flagrant and deliberate contravention of planning law.

The dwelling has been erected in a prominent position on a bend shortly after the road enters the village. It is sited so far forward that it is jarringly noticeable on entering Swallowfield. It has had a severely detrimental effect on what was previously an attractive group of houses and on the entire appearannce of The Street in its immediate vicinity. First appearances on entering a village are very important, and the projection of this dwelling is both visually intrusive and inappropriate.

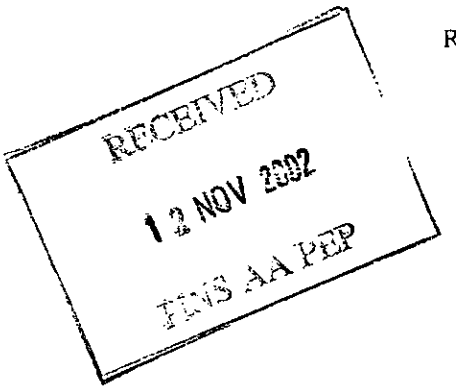
We would appreciate your consideration of these facts when you handle this appeal.

Yours faithfully

Lorna and Gordon Collender

Mr and Mrs G Stanley
Northcote
SwallowfieldStreet
Swallowfield
Reading RG7 1QX

November 9th 2002



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

1100256

Dear Mrs Pocock,

Application number F/2002/6056
Appeal by: Mr I Rivers
Site: land adjoining Wyvols Cottage, The Street, Swallowfield
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective)

I am writing to express our strong concern that the above planning appeal should not be granted.

- To my mind, the most vital point is the attitude to the planning process. If a structure which has been built in direct and knowing contravention of the original planning permission is allowed to remain, it makes a total mockery of the planning process and gives a green light for future developers to make unacceptable variations.

The original reasons for refusing permission for the structure in its current position still stand and the decision must be upheld:

- The reason the developer has taken a chance and flouted the law is because he feels the Appeals body will decide that one metre is not worth putting him to the expense of demolition. Yet that metre was decided upon for a reason : the strong visual impact of the building in a particularly striking location.
- The building is on a bend and in full view as one enters the village. While we would have preferred it not to built in that location at all, the permitted alighment is significantly less visually obtrusive than the one which has been illegally built.
- Not only on entering the village but also as one looks up The Street, this projecting building is very visually noticeable and out of line, and therefore out of keeping, with its neighbours. This has a very detrimental effect on the surroundings in an attractive village which is doing all it can to marry development and conservation in a positive and productive way.

I would reiterate that this building cannot be allowed to remail in its current, unauthorisd location. If this appeal is allowed, no developer need take palnning applications seriously again, as they can bank upon retrospective permission and make whatever variaitons they like, using past precedent to argue their case.

We very strongly urge you to turen down this appeal.

Yours sincerely,

Barbara Stanley

Barbara Stanley

APP/X0360/A/02
1100256

4, Portway
Riseley
Reading
Berkshire RG7 1SQ

RECEIVED
12 NOV 2002
DNS AA PIP

10th November 02

Re. Beaver Cottage adjoining 4 Wyvols Cottage

Dear Madam,

Further to my letter to Wokingham Unitary Authority on November 8th I now understand that retrospective planning for the above said house has been rejected and I urge you as Planning Inspector to use your powers to order the house to be demolished and rebuilt in the position for which planning approval was originally given.

Reviewing my original letter one would gather that I was under the impression that an over-sight had been made by the Planning Authority allowing the house to be positioned way forward of adjacent properties on the external radius of the bend and constructed of materials not sympathetic to the attractive cottages adjacent to the new building. But no, I am now informed that planning permission was never granted for the house in the current position and that in spite of the developer being made aware that from the beginning of construction the building was not in its correct position he proceeded with construction and so one is confronted with what one would call an 'eye sore'.

With the projected intense building program called for by central government it is imperative that housing development is carried out within strict planning standards working in partnership with both local and district planning authorities. Housing constructed outside these planning regulations whether it be position, style, selection of construction materials and proportions should be resisted at all costs unless we are to end up with a 'hotch potch' of housing for todays and future generations.

Yours faithfully,

R.F. Granados

Attachment:- Letter November 8th Wokingham Unitary Authority

Fax to Mr. T.Watson, Development Control Manager.
Wokingham Unitary

(Fax No.- 01189 746484)

4, Portway,
Riseley,
Reading,
Berkshire. RG7 1SQ

8th November 02

Dear Sir,

Thank you for the correspondence re. The Studio, Part Lane, Riseley.

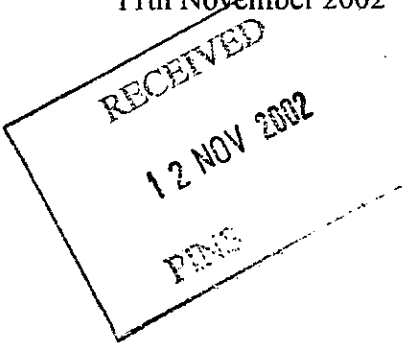
My reason for writing is to try and understand how planning permission could have been granted for the new house being constructed at the top of The Street, Swallowfield in respect of its position which is far forward of the building line of adjoining properties, is this an oversight of the planning committee?

Driving down The Street one cannot miss the visible prominence of said property with the reduced sight line of adjoining properties and my personel thoughts are that the house should have been sited further back on the plot!

Yours faithfully,

R.F.Granados

Briarwood, Swallowfield Street, Swallowfield,
Reading, Berks, RG7 1QX.
Tel: 0118 9885931
11th November 2002



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

Application No. F/2002/6056
Appeal by: Mr I Rivers
Site: adjoining 4 Wyvols Cottage, The Street, Swallowfield
Proposal: erection of detached dwelling. Amendment of consent F/2001/3725 (retrospective)

1102256

Dear Mrs Pocock

Appeal concerning House adjoining 4 Wyvols Cottage (Beaver Cottage)

1. On entering the village this dwelling is very noticeable, and presents a very jarring look.

2. The projection of about one metre, which is not in keeping with the planning application, Is highly intrusive, and should not be allowed to remain in its present position.

3. In its current position this dwelling, has a bad effect on the appearance of the street in its local area and should be rebuilt in the correct position.

4. If this dwelling is allowed to stay in its present form, it opens the floodgate for other developer's to do likewise.

Yours sincerely,

J. W. Eakers.

D. M. Eakers.



Rowe's Farmhouse
Swallowfield
Reading, Berks
RG7 1TJ
Tel/Fax: 0118 988 3242

11th Nov 2002

RECEIVED
12 NOV 2002
PINS AA PBP

Dear Mrs Pocock,

Application No. F/2002/6056 Appeal by: Mr I. Rivers
Site: Land adjoining 2 Wyvols Cottages, The Street, Swallowfield, Reading,
Proposal: Proposed erection of detached dwelling Amendment (Retrospective) F/2001/3725

During the period of this building being erected I was appalled at its position and being a self-builder I wondered how it had got past the footings stage of inspection. I spoke with both neighbours to find out how one could be effective in its stoping building and relocation and was astonished at how powerless one is and that there were windows at the side to overlook the neighbouring property surprised me.

I am heading the buildings section of the Village Design Statement and it is just this sort of 'monstrosity' we aim to prevent in any development and in the future. To my mind it is totally inappropriate in is placement as it sticks out like sore thumb, which being on a bend is even more accentuated and the bricks are not in keeping with most of the village brickwork in that they are yellowish in colour and not red so contrasting when blending is more desirable.

In a word in its current position it is too forward, and spoils a line of houses either side, and appears as an ugliness in a pleasant village with a fair number of listed buildings and attractive features.

I support the line taken by Wokingham District Council and Swallowfield Parish Council and the objections of a considerable number of villagers who care. [I have lived in the village 30 years.] The continuation of the building was in defiance of warnings and in my view such defiance should not be condoned.

Yours sincerely,

1100256

Sally M Miller

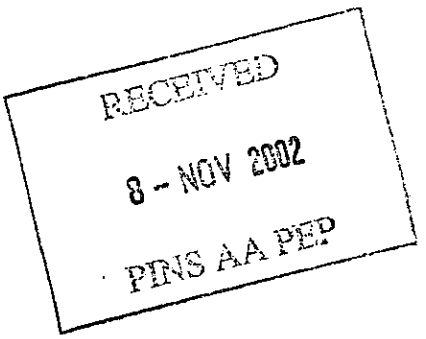
Mrs Sally M Miller

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

24 Foxborough
Swallowfield
Reading
Berkshire
RG7 1RW

8 November 2002

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



Dear Madam

Application No F/2002/6056
Appeal by: Mr L Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling; amendment of consent F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

We write concerning the above appeal.

We consider that this property is visually very intrusive as it stands forward of the building line and is detrimental to the whole row of housing of which it is a part. As Swallowfield village is approached from the Basingstoke Road, the house sticks out, both physically and visually, and breaks up the whole corner of the lane and thus spoils the approach to the village.

We consider that the originally granted planning permission, for the house to be sited approximately one metre back from its current position, should be complied with.

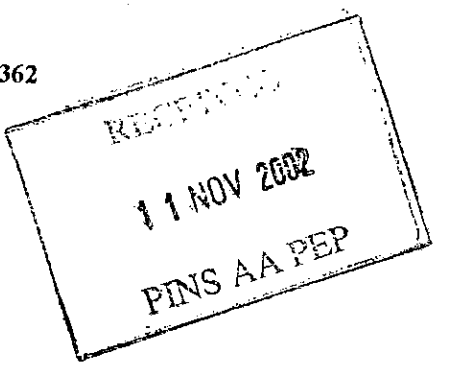
Yours faithfully

AP & J Hogarty

SOUTH LANDING
THE STREET
SWALLOWFIELD
BERKSHIRE
RG7 1RE

Telephone: Reading (0118) 988 4362

7.11.02



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

Dear Madam

Application No. F/2002/6056
Appeal by Mr I Rivers
Site: Land adjoining 4 Wyvols Cottages. The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (retrospective)
Reference; APP/X0360/A/02/1100256

I wish to register my objection to the above application. The house referred to is an 'infill' building in between existing older cottages on what was a gateway into a field. The road makes a gentle curve at that point and originally permission was given for a slightly smaller house (I believe) set further back. I think I am correct in saying that the property has already been the subject of amended permission to take account of the fact that it was built slightly differently from the originally approved plans. It now appears that it was also built forward of the required building line.

As it appears now, the house appears quite out of character with the Victorian cottages beside it and its position forwards of them makes it dominate them instead of fitting into the line of the road. The people who live in these cottages have taken great care to make alterations and extensions which are in sympathy with the original buildings, sometimes at considerable expense and no immediate benefit to themselves, to maintain the appearance of the village. This house in its current position then destroys all that.

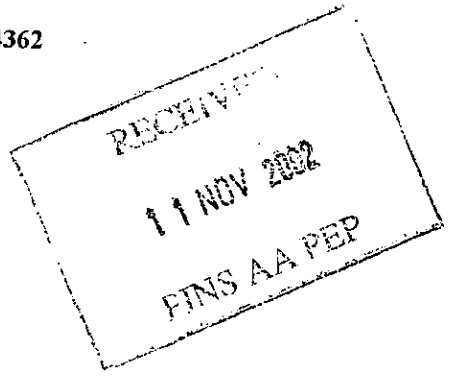
If private residents have to take care to maintain the style and appearance of the village, then so should commercial concerns. The requirement should be the same for everyone. There is no point in having planning requirements if builders can simply ignore them and work in the way which – presumably is of more immediate commercial advantage but which they do not have to live with.

Yours faithfully,

Sheila Moss (Mrs)

SOUTH LANDING
THE STREET
SWALLOWFIELD
BERKSHIRE
RG7 1RE

Telephone: Reading (0118) 988 4362



7 November 2002

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

Dear Madam,

Application No. F/2002/6056
Appeal by Mr I Rivers
Site: Land adjoining 4 Wyvols Cottages. The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (retrospective)
Reference; APP/X0360/A/02/1100256

I wish to register my objection to this retrospective application. The house stands out on a bend in The Street and has an immediate, unfortunate, visual impact when one travels into the village from Basingstoke Road. It does not fit comfortably with its neighbours.

The Parish Council, working in co-operation with Wokingham Council, has taken great care to protect the village from unsightly development and, even in the case of an individual house, this is a policy which residents wholeheartedly support.

This house, as I understand the situation, has been built in the full knowledge that it was not being constructed in accordance with planning approval and of the potential penalties which were at risk.

The time to contest a planning consent is before the commencement of construction. I can only assume that the builder did not follow this course because it was thought that an appeal would have been unsuccessful. To grant it retrospectively would be to give the wrong message to every "chancer" and bring the Planning system into disrepute.

Yours faithfully,

J G Moss

11 NOV 2002

Meadow View
Trowes Lane
Swallowfield
Berks
RG7 4JD

6th November 2002

Dear Mrs.Pocock,

Application No. F/2002/6056
Appeal by Mr.I.Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

I am writing regarding the erection of this dwelling in its current position.
This dwelling is very noticeable as you enter the village from the Basingstoke Road. It projects forward from the adjoining properties, which makes it visually intrusive especially as it is also positioned on a bend.
Additionally it causes, what was an attractive, traditional grouping of housing to become unattractive and disjointed.

Yours sincerely

Nigel Barkus

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

Shillings,
29 Foxborough
Swallowfield
Reading RG7 1RW
7/11/02.

Dear Madam,

Application No. F/2002/60056 Appeal by: Mr. I. Rivers
Site: land adjoining 4 Wyrds Cottages, The Street, Swallowfield
Proposal: - Proposed erection of detached dwelling. - Amendment of Consent F/2001/3725 (Retrospective) Ref. APP/X0360/A/02/1100256

I have recently moved to Swallowfield to live with my son + daughter-in-law. Swallowfield is a nice place to live. It has an active community who socialise and care about one another. It survives as a typical English village when many hereabouts have lost their identity by over-development.

This community spirit survives because people are proud of their village and like where they live. Subsequently they care about what additions are made to it. Villagers who extend or build make great efforts to match what is good about the village.

There is, therefore, much dismay about this addition to the village. It does not relate to the traditional type of properties. All the other latest additions to the more prominent parts of the village, do. District and Parish Councils have worked together to ensure this happens. Nobody, subsequently, has minded additional development.

Unfortunately this harmonious way of working failed over this particular property, which resulted in a house being granted permission that the Parish did not agree with. This was regrettable but the village was prepared to accept it. What they are NOT prepared to accept is the building way in front of the permitted building line, which now shouts that this was a mistake. They have nick-named it the Carbuncle.

I agree with them. It would be a thousand pities to allow one house to ruin an important entrance to Swallowfield. Please do not allow it.

Yours faithfully

J Gower.

WINDYRIDGE
THE STREET
SWALLOWFIELD
READING RG7 1QY
8.11.02

Application No F/2002/6056
Appeal Site: Land adjoining 4 Wyvals Cottages
The Street Swallowfield
Amendment of consent F/2001/3725
Ref. APP/X0360/A/02/1100256

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

Dear Madam,

I object most strongly to this retrospective application The appellant had planning permission to erect a dwelling of a certain size and style in a specific place on the above land.

What he has built is completely different. This may or may not have mattered had it not been sited next to a historical row of cottages occupying an important entrance to our village (although I do think people should be obliged to stick to that for which P.P. has been allowed, or where is the sense of having a planning Authority or planning laws at all?)
It is sited on a bend where it is important for vision since the traffic, especially HGV/Raw traffic, thunders through our village. One metre forward on this site is, therefore crucial and to be deplored. It also detracts greatly from the setting of historic cottages.

When residents go to tremendous trouble to match existing brickwork and have specially made windows and doors etc like my neighbour did at HALFWAY OP— it is an insult to their care of the village, and that a WDC is blatantly flout the system. The owner makes no secret of the fact that his property will be sold for profit - which makes it doubly unlikely that this was a genuine mistake as claimed. If you allow this then there will be others elsewhere that do not comply with P.P.

Please do not allow this Appeal which will do irreparable harm to our village.

Yours Faithfully

R.A. Tombs (MRS)

R.A. TOMBS

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

'Kalgrove'
Swallowfield St.
Swallowfield
Reading
RG7 1QX.
4-11-02.

Application F/2002/6056
Land Adj. to Wyvols Cottages
The Street. Swallowfield.
Ref. APP/X0360/02/100256.

Dear Mrs. Pocock.

I wish to support Wokingham D.C. regarding refusal of the above appeal

This house is not at all in keeping with the village and dominates the Street scene.

It was very important that this building, which is on a bend in the road, should not be given in for the following reasons:-

1. You need clear vision round a bend.
2. The house is extremely noticeable and has been built projecting on to the Street, way beyond the "building line" and has ruined the rural setting of our Listed Houses.

This is no mistake, unless it was deliberate.

Please back our local Authority in preventing applications of this nature, which deliberately disobey planning laws.

Yours Sincerely,

(Mrs.) P. Bolle

Myrtles
Swallowfield
Readens
RG7 1PY
5/11/02

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

Application No F 2002/6056
re: new dwelling in Wyrale Close.

Dear Madam

I wish to write regarding my objection to the above property, built in the Street at Swallowfield.

It is completely out of line with the adjoining properties, & was not built in accordance with the planning permission granted.

Sincerely yours
Myrtle Grigsby (Mrs)

MYRTLE GRIGSBY (MRS).

The Vicarage

The Street
Swallowfield
Reading
RG7 1QY

0118 988 3786

E:mail peter.bannister@virgin.net

COPY SENT

5 November 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

RE Application No. F/2002/6056 Appeal by Mr I.Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling.
Amendment of consent F/2001/3725(Retrospective)
Reference APP/X0360/A/02/1100256

I object to this appeal and think that the house should be rebuilt in the correct position because:-

1. The first impression on driving into the village from the Basingstoke Road is this house sticking out like a sore thumb in front of the existing pleasing line of village dwellings. Being sited on the bend exacerbates the problem.
2. Although about a metre projection in front of adjacent properties can be allowed, in this instant it is highly undesirable.
3. The present position of this house has thoroughly spoiled the row of dwellings in The Street and thus spoiled our village.

Yours sincerely

The Rev Peter Bannister

7 Farley Court, Farley Hill, Reading RG7 1TT

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

Application No F/2002/6056
Site Land adjoining 4 Wyvols Cottages The Street, Swallowfield, Reading
Ref. APP/X0360/A/02/1100256

Dear Mrs Pocock,

I do strongly object to planning permission not being refused given. Then the ~~permit~~ applicant disobeying it completely, what is the point of that? The same applies if permission once given the plan must be adhered to.

This cannot be a mistake as claimed. The house built is completely different from that which was granted planning permission.

Please uphold our planning laws & refuse this Appeal.

Many Thanks.

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

MRS. F STAEMAN / MRS E WILSON.
SWALLOWFIELD PARISH STORES + POST OFFICE
THE STREET
SWALLOWFIELD
READING
RG7 1QY
8th NOV 02

APPLICATION No. F/2002/60516
LAND ADJOINING 4. WYVALS COTTAGES. THE STREET SWALLOWFIELD READING
Ref: APP/X0360/A/02/1100256.

With reference to the above this property has been erected 1 metre further forward than the planning permission granted. The developer claims it was a mistake. One metre forward on a plot (especially on a nasty bend) is a big mistake.

On eteing the village the dwelling has a severe unattractive effect on the look of the Street.

The Government gudelines point out clearly to any developers, private or otherwise to build in harmony with the orignal village, and this has certainly been ignored here.

We understand that this is not the first time this developer has done this and

hope that this can all be taken into account when dealing with the Appeal.

Yours sincerely

Frances Stanier.

Enc with

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

12 Foxborough
Swallowfield
RG7 1RW

5/11/02

Dear Mrs. Pocock, Application No. F/2002/6056, Amendment of Consent F/2001/3725 (Retrospective), Ref. APP/X0360/A/o2/1100256, Land adjoining 4 Wyvols Cottages, The Street, Swallowfield

I deplore the fact that this applicant defied the warnings from WDC that if he went ahead with this application it was unlikely he would receive planning permission. WDC laid specific conditions on adjoining land to obtain adequate sight-lines before allowing an application to be considered for a house on this site. This was because it is sited on a bend where vision for access, egress and approaching traffic was considered by them to be very important. Our Parish Council was against the house that has PP. They did not consider anyone would build a small enough house on this plot which would not detract from Wyvols Cottages nor present a hazard on the bend. This concern was well-merited since the resultant house projects well forward on the site. It ruins the setting of the existing houses completely; furthermore it appears to be an entirely different house than that for which PP was sought – viz. a [redacted], extra windows, a metre further forward!

The applicant claims this was a mistake. The mistake surely was his in building a different house! Is the footprint the same? Surely a forward projection both front and rear plus a dormer and extra windows, porch constitutes a bigger house?

Not here!

It has cost our Authority time and money to oppose this Appeal, consequently very little enforcement is done in our District. We are delighted, therefore, that WDC considers this case sufficiently important to make a stand. Huge efforts have been made in recent years to build only that which will enhance the village rather than new development being allowed to ruin it. This proposal not only ruins the approach to this historic village from the Basingstoke Road, it renders the siting of this house on this bend a dangerous traffic hazard. Please do not allow it.

Yours sincerely,

S Bandy (Mrs.) Mrs S Bandy

Mrs R J Gower
29 Foxborough
Swallowfield
READING
RG7 1SH

ASSOCIATION FOR INTERNATIONAL CANCER RESEA

07/11/02

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

Dear Madam,

Appl. No. F/2002/6056
Appeal site: - land adj. 4 Wards Cotts. The Street, Swallowfield
Amendment of Consent F/2001/3725 (retrospective)
Ref. APP/X0360/A/02/1100256

I object strongly to this retrospective Planning Application. It appears to be deliberate and not a mistake as claimed. Even the resultant building is different from the application. There are additional windows. How many "mistakes" have been made? Concerns were raised at an early stage. Warnings from WDC were ignored. When challenged locally, the appellant was unrepentant - well, they will never make me pull it down. Such was the confidence (and arrogance).

The appellant made no secret he was professionally engaged in buying up plots, building a house on them, living in it for 6 months to avoid tax, and selling at a good profit. Professionals are less likely to make mistakes than amateurs! Hopefully the rumour that he has built forward of the building line elsewhere within the District can be substantiated before/during the hearing.

Perhaps also can be checked the claim that the appellant has not benefited from the mistake? Is the footprint exactly the same? Is it a 3-bedroomed house? Is it it, by mistake?!

Certainly we have never seen a house built so quickly. Is that the play? You build anything you fancy and no-one will stop you? Or make you rectify the "mistake"?

The mere forward may not matter in some locations. In this one it does. It lies on the farthest radius of a bend, and thus reduces vision for traffic. The street becomes a rat-run in the rush hour. It is a cut-through avoiding main congested routes for commuters & HGV traffic. As there is more building South of the M4 in the area, it will become more hazardous. The off-street parking has become an important issue in this area of congestion. A mere forward makes parking off-stree at this point more difficult. WDC are now requiring one parking space for every bedroom off-street, it is so bad.

And so to style! Not an unattractive house in a less prominent location. Next to an historic row of houses, the forward projection makes this house stand out like a sore thumb. It was so obvious when it was being built that passer strangers would stop to enquire what on earth was going on!

WDC, in our opinion made a mistake in approving the original house. It was unfortunate they were over-worked & under-staffed & assigned an inexperienced young officer to this application. The house should have related to the older-style housing so as not to detract from Wyols Cottages. Are not Govt. Guidelines dedicated to this? Since it was always going to appear shoe-horned on to the plot, it should have been sited carefully - probably ½ way between the frontages of the housing either side of it. To assert all the housing is varied in its relative position to the high-way is flim-flam. This particular side of the street contains the largest no. of original smaller, typical cottages that proclaim its history. The bricks should have been in keeping, as well as the style and size.

Please view Russell Cottages - opposite the Parish Hall - a recent addition. Please view the extension on Hall-Way Up (opp. Trowel Lane). It is obvious great effort is being taken to build in harmony with the older style here, lately.

The P.P. granted cannot be altered. What can be altered is that the house is made to occupy the building line on which it gained permission, and only occupies the same footprint for which permission has been granted.

Please do not let this developer present two fingers to the planning system. If he is allowed to do it here, he will do it elsewhere. It has been rumoured he has already done this elsewhere. WDC now live in dread of his next application. Wokingham, whose services are excellent on all but Enforcement have decided to make a stand on this case. Obviously they think it is important.

We feel a signal is needed, a strong signal to other possibly like-minded developers, that flouting the planning system will no longer be tolerated in the District. This must be so when the majority respect the system. Already, with this case, there have been murmurings such as - "oh well, if he can get away with this, what is the point of going to all the trouble and expense of toeing the line?" What indeed?

We are very proud of our village. We are not against development when it is inevitable in this area. All we ask is for development to be sympathetic, so we can remain proud of our historical village. Please do not let this one have remain in it's present position, thus spoiling an important entrance to our village. We would get used to it, if it were not so prominent!

Developers come & go but the village is there forever. Please do not let this developer ruin the village forever - just for profit - and all for the sake of one house.

Yours faithfully

Elizabeth M. Gower

E.T.M. GOWER (MRS).

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

Old Cottage
Swallowfield Street
Swallowfield
Berks

05/11/02

Dear Mrs. Pocock

Application No. F/2002/6056, Amendment of Consent F/2001/3725 (Retrospective),
Ref. APP/X0360/A/02/1100256
Appeal Site: Land adjacent to 4 Wyvols Cottages, The Street, Swallowfield

The building of this house contrary to the Planning Permission allowed has caused a great deal of upset to many residents. They feel that this is a very important entry to our village and that the forward projection on the site has ruined the entrance to our village.

It is also sited on the outside of a bend which greatly reduces vision which both our District and Parish Councils were most concerned about at the outset.

Please uphold their objections.

Yours sincerely,

P M Cole (Miss)

P.M. Cole

Mr. and Mrs. B. Abbott,
3 The Naylors
Swallowfield
Reading
RG7 1RZ

10 Nov 2002

Application N° F/2002/6056.
Appeal by : Mr. I. Rivers
Site : Land Adjoining 4 Wyrols Cottages, The Street, Swallowfield, Reading
Proposal : Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective)
Reference : APP/X0360/A/02/1100256

Dear Mrs. Pocock,

I am writing to urge the planning inspectorate to reject the appeal presently lodged with respect to the above application

The building stands out like a sore thumb in its present position on the bend exiting Basingstoke Rd.

The building has a very detrimental effect on the look of the Street and its immediate area and has in our opinion made an attractive line of houses much less so. Please reject the appeal

Yours Sincerely,

B S Abbott

Bruce Abbott

The Vicarage

The Street
Swallowfield
Reading
RG7 1QY

0118 988 3786

E:mail peter.bannister@virgin.net

5 November 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

RE Application No. F/2002/6056 Appeal by Mr I.Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling.
Amendment of consent F/2001/3725(Retrospective)
Reference APP/X0360/A/02/1100256

I object to this appeal and think that the house should be rebuilt in the correct position because:-

1. The first impression on driving into the village from the Basingstoke Road is this house sticking out like a sore thumb in front of the existing pleasing line of village dwellings. Being sited on the bend exacerbates the problem.
2. Although about a metre projection in front of adjacent properties can be allowed, in this instant it is highly undesirable.
3. The present position of this house has thoroughly spoiled the row of dwellings in The Street and thus spoiled our village.

Yours sincerely

Peter Bannister

The Rev Peter Bannister

Alltdearg
The Street
Swallowfield
READING
RG7 1RH

6th November 2002

Reference: APP/X0360/A/02/1100256

Application number:F/2002/6056

Appeal by: Mr I Rivers

Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading

Proposal: Proposed erection of detached dwelling

Amendment of consent F/2001/3725 (Retrospective).

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,

We have written to Wokingham District Council at two earlier stages to express our concerns about proposals for the new house that is being erected next to our own house. This correspondence is on file and we understand that it has been made available to you.

We have looked at the appellant's grounds for appeal in the Council offices and would like to make some further observations that relate more directly to that document.

It seems to us that the main grounds for appeal are in paragraph 1 where the diversity of housing development in the Street and, in particular, the range of set backs are cited in support of the appeal. Our comment on this is that full use of these features was already made in granting the original planning application. The plot was obviously rather narrow for the construction of a house and, to compensate for this, the approved plans allowed the house to be built as far forward as possible. The approved line for the front of the house was a continuation of the front line of our

house although the road starts to bend to the right about the mid-point of our house. (This is not clearly shown on most of the plans that have been presented but at the moment the pavement of The Street is being renewed and the position of the bend is obvious.) Our point is therefore that the diversity argument had already been invoked in allowing the original proposal and consequently a further advance of 900 mm is seriously intrusive. It also leads to a false impression to motorists of the position and severity of the bend. The opinion expressed in paragraph 1 of the grounds for appeal that "the development ... has no detrimental impact on the character of the street scene" is not shared by many as can be seen from the correspondence generated by the retrospective application.

The remaining paragraphs of the grounds for appeal seem of less substance but nevertheless contain some questionable statements/arguments.

- In paragraph 2 it is stated that "the erroneous siting was accidental". Accepting that it may have been an accident, the appellant was made aware of the mistake at a stage when a reasonable remedy could have been sought – certainly by the time the shell of the building was just above ground floor level – but he chose to continue with completion of the building. In any event, allowing builders to proceed in breach of plans purely on grounds of incompetence would surely be sending out the wrong message!

- The argument in paragraph 2 that a contributing factor was the incorrect plotting of adjoining buildings is rather pathetic. As we have already mentioned, the vital point for the front of the new house was that it should be in line with the front of our house. This was correct in the plans and should have provided an elementary visual check for the builders.

- Paragraph 4 deals with fenestration. As far as we are aware, this was not a factor in the Council's rejection of the retrospective application and we therefore don't understand why it has been introduced as a ground for appeal. However as it directly concerns us we will make some comments. As in other parts of the grounds for appeal, opinions are expressed which we do not share: in this case, "the development has no unacceptable impact on the amenities of neighbouring dwellings (in the context of windows)". The support of the Planning Officer's report is cited but, as we have ascertained from the Officer, this was based on the

plans, which had two small windows on our side, rather than what has actually been built, namely five windows, all but one in clear glass. Perhaps for purposes of the appeal this is not relevant, but it does seem to indicate the appellant's cavalier attitude in failing to adhere to what has been granted permission.

- To state as in paragraph 5 that "the erroneous siting has made no difference whatsoever to the provision of on site car parking" is clearly an abuse of English as well as the laws of geometry.
- Paragraph 6 again expresses an opinion which others have hotly disputed as evidenced by earlier correspondence on file.

For us it is certainly not the case that we have voiced these disagreements because we dislike having a house built so close to our own house: this was envisaged from the time our own house was built. Our concern is that, having made no objection to a house being shoe-horned into the space, we find that what has been build is seriously at variance with what was agreed. We believe that this is also true of other adjacent residents who have expressed objections.

We urge you to refuse the appeal as to do otherwise would not only leave a permanent scar on our immediate surroundings but would also give a licence to builders to ride roughshod over carefully considered planning permissions.

We would like to have a copy of the Appeal decision.

Yours faithfully,

Michael J. L. Sangster

Mary C. Sangster

Sheldridge Bull
Basingstoke Road
Swallowfield
Reading
RG7 1PY

5th November 2002

7 NOV 2002
PINS AA PEP

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,

Application No F/2002/6056.
Appeal by Mr. J. Rees
Site: Land adjoining 4 Myers Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling Amendment of
Consent F2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

I wish to support Wokingham District Council in the rejection of retrospective planning permission for the above building which does not comply with the original planning permission given.

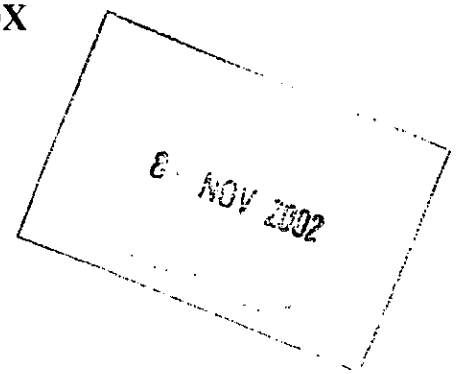
The developer was warned by Wokingham District Council when the building was being constructed that it was not in accordance with the granted planning planning permission. This warning was ignored.

It is true that the dwelling is very attractive and out of keeping with the attractive grouping of cottages in the vicinity. The only remedy will be to rebuild it in accordance with the original planning permission, after demolition.

Yours sincerely,

(Mrs) Jean Colyer.

Russetts, Swallowfield Street, Swallowfield,
Reading RG7 1QX



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

6th November 2002

Application no. F/2002/6056
Appeal by Mr I Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal Proposed erection of detached dwelling. Amendment of consent F/2001/3725(Retrospective)
Reference APP/X0360/A/02/1100256

Dear Mrs Pocock,
We are writing to express our concern about the above retrospective planning application.

There has always been a lot of care taken within this Parish and the Wokingham District to keep development in this village in harmony with its particular character. We ourselves recently had to amend plans to harmonise more completely with our neighbouring buildings.

It therefore becomes even more surprising to see a house erected out of position sited where it is highly visible from several directions and completely distorts the building line onto the street.

As the builder was made aware of the problem during construction and was warned that he continued at his own risk, it is hard to see how his appeal can be allowed without devaluing the power of the District planning department in an area where there are major planning issues with developers all the time.

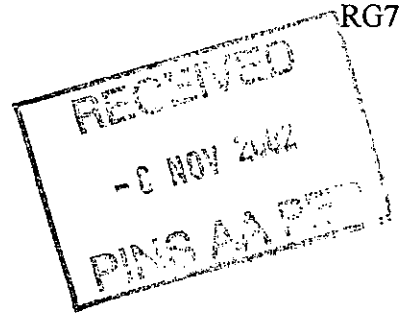
It is on these grounds that we oppose this appeal.

Yours sincerely

R D Stewart M J Stewart

Mrs R D Stewart and Mr M J Stewart

35 Foxborough
Swallowfield
Reading
RG7 1RW



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

4th November 2002

Dear Madam

Ref: Application No. F/2002/6056
Appeal By: Mr I Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling.. Amendment of consent F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

May I express my concern regarding the appeal on the above Planning Application. The house has been built completely out of line with all the others in The Street and makes what was a very pleasant row of cottages into an eyesore. Furthermore, the style of house, even if in line with the others, does not fit into the character of the row.

More importantly, the Planning Laws have been introduced for very good reasons. One being to stop the erection of buildings however and whenever one wants to the detriment of the many. The flouting of these laws must not be allowed by the developer. The gate will be left open for others to follow in what is currently a very pretty village.

Yours faithfully

J Atack

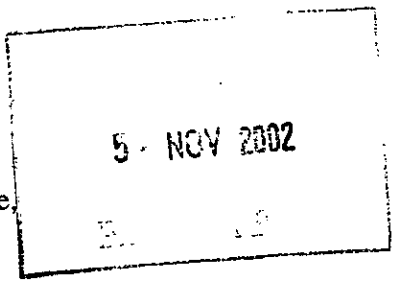
John Done BEng.,CEng.,FICE

Chartered Civil Engineer

Girdlers
Old Basingstoke Road
Swallowfield
Berkshire, RG7 1PT

Tel: 0118 988 4816
Fax: 0118 988 5081
E-mail: done_girdlers@compuserve.com

2nd November 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,

Application No F/2002/6056
Appeal by; Mr. I.Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling.....
Amendment of consent F/2001/3725 (Retrospective).
Reference: APP/XO360.A/02/1100256

We, as residents of Swallowfield, are most concerned about our beautiful village and wish that the above appeal should be rejected. Our reasons are as follows :-

6. First appearances on entering a village are most important. This dwelling is on a bend and would stand out even if positioned in accordance with the granted planning permission.. Its current position is exceptionally prominent when entering the village from the Old Basingstoke Road.

2 The distance that the dwelling projects may only be approximately one metre, and therefore be considered to be insignificant. In this instance it is highly significant.

3 This dwelling, in its current position, has a severe and detrimental effect on the appearance of The Street in its immediate area. The prominent appearance of this dwelling is made much worse by its being constructed of bright yellow brick when all the surrounding buildings are red brick Victorian cottages. This dwelling has made the area much less attractive. It is an eyesore in a beautiful village.

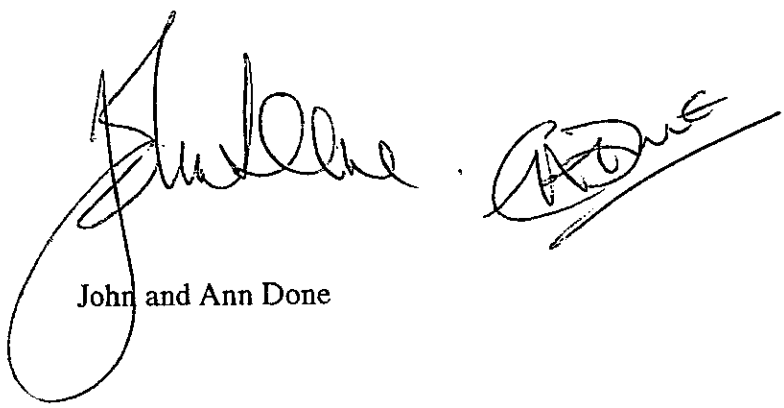
4. Mr Rivers is not a home-owner, who may have accidentally built in the wrong location, but an experienced builder well aware of the planning regulations. It is believed that he has previously built dwellings in unauthorised locations

5. The dwelling, as built, is not even in accordance with the Application as originally submitted and subsequently turned down by Wokingham Council

7. All the work being currently done, by the Village, on the Village Statement is a complete waste of time, effort and perception if builders are allowed to flout basic planning laws with impunity.

Please ensure that our opinion is brought to the attention of the Planning Inspectorate.

Yours sincerely



John and Ann Done

Broadfields House
The Street
Swallowfield
Berkshsire RG7 1RE

Reference APP/X0360/A/02/1100256

10th November 2002

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

Dear Madam

Application No F/2002/6056
Site: Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725

I am writing in response to your letter informing us that an Appeal has been lodged with the Planning Inspectorate with regard to the above.

You will have on your file numerous letters we, and many others have written over the past year regarding this matter, and it is my understanding that these will be submitted to the Planning Inspectorate when considering this Appeal.

It is, therefore, unnecessary to go over again all the points that have been made. However, we would like to stress that these points are all still relevant. The crux of the matter is that the house has not been sited in accordance with the planning permission granted, and it is, therefore, in contravention of planning law.

We would respectfully suggest that this Appeal should not be upheld.

Yours faithfully

Mr & Mrs Wright

Tel: 0118 988 3548

The Mead House
Church Road
Swallowfield
Berks
RG7 1TH

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

12/11/02

Application No F/2002/6056
Reference APP/X0360/A/02/1100256

I wish to object to this appeal on the following grounds: The building does not comply with the original planning permission. If this was merely due to a mistake an application for retrospective permission could have been made at an earlier stage. I understand that the transgression was noticed some time ago and Mr Rivers was warned that he proceded at his own risk. If he had had to correct it then it would havebeen easier and cheaper than to do so now, and he could have done it. This must have been the view of the authority who turned down hisapplication for retrospective permission.

To allow this appeal would provide a precedent for any builder who wished to transgress his planning permission. It should be the duty of the planning authority to see that its permissions are complied with. This they have tried to do in turning down the application for retrospective permission. To allow this appeal would cut the ground from under them and make nonsense of the whole planning system.
Tis appeal should be dismissed.

Signed

J.M.C. Clark-Maxwell

J M C Clark-Maxwell.

12 NOV 2002
FINS AA PEP

1 Maythorn Cottages
Basingstoke Road
Riseley
Berks
RG7 1QD

08/11/2002

Dear Mrs Pocock,

Application No: F/2002/6056-. Appeal by Mr I Rivers.
Site: Land adjoining 4 Wyvols Cottages,The Street,Swallowfield,Reading.
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725(retrospective)
Reference: APP/X0360/A/02/1100256

I am writing with regard to the above appeal to which I strongly object.

The house that has been built in the current position is visually very intrusive and has altered the look of the street and the surrounding houses. Its roofline is completely different in style/shape to all the neighbouring properties and it is highly visible from the Swallowfield Street or travelling into the village from the Basingstoke Road. I understood that properties were meant to be in "harmony"with the original village.

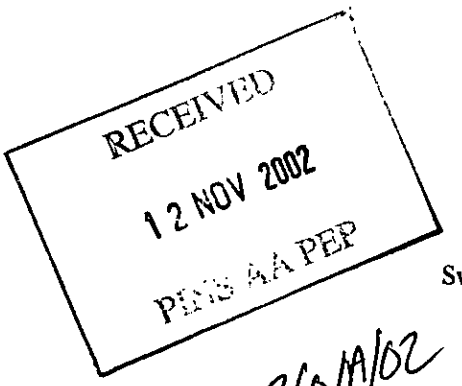
The person involved in this is not a private individual, he is a developer and this is his business that he makes money from. The house has been sited approximately 1 metre forward, this is not an amount you make a mistake by when you are a professional. He was warned during the project (by the local authority) that he was not building in accordance with the planning permission but he decided to continue and gamble on obtaining retrospective planning permission.

Developers should have to adhere to planning permission granted in the same way, as private individuals-he should not be allowed to ignore them and build what he likes, where he likes.

I would therefore ask that you turn down this appeal and that he is asked to demolish the dwelling and rebuild it in accordance with the permission he was granted. I believe this is the only way to show developers that they are not above the planning laws of this country.

Yours sincerely,

Mrs E H Whittemore.



Applehurst
The Street
Swallowfield
Berks
RG7 1QY

X0360/A/02
1100256

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

10 November 2002

Application No: F/2002/6056
Appeal by Mr I Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective}

I am writing to register my objection to the above retrospective planning application. To allow the violation of the requirements of the original planning permission in terms of harmonisation with the surrounding properties, the inclusion of additional windows and most importantly of all, the positioning of the front elevation forward beyond that for which permission was given, should be rejected.

To allow the appeal following the efforts of other residents to comply with planning requirements when adding or making alterations to their properties and particularly in this case after warnings issued by the District Council have been ignored, the process of planning approval will be made to ' look an ass' and lack of support to the planning authority will set a precedent for others to take similar or greater liberties.

Yours sincerely,

M D Chamberlain

M D Chamberlain

Money[redacted]
Spring Lane
Swallowfield
Reading
RG7 1ST

APPLICATION No F/2002/6056
APPEAL BY MR I RIVERS
PROPOSAL: ERECTION OF DETACHED DWELLING.
AMENDMENT TO CONSENT F/2001/3725 (RETRO)
REF APP/X0360/A/02/1100256.

Dear Mrs Pocock,

SITE: Land Adjoining 4 Wyvols Cottages, The Street Swallowfield, Reading.

Why, why, why, do builders get away with disregarding rules and regulations, and in this case actually boasting about it, saying "they can't touch me" its too late".

This house sticks out in the village in more ways than one, the bricks could have been more sympathetically chosen to blend in and the position is just an eye sore, protruding as it does. It is on a dangerous bend in the road with parked cars spilling over the kerbs, its just unbelievable that he has been so thoughtless. What sort of excuse can he give for building the dwelling a good metre forward of the granted planning permission

I do hope you can help us with this matter and make developers realise that they have to abide by the rules like most of us in our village

Yours faithfully
Valerie Reid

Application No. F/2002/6056.
Appeal by: Mr. I Rivers.
Site Land adjoining
4 Wyvols Cottages,
The Street
Swallowfield Reading.
Proposal. Proposed erection of
detached dwelling. Amendment of consent
F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256.

MRS. S.J MOORE,
St Leonards,
Swallowfield St.,
Swallowfield
Nr. Reading,
Berks.
RG7 1QX

5.11.02.

Dear Mrs Pocock,

"Ref above planning application"

In April (F/2001/3927 & MAY 166/F/2001/3725 Swallowfield Parish Council objected to these applications on the grounds that this site was not suitable for the house proposed & would give the impression of a house "Shoe horned in".

They also spoke of the dangerous site with reference to the bend in the narrow street.

The lack of sufficient parking space in front of the house would lead to cars parking on the very dangerous bend on the road.

Also, this area was the access into the field behind & the only other access would be on the B 3349 Basingstoke Rd., which is very bendy & has had many accidents on it over the years.

This is not acceptable to road users & residents who will be risking their lives.

However Wokingham District Council decided to allow the application & a house has been built.

These are my personal observations.

1. The house is ugly & the wrong colour bricks have been used. This is the entrance to the village & this house doesn't match with any of the surrounding houses, in fact it really lets the area down.
2. It has been built at least 1 mentre forward than planning showed. Thus reducing the parking & visibility for cars.

work & returning in the evenings.

This road has a speed limit 40 mph. The developer was warned while the house was being built that it was wrongly positioned. He had every opportunity to put matters right long before the house was completed.

Yours

A J Moore

Therefore I feel that cars will park on the dangerous bends endangering other road users.

3. The house appears to have more windows on the side nearest to "Aldearg." which is in contravention to the planning application.
4. In the approved planning permission of 27.7.01. it mentions conditions for tree replacement. I doubt if there is any room for trees now. The house seems much bigger than the original plans showed.

I am writing this letter because I feel that Swallowfield Parish Council & Wokingham District Council have been made to look foolish by the developer who at the end seems to have got his own way.

I only hope no one gets killed on the dangerous bends if cars are parked on the highway. This road is very busy in the mornings & evenings with parents fetching & carrying children to school & others going to

Planning Ref F/2002/6050
Amendment to Consent
F/2001/8725
(Retrospective)

Swallowfield Cottage
The Street
Swallowfield
Reading
RG7 1QY
5th November 2002

Ms M Pocock
The Planning Inspectorate
Bristol

Dear Madam,

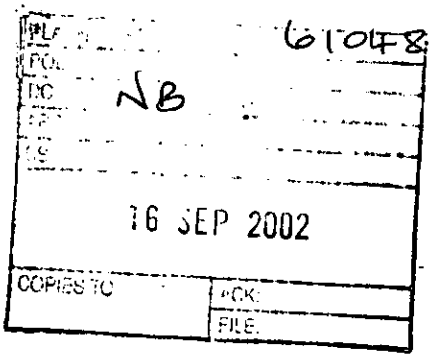
In our view the house which has been built is unsuitable for the site and if planning permission had been sought originally for the house as built it would & should have been refused.

A retrospective application should not be granted in this instance as allowing the house to remain as built would flout planning policy & could have very serious implications for the future of the village.

Yours faithfully

Tom + Rosa Carter

6056



M & B J Nelhams
'Maypool House'
The Street
Swallowfield
Reading
Berkshire
RG7 1RE

10 September 2002

Ms Natalie Brown
Development Control Officer
Environmental Services Department
Planning Services
PO Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Ms Brown

Application No: F/2002/6056
Site Address: Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield
Proposed Erection of Detached Dwelling. Amendment of Consent F/2001/3725(Retrospective)

I refer to our letter of 28 March and 12 June 2002 and look forward to hearing the current position with regard to this application.

Yours sincerely

M and B J Nelhams

Denise Gumbrell

From: ian hammond [ian.hammond@tesco.net]
Sent: 31 October 2002 18:38
To: Denise.Gumbrell@wokingham.gov.uk
Subject: Planning Appeal - Application No F/2002/6056 - Land Adjoining 4 Wyvols Cottages, Swallowfield. Amednment of consent F/2001/3725


planninginspappeal.do
c

Dear Ms Gumbrell,

I attach herewith a copy of my letter submitted to the Planning Inspector at Bristol.

Ian Hammond
TEL: 01189-884384

"COPPINS",
THE STREET, SWALLOWFIELD, READING.
RG7.1RE

November 4, 2002

The Planning Inspectorate,
Room 3/03, Kite Wing,
Temple Quay House,
2, The Square,
Temple Quay,
BRISTOL. BS1.6PN

FAO Mrs M Pocock

Dear Ms Pocock,

Application No: F/2002/6056.
Appeal by: Mr I Rivers. Land Adjoining 4,Wyvols Cottages, The Street, Swallowfield.
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3275 (Retrospective)
Reference: APP/X0360/A/02/1100256

As you know, the above case has produced a breach of the original planning consent for the site, insofar as there was found to be a substantial deviation from the approved building plan. I oppose the appeal on the following grounds.

1. The appeal must be rejected on the grounds that it has been constructed in the wrong position, thus bringing it well forward of (South of) the building line, creating a dramatic visual intrusion in a limited plot space bounded to the West of the site by old farm cottages and to the East, two aesthetically acceptable more modern and appropriately sized dwellings. The visual intrusion is heightened by virtue of the fact that it is positioned on a slight LH bend in the highway.

2. The appeal must be rejected on fundamental legal grounds concerning planning control and administration. The District Council gave consent for a particular dwelling to be erected in accordance with an agreed design in the agreed position. The appellant did not comply.

   The Inspector must carefully, systematically and realistically assess, why the deviations from plan have occurred bearing in mind the restricted size and shape of the plot, the majority of which was formerly a farm field entry/access. Would it have been possible, on the balance of probabilities, that an experienced builder could have made a survey or measurement error? Alternatively, would there have been any other more commercial, or financially beneficial or practical reason why the position of the dwelling was

PHONE: 01189-884384

changed from the agreed plan?

Why, for instance did construction continue in the face of warnings from Council officials that it was incorrectly positioned?

There must be a clear message that retrospective consent cannot be supported, where deviations from plan are found. Failure to do so, will broadcast a seriously damaging message for all councils and residents, that plans may be ignored without undue peril, and legalised by retrospective consent and appeals.

3. A further point is that it is understood that the "retrospective" application to legalise the current actual position is not correct - this shows a change in plan position of 0.75m, when in fact the positioning error is greater. (Probably > 1.0m)

4. The existing incorrect and non-compliant positioning of the dwelling has now reduced "off street" parking in this plot by the equivalent distance and area, thus creating a potential roadway parking and obstruction hazard on a poorly "sighted" bend in the roadway. This is a busy road and will create an unacceptable traffic hazard.

5. The dwelling as built, in terms of plan area and dimensions may exceed the planning consent originally given. Had the dwelling been constructed in the correct relationship to 4 Wyvols Cottages, the rear North west corner may well have interfered with that boundary. This site is a wedge shaped site, narrowing on the LH or Western side to a considerable extent.

6. The rear garden is not 100% gardens *per se*. Part of the land falling within the curtilage of the site is designated "Agricultural", and has not to my knowledge been the subject of any change of use permission from Agricultural use to residential.

7. The final reason for rejection is that the deviation is substantial, and detracts from the general visual amenity of this part of the village landscape, transforming an attractive group of housing into a much less attractive scenario.

Yours sincerely,

Ian Hammond.

c.c. Wokingham DC - for information
Swallowfield PC - for information

Christopher Strang Associates

TOWN & COUNTRY PLANNING CONSULTANTS

36 Donnington Square, Newbury, Berkshire RG14 1PP
Telephone: Newbury (01635) 580092 Fax: 01635 31181
Email: crwstrang@aol.com

11th November 2002

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



Dear Madam

Town and Country Planning Act 1990
The Appeal by Mr I Rivers
Site at land adjacent to 4 Wyvols Cottage, The Street, Swallowfield, Berkshire.
APP/X0360/A/02/1100256

I refer to the above appeal, and to the notification dated 8th October 2002, from Wokingham District Council.

We are instructed by Swallowfield Parish Council, to submit the enclosed representation in support of the decision by Wokingham District Council to refuse planning permission for the appeal application. The Parish Council submitted a letter of objection to Wokingham District Council before it determined the application.

Should the appellant submit a further detailed appeal statement, the Parish Council would like the opportunity to view this document, and submit a further letter of representation as necessary in view of the controversial nature of this proposal, and the concern in the village. We would be grateful if you would confirm that the Parish Council will be given an opportunity to comment on any additional Statement submitted by the appellant.

The Parish Council would like to be notified of the Inspector's site visit, as a representative of the Parish Council may wish to attend. Further we would request that you send the Parish Council a copy of the Inspector's decision letter.

Yours faithfully

CHRISTOPHER STRANG

Cc. Swallowfield Parish Council
Wokingham District Council.

RECEIVED
21 OCT 2002

Village Farmhouse
The Street
Swallowfield
Reading
Berkshire RG7 1QY
Tel No: 0118 9883421

18 October 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

REF: APP/X0360/A/02/1100256
APPLICATION NO: F/2002/6056
APPEAL BY: Mr I Rivers
SITE: Land adjoining 4 Wyvols Cottages The Street Swallowfield Reading
PROPOSAL: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective)

In relation to the above planning application and appeal, I write once again to put my concerns on paper.

In my view nothing has changed since the amendment to the original planning application was applied for and turned down by Wokingham District Council. The house has now been completed and all my fears that it would be an eyesore and would stick out as not being in sympathy with the other village street houses have been proved. The design looks very strange from the frontage aspect and the bricks are the wrong colour. Its roofline is much higher than the adjoining properties and it sits out in front of the building line of the other properties. It is altogether a most inharmonious building in a relatively small Berkshire village.

The fact that the building has now been completed is not a good enough reason to my mind for the appeal to be agreed.

I enclose a copy of my letter to Wokingham District Council of 1 February 2002.

I would appreciate a copy of the result of the appeal to be sent to me when a decision has been reached.

Yours sincerely

Mrs A M Sellings
Enc

Village Farmhouse
The Street
Swallowfield
Reading RG7 1QY
Tel: (0118) 9883421

01 February 2002

Head of Planning
PO Box 157
Wokingham District Council
Shute End
WOKINGHAM RG40 1WR

Dear Sirs

APPLICATION NO. F/200/5502
PROPOSED ERECTION OF DETACHED DWELLING WITH GARAGE ADJACENT TO 4 WYVOLS COTTAGES THE STREET SWALLOWFIELD

I write to put my concerns on paper about the house that is being built in Swallowfield.

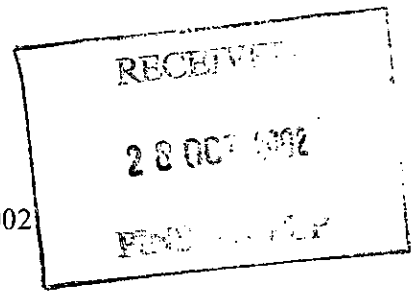
I cannot imagine how the Council Building Officers have let the building proceed as it is quite obviously firstly being built several metres in front of the building line of the other houses in The Street and consequently sticks out like a sore thumb. Secondly, it looks very strange as it is much higher than the adjoining houses and it looks as though it is far too big a building to be put into the site, as it sits very close to its neighbours. Thirdly, the bricks used in the building are not sympathetic to the surrounding houses at all.

Living as I do in a listed building, I know the details that have to be covered whenever building consent is required. How can the Council have let this house be passed by building inspectors? I thought you were supposed to be protecting our heritage not spoiling what is already there. A smaller house set further back on the site could have been an attractive addition to The Street, but what has been built is an eyesore.

Yours faithfully

Angela Sellings (Mrs)

Brierley House
The Street
Swallowfield
Berks.
RG7 1RE



14 October 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/02/1100256
Land Adjoining 4 Wyvols Cottage, Swallowfield, Reading

May I refer to the letter dated 8th. October from the Appeals Assistant at Wokingham Unitary Authority and in connection with the above.

I wrote to the Environmental Services Dept. at Wokingham on 16 March objecting to the proposed retrospective amendment of consent on the grounds that the proposal would cause a major traffic hazard.

That is still the case and there is no doubt in my mind that this building has increased the risk of a major traffic accident in our village.

A copy of my original letter is enclosed for your reference.

Yours Faithfully

T.W.Trinder

Brierley House
The Street
Swallowfield
Berks. RG7 1RE

16 March 2002

Wokingham District Council
Environmental Services Department
Planning Services
P.O. Box 157
Shute End
Wokingham
Berks. RG40 1WR

Dear Sirs,

Application Number	**F/2002/6056**
Address	**The Street, Swallowfield**
Proposal	**Amendment of Consent F/2001/3725**

May I acknowledge receipt of your letter dated 12 March under the foregoing reference.

I wish to register my objection to this application on the grounds that it will cause a major traffic hazard and undoubtedly endanger the safety of all road users in the vicinity.

The site is on the apex of a bend in the road through the village. The property seems to have been built closer to the road than the original plan and this has restricted the amount of off road parking which is available.

The Street itself is on a bus route and is at times very busy with commuter traffic using it as a "cut through" to avoid the rush hour traffic jams at Three Mile Cross. Access to and from the site will be dangerous and parking on the road will create a dangerous hazard as we have already experienced with the builders vehicles.

Approval of this retrospective application will almost certainly cause a major traffic accident at some time in the future and it should therefore be rejected.

Yours Faithfully

T.W.Trinder

Max F. Bowker
Tel :- 0118 9883558
Fax:- 0118 9886995
E-mail:- MaxBowker@filmersswal.freeserve.co.uk

'Filmers',
Swallowfield Street,
Swallowfield,
Reading,
Berks.
RG7 1QX
21/10/02

Dear Sirs,

Application No. F/2002/6056
Appeal by: Mr. I. Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

I support Wokingham District Council in their refusal of planning permission for this dwelling in its current position.

I believe that it was unfortunate that Wokingham District Council allowed planning permission in the first place with a property that would line up with its neighbour on the right rather than insisting on a smaller property where the front elevation was half way between the front elevation of Wyvols cottages and that of Altbearg. This was because first impressions on entering a village are of vital importance, and by allowing the side elevation to be projected so far forwarded it would visually hit anybody driving from Basingstoke Road along The Street.

However, by constructing the dwelling even further forward, even though by only approximately one metre, it has magnified its detrimental effect beyond all proportion. Not only is the visual aspect travelling into the village from the Basingstoke Road far worse than it would have been, but also the dwelling now sticks out when travelling out of the village towards the Basingstoke Road.

Normally an error of one metre would have little effect on the street scene, but in this case this error has caused this building to stand out to the detriment of the of all adjacent buildings, and to the entrance of the village.

I believe the appellant has a very cavalier approach to planning. Whilst I can accept that the appellant probably did not deliberately organise to have the building constructed forward of the approved line for the front elevation, it should be noted that there are other discrepancies between the accepted planning permission, the retrospective planning permission that this appeal relates to, and the dwelling as built. In particular extra and varied windows on the elevation facing Altberg, the numbers of which are greater than shown on any plan. Whilst these variations may be acceptable on a further retrospective application, it does show that the Appellant was not overly concerned with complying with the planning permission in the first instance, nor even submitting an accurate 'as built' drawing for the retrospective application.

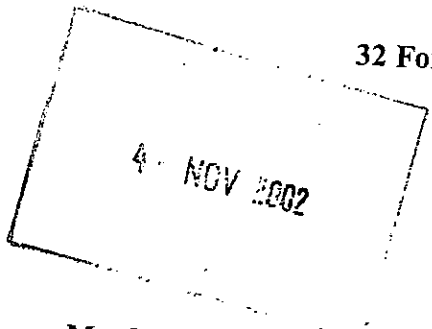
I believe a salutary lesson should be sent out to developers that they must comply with their permissions, and that if they transgress they risk the ultimate deterrent – rebuilding.

I trust that this appeal will be rejected,

Yours faithfully,

M.F. Bowker

32 Foxborough, Swallowfield, Berkshire. RG7 1RW
31st October 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

RE: Application No F/2002/6056, Appeal By: Mr I Rivers, Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading. Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective) Reference APP/X0360/A/02/1100256

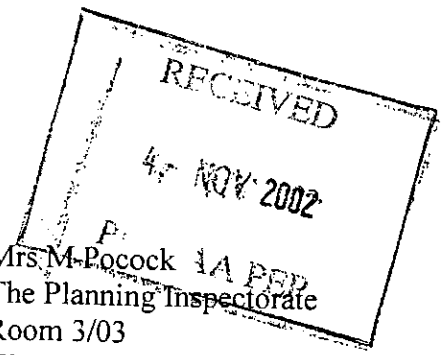
We understand that you are dealing with the retrospective planning application as numbered above. As Swallowfield residents, here are our areas of concern regarding the aforementioned application:

1. This property has <u>not</u> been built as per the planning permission that was originally granted.
2. The developer ignored the warning given by Wokingham District Council that the building was not in accordance with the granted planning permission. We ask why bother with planning permission if anything can be done?
3. The property is sited on the apex of a bend in the village and due to the position of the property, it is very noticcable when travelling into the village from the Basingstoke Road end.
4. There are attractive groups of houses on both sides of this property and it being 'forward projected' looks odd and has turned it into a less attractive area.

Our feeling is that the developers should not get away with mistakes/errors/variations (or whatever they want to call it) and they should comply with the planning permission granted and we support the view that the property is rebuilt according to the granted planning

Yours sincerely

Mr & Mrs Marshall



Shillings
29 Foxborough
Swallowfield
Berkshire
RG7 1RW
30 October 2002

Mrs M Pocock 1A PBP
The Planning Inspectorate
Room 3/03
Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Madam

Application No.: F/2002/6065
Appeal by: Mr I Rivers
Site: Land adjoining 4 Wyvol Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling, Amendment of consent F/2002/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256

I write in support of Wokingham District Council that this proposal should be refused. The building should be demolished and re-erected in the approved location.

My reasons are:-

1. While the dwelling might be only about one meter forward of the approved location, this is significant in this position because it now dominates the entrance to the village and disrupts the character of the original buildings.
2. I cannot understand why it was approved in the original position, as that would be very noticeable as the plot is on a bend. It now projects forward and completely spoils the entrance to the village.
3. I understand that the developer was warned that he was building in the wrong place but still completed the building. This is hardly a mistake.
4. If this appeal is granted it would make a mockery of the planning process and give a clear signal to developers that the planning process can be ignored.

Yours sincerely

C. J. Gower

C J Gower

33 SWALLOWFIELD PARK
READING
BERKSHIRE RG7 1TG

0118 988 8289

1 Nov 2002

Application F/2002/6056
Mr Rivers
Land adjoining 4 Weyside Cottages
APP X0360 A02 1100256

RECEIVED
4 NOV 2002
RBC

Dear Mrs Pocock

I do not often drive down the street at the top of Swallowfield village, but have recently made several journeys to Hook, so I was amazed to find that very bad mannered new house still standing. I had understood some time ago that it would have to be demolished as it contravened every village planning rule.

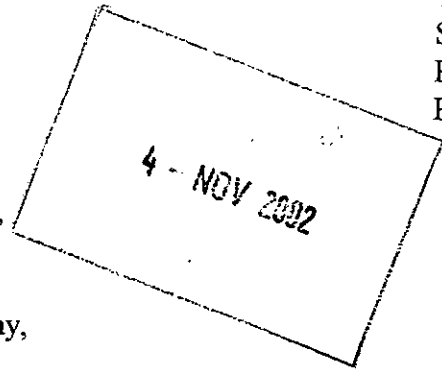
I do walk round the area in the summer & that was when I asked about it.

It would be a triumph for common sense if it were demolished.

Yrs Lucy Jebb

MRS PHILIP JEBB

'Delphi',
The Street,
Swallowfield,
READING,
RG7 1RE.



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

November 1st. 2002.

Dear Sir,

Reference APP/X0360/A/02/110256.
Application No. F/2002/6056: Land adjacent to No 4 Wyvols Cottages, The Street, Swallowfield.
Regarding the appeal by Mr. I. Rivers.

This property was erected in contravention of the permission granted by Wokingham District Council under applications F/2001/3725, 5044, 5502 and refused application F/2002/6056. That it was forward of the 'building line', was confirmed by Mr D.B.Ledger, the WDC Planning Enforcement Officer, in his letter to me dated 11/12/01 Ref DL/2/RFS/01/4867, which also stated that the applicant had been warned that he proceeded at his own risk.

This infill property is situated on the crown of a left hand bend at the entrance to the village. It is therefore of paramount importance that the building line created by the adjoining properties is strictly adhered to in order to minimise its visual impact. Particularly since those properties immediatly preceeding it are two pairs of old semi-detached farmworkers cottages. The visual impact is further increased by the roof-line being at right angles to the adjacent properties.

One must express some concern over the multiplicity of Applications submitted for a single property, since objections have to be submitted on each occasion, it could lead to a lessening of expressions of concern.

I urge you to refuse this appeal in view of the blatant disregard of the regulations concerning planning permission and it would appear to be a direct challenge to the authority of the District Council in such matters.

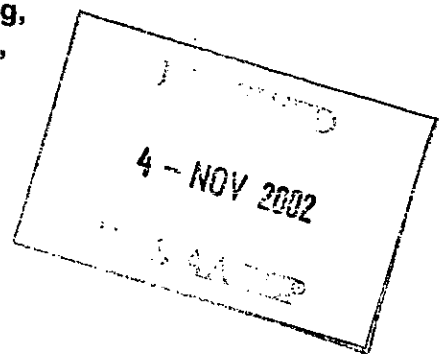
Yours faithfully,

P.J.WEBBER. (Mr).

"COPPINS",
THE STREET, SWALLOWFIELD, READING.
RG7.1RE

October 31, 2002

The Planning Inspectorate,
Room 3/03, Kite Wing,
Temple Quay House,
2, The Square,
Temple Quay,
BRISTOL. BS1.6PN



FAO Mrs M Pocock

Dear Ms Pocock,

Application No: F/2002/6056.
Appeal by: Mr I Rivers. Land Adjoining 4,Wyvols Cottages, The Street, Swallowfield.
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3275 (Retrospective)
Reference: APP/X0360/A/02/1100256

As you know, the above case has produced a breach of the original planning consent for the site, insofar as there was found to be a substantial deviation from the approved building plan. I oppose the appeal on the following grounds.

1. The appeal must be rejected on the grounds that it has been constructed in the wrong position, thus bringing it well forward of (South of) the building line, creating a dramatic visual intrusion in a limited plot space bounded to the West of the site by old farm cottages and to the East, two aesthetically acceptable more modern and appropriately sized dwellings. The visual intrusion is heightened by virtue of the fact that it is positioned on a slight LH bend in the highway.

2. The appeal must be rejected on fundamental legal grounds concerning planning control and administration. The District Council gave consent for a particular dwelling to be erected in accordance with an agreed design in the agreed position. The appellant did not comply.

   The Inspector must carefully, systematically and realistically assess, why the deviations from plan have occurred bearing in mind the restricted size and shape of the plot, the majority of which was formerly a farm field entry/access. Would it have been possible, on the balance of probabilities, that an experienced builder could have made a survey or measurement error? Alternatively, would there have been any other more commercial, or financially beneficial or practical reason why the position of the dwelling was

PHONE: 01189-884384

changed from the agreed plan?

Why, for instance did construction continue in the face of warnings from Council officials that it was incorrectly positioned?

There must be a clear message that retrospective consent cannot be supported, where deviations from plan are found. Failure to do so, will broadcast a seriously damaging message for all councils and residents, that plans may be ignored without undue peril, and legalised by retrospective consent and appeals.

3. A further point is that it is understood that the "retrospective" application to legalise the current actual position is not correct - this shows a change in plan position of 0.75m, when in fact the positioning error is greater. (Probably > 1.0m)

4. The existing incorrect and non-compliant positioning of the dwelling has now reduced "off street" parking in this plot by the equivalent distance and area, thus creating a potential roadway parking and obstruction hazard on a poorly "sighted" bend in the roadway. This is a busy road and will create an unacceptable traffic hazard.

5. The dwelling as built, in terms of plan area and dimensions may exceed the planning consent originally given. Had the dwelling been constructed in the correct relationship to 4 Wyvols Cottages, the rear North west corner may well have interfered with that boundary. This site is a wedge shaped site, narrowing on the LH or Western side to a considerable extent.

6. The rear garden is not 100% gardens *per se*. Part of the land falling within the curtilage of the site is designated "Agricultural", and has not to my knowledge been the subject of any change of use permission from Agricultural use to residential.

7. The final reason for rejection is that the deviation is substantial, and detracts from the general visual amenity of this part of the village landscape, transforming an attractive group of housing into a much less attractive scenario.

Yours sincerely,



Ian Hammond.

c.c. Wokingham DC - for information
Swallowfield PC - for information

Brigadier J H Mallard
Swallowfield Park
READING
Berkshire RG7 1TG
Tel: 01189 9884252

31 Oct 2002

4 - NOV 2002

Mrs M. Pocock
- Planning Inspectorate,

Bristol

Dear Madam,

Reference APP/X0360/A/02/1100256
Appeal by Mr. J. Rivers.
Application No:- 1F/2002/6056.

This house has been built on a prominent site on a bend in a attractive small village. In my opinion the appellant was fortunate to have been given permission to build the house in the first place, and in its present position it is obtrusive and undesirable

Furthermore, I understand t

while the house was under construction, the developer was warned by the council that it was not in accordance with the permission granted. If therefore this appeal is allowed, it will be used as a precedent in future cases where the restrictions imposed by a planning authority have been ignored.

For these reasons I consider that the appeal should be dismissed.

Yours faithfully

J. Mellard

RECEIVED
12 NOV 2002
PINS ADMIN

LAND ADJACENT TO NO. 4 WYVOLS COTTAGE, THE STREET, SWALLOWFIELD, BERKSHIRE

REPRESENTATIONS ON BEHALF OF SWALLOWFIELD PARISH COUNCIL

DETR Reference: APP/X0360/A/02/1100256

November 2002

Christopher Strang Associates
Town & Country Planning Consultants
36 Donnington Square
Newbury, Berkshire RG14 1PP

1.0 The appeal application and relevant planning history

1.1 The Appeal Application is the most recent of a series of applications submitted to the Council by the appellant. There was significant local opposition to the appeal proposal. In addition to the objections submitted by the Parish Council, the District Council received ten letters of objection from local residents.

1.2 In 1996 pursuant to application number 96/63695/F the Council granted planning permission for the erection of a detached cottage. This permission was renewed in 2001, pursuant to application number F/2001/3937.

1.3 A second application for the erection of a detached dwelling and garage was approved in 2001, pursuant to application number F/2001/3725.

1.4 A third application to vary the planning permission number F/2001/3725 by incorporating dormers in the roof space was refused by the Council in 2001.

1.5 Earlier this year the Council refused a fourth application, again to vary the planning permission number F/2001/3725 by again incorporating dormer windows and the re-siting of the dwelling.

1.6 The appeal application is therefore the fifth planning application at the appeal site, since 1996, with four of these being made within the last two years.

1.7 The Parish Council objected to the planning application number F/2001/3725 which is in effect the original planning permission, subsequently varied by the construction of the dwelling "as built". A copy

of the Parish Council's letter of objection dated 10th May 2001 is attached as appendix 1.

1.8 Within this letter of objection the Parish Council expressed its concern as to whether the site was capable of accommodating an additional dwelling, given the restricted size of the site. Such a development would it was contended, detract from the attractive street scene that characterises this part of the village.

1.9 In addition, the Parish Council raised objections that the design of the proposed dwelling was inappropriate, and out of keeping with the surrounding area.

1.10 Finally, the Parish Council raised concerns about car parking, given the location of the site on the inside of a bend in the road.

1.11 These objections set the local context within which the Parish Council assessed and evaluated the appeal application.

1.12 In October the Council served an enforcement notice in relation to the unauthorised siting of the dwelling. This notice is due to take effect on 22 November 2002, and the compliance period is three months.

2.0 PLANNING POLICIES

2.1 Government Advice

Relevant planning policies are contained within PPG1 "General Policy and Principles" (February 1997), the Berkshire Structure Plan 1997, the Loddon Area Local Plan 1995, the Wokingham Local Plan Deposit Draft 1997 and the Proposed amendments to the Deposit Draft Local Plan 1999.

2.2 Advice in paragraphs 13 to 20 in PPG1 refers to the importance of good design. The appearance of a proposed development is a material consideration in determining planning applications and appeals, including in relation to both the design of the building itself and the context within which the development takes place.

2.3 Further advice in PPG1 states that Local Planning Authorities should not seek to impose a particular architectural taste or style, and should only concern themselves with matters of detailed design, where such matters have a significant effect on the character or quality of an area.

2.4 **Structure and Local Plan**

Berkshire County Council adopted the Berkshire Structure Plan in 1997. Policy EN1 is relevant to this appeal, in that it requires that the character and quality of the environment in villages such as Swallowfield be protected and enhanced, and that special attention should be paid to the maintenance and improvement of the character of village centres.

2.5 Wokingham District Council is currently reviewing its Local Plan. At the present time the Loddon Area Local Plan 1995 is the adopted Local Plan. Relevant policies are LB1 "Design of new Development" and LBE2 "Inappropriate Design".

2.6 The Council published the emerging Wokingham District Local Plan Deposit Draft in October 1997, and considered the responses in 1998 and 1999. The Council published its proposed modifications to the Plan later in 1999 and a Public Local Inquiry was held in 2000. The Inspector's report was published in 2001 and the Council is currently working on

further modifications to the Plan. It is understood that these modifications will be published early in 2003.

2.7 Relevant policies in the emerging Local Plan are WOS1 and WBE1. Given the advanced stage of preparation of the emerging Local Plan, these policies should be accorded some weight in considering the merits of this appeal application.

3.0 Planning Considerations

3.1 Swallowfield is an attractive and historic village, located approximately 7 miles to the west of Wokingham, and approximately 1 mile north of the county boundary with Hampshire. The village is situated in a pleasant area of countryside between the large settlements of Wokingham and Reading. Within the village itself there is an historic core at the eastern end of The Street at its junction with Swallowfield Street, which is designated as a Conservation Area.

3.2 Much of the built development in the village dates from the early part of the 20th century although there are also a number of 19th century properties, and with some more recent in-fill development. Within The Street, there is a mix of detached and semi-detached two storey dwellings, many of which are constructed in a red/orange brick with either plain tiled or slate roofs. In the immediate locality of the appeal site there is a well established building line, with dwellings on the northern side of The Street set back some 10 – 12 metres from the highway, and enjoying good sized front gardens. The dwellings on the southern side of The Street, have a similar well-established building line, but are sited a little closer to the carriageway edge.

3.3 The appeal site is situated on the inside of a bend in the road, as shown on the ordnance survey site plan at a scale of 1:500 that formed part of the appeal application. This site plan shows the positioning of numbers 1 - 4 Wyvols Cottages, which are two pairs of semi-detached two storey dwellings, and "Alltdeag", a more recently erected, detached, two storey dwelling. The building line formed by the front main wall of number 3 and 4 Wyvols Cottages and "Alltdeag" mirrors the bend in the road and this has ensured the parallel relationship between the highway and the development adjacent is maintained. This siting and layout has ensured that existing development has harmonised with the character and appearance of the street scene.

3.4 The approved house design incorporates a ridge line running north-south, with a projecting two storey gable on the eastern side encompassing the integral garage and bedroom number 2. This form and design is different from both 3 and 4 Wyvols Cottages and "Alltdeag" which have a ridgeline running east-west. As a result of this different design the dwelling would appear more prominent in the street-scene, even if it had been constructed correctly on the site pursuant to the details in application number F/2001/3725.

3.5 However, as it has been constructed approximately 1 metre forward of the approved position, the differences in the design and form of the appeal dwelling when compared to its immediate neighbours has been accentuated. The Parish Council is justifiably concerned that the siting approved in application number F/2001/3725 was such that the front main wall of the appeal dwelling lined up with that of the neighbouring dwelling to the east "Alltdeag" rather than being positioned midway between the front wall of 3 and 4 Wyvols Cottages and "Alltdeag".

3.6 The siting "as built" has resulted in a building form that is unacceptably prominent and incongruous in the street-scene. When viewed from views to the west, on approaching the village from the Basingstoke Road B2249, the mass and bulk of the building dominates numbers 3 and 4 Wyvols Cottages, and has an adverse effects on the character and appearance of the village.

3.7 Policy WOS3 of the emerging Local Plan states that the Council will require all development proposals to accord with a number of criteria, (a) to (f). Criteria (f) deals with detailed design, and states that all development proposals should be of high quality design, that respects the local context by virtue of its siting, layout, massing, materials, colour and texture.

3.8 The appeal proposal is not of a high quality design. The siting of the house, and the resulting greater bulk and mass, in a prominent position, has adversely affected the special character and appearance of the locality. This conflicts with the Council's emerging policy WOS3, the adopted policies LBE1 and LBE2 of the adopted Loddon Area Local Plan, and Structure Plan policy EN1.

3.9 The appeal proposal further conflicts with policy WBE1 of the emerging plan, and the listed nine criteria (a) to (i). The appeal application is unacceptable in terms of its visual impact as a result of the significantly increased prominence of the house arising from the revised siting of some 1 metre forward of the approved position. This increased prominence adversely affects the local townscape, resulting in a building form that dominates its neighbours.

3.10 In addition, it is noted that the dwelling "as built" does not accord with the approved detailed plan drawing number 2324.01RevA, in terms of the

fenestration on the east facing elevation. The submitted drawing that purports to show the development "as built", shows only two windows on this side-facing elevation, together with a partly glazed door. These windows give light to the WC on the ground floor and landing on the first floor.

3.11 However, two additional windows have also been provided, one at ground floor level adjacent to the chimneybreast, with a similar additional window at first floor level. These windows give light to habitable rooms, i.e. the living room on the ground floor and bedroom number 1 above. As a result of these additional windows, the proposal does not accord with criteria (h) in that it adversely affects the privacy and amenities of the occupiers of "Alltdeag" to the east. Although Wokingham District Council has only referred to the change in siting in the reason for refusal, the Parish Council requests that the Inspector also considers the effect of the additional windows on the eastern elevation as described

3.12 Furthermore, the Parish Council wish to draw the Inspector's attention to information provided by the applicant's agent in the original application, in relation to question 14 of the forms i.e. "external materials". The applicant indicated that red/brown bricks would be used, but in fact the dwelling has been constructed using yellow or buff coloured bricks. This alien brick colour adds to the prominence of the building. conflicting with criteria (f) (which refers to materials) of policy WBE1 of the emerging plan.

3.13 The Parish Council has already raised this matter with the Council's Planning Officer Ms N Brown, in a letter dated 25th October 2002, attached as appendix 2. To date the Parish Council has not received a reply from the District Council. However, planning conditions were imposed on

the original planning permission F/2001/3725 requiring that the District Council approve samples of external materials.

4.0 Comments on the grounds of appeal

4.1 The appellant has stated that The Street is characterised by its diversity, and refers to a wide range of design, type, scale and period. This is not accepted. There is a strong element of unity in the design and appearance of dwellings in The Street. In terms of design, and as previously described, the majority of dwellings in The Street are two storey, many with central ridge lines running east-west parallel to the highway. The appeal dwelling has a ridgeline running north-south at 90 degrees to the highway.

4.2 Secondly, it is not accepted, as contended by the appellant that the design of the dwelling and its external materials are "in keeping" with the character of the area, for reasons as previously referred to.

4.3 In addition, and as previously described it is not accepted that the appeal proposal has no effect on the amenities of occupiers of neighbouring dwellings. Reference has been made to the effect of the additional windows on privacy, and the dominating effect of the development on the occupiers of "Alltdeag" to the east.

4.4 Finally, the appellant has not provided sufficient justification to establish that the appeal proposal harmonises satisfactorily with its surroundings. The dwelling as built, differs significantly and materially from that approved by the District Council pursuant to application F/2001/3725. These differences have resulted in a development that dominates the street scene, and appears incongruous and out of character with the locality.

5.0 Conclusion

5.1 The Parish Council strongly supports the decision by Wokingham District Council to refuse the appeal application, and to take enforcement action to

ensure that the dwelling is built in accordance with the approved details contained in application number F/2001/3725.

5.2 For the reasons set out above, it is requested that the Inspector upholds the District Council's decision and dismisses this appeal.

APPENDIX 1

10/05/01

Application Number: F/2001/3725
Location: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield
Proposal: Proposed erection of detached dwelling with garage
Case Officer: Elaine Connor

The Parish Council objects to this application for the following reasons: -

1. All dwellings, other than terraced properties, along this part of The Street have reasonable spaces between themselves and their neighbours. Constructing a dwelling on this very restricted site will give the appearance of it having been 'shoe-horned' in, and consequently will detract from the attractive existing street scene.
2. The design of the dwelling is such that the roof has a ridge running from the front to the rear of the proposed property. All other immediate neighbouring properties in the area have their ridges running parallel to the road. This will cause the proposed property to look, architecturally, out of keeping with neighbouring properties, thereby detracting from the visual amenity of the area.
3. The Parish Council notes that the site is on a bend in the road. Problems are currently occurring in this area due to on road parking, which causes problems to traffic, particularly traffic turning off the B3349 Basingstoke Road and travelling along The Street, in that their sight lines are severely impaired. Provision of a dwelling on this site can only exacerbate the situation, particularly as only a total of two off road parking places are provided, which will inevitably mean that visitors to the house will have to park on the road.

For all the above reasons the Parish Council trusts that this application will be rejected, and in particular the Parish Council trusts that the Highway authority is made aware of the Parish Council's concerns relating to the anticipated increase in on road parking prior to a decision being made.

In addition the Parish Council notes that, whilst not strictly part of this planning application, this proposal is sited in the only access to the adjacent field. The landowner of the field will no doubt create a new access elsewhere around the perimeter of the field. The Parish Council is concerned that any new access will inevitably be sited at a dangerous position. There would appear to be no obvious access elsewhere on The Street unless the coppice at the junction of The Street and the B3349 Basingstoke Road is felled, and then the access would be too close to the junction. The Basingstoke Road is blatantly unsuitable given the fact that it is on a bend coupled with the volume of traffic using the road, and Swallowfield Street is narrow, on a bend and arguably too close to a junction with the Basingstoke Road.

APPENDIX 2

SWALLOWFIELD PARISH COUNCIL
PARISH COUNCIL OFFICE
SWALLOWFIELD STREET, SWALLOWFIELD
READING, BERKS, RG7 1QX
Tel: 0118 988 5929 Fax: 0118 988 6443
email: clerk@swallowfieldpc.gov.co.uk

18 October 2002

Faxed + posted

Planning Department
Wokingham District Council
Shute End
Wokingham, Berks
RG40 1WR

Attn: Natalie Brown

Dear Sirs,

Application F/2002/6056 – land adjoining 4 Wyvols Cottages
Proposed erection of detached dwelling. Amendment of consent F/2002/3725 (retrospective)

The Parish Council would like to know whether Wokingham District Council approved the colour of the brickwork used on the construction of the above property. It considers that this may be another important factor in the present appeal.

We understand that you have had a conversation with Max Bowker, our Planning Committee Chairman, and that the relevant paperwork may have been misplaced. However, we would be grateful if every effort could be made to establish whether the applicant had received permission for the bricks or not.

Many thanks.

Yours faithfully,

C Adams

Mrs. C. Adams
Clerk

LAND ADJACENT TO NO. 4 WYVOLS COTTAGE, THE STREET, SWALLOWFIELD, BERKSHIRE

REPRESENTATIONS ON BEHALF OF SWALLOWFIELD PARISH COUNCIL

DETR Reference: APP/X0360/A/02/1100256

November 2002

Christopher Strang Associates
Town & Country Planning Consultants
36 Donnington Square
Newbury, Berkshire RG14 1PP

1.0 The appeal application and relevant planning history

1.1 The Appeal Application is the most recent of a series of applications submitted to the Council by the appellant. There was significant local opposition to the appeal proposal. In addition to the objections submitted by the Parish Council, the District Council received ten letters of objection from local residents.

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1.3 A second application for the erection of a detached dwelling and garage was approved in 2001, pursuant to application number F/2001/3725.

1.4 A third application to vary the planning permission number F/2001/3725 by incorporating dormers in the roof space was refused by the Council in 2001.

1.5 Earlier this year the Council refused a fourth application, again to vary the planning permission number F/2001/3725 by again incorporating dormer windows and the re-siting of the dwelling.

1.6 The appeal application is therefore the fifth planning application at the appeal site, since 1996, with four of these being made within the last two years.

1.7 The Parish Council objected to the planning application number F/2001/3725 which is in effect the original planning permission, subsequently varied by the construction of the dwelling "as built". A copy

of the Parish Council's letter of objection dated 10th May 2001 is attached as appendix 1.

1.8 Within this letter of objection the Parish Council expressed its concern as to whether the site was capable of accommodating an additional dwelling, given the restricted size of the site. Such a development would it was contended, detract from the attractive street scene that characterises this part of the village.

1.9 In addition, the Parish Council raised objections that the design of the proposed dwelling was inappropriate, and out of keeping with the surrounding area.

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1.11 These objections set the local context within which the Parish Council assessed and evaluated the appeal application.

1.12 In October the Council served an enforcement notice in relation to the unauthorised siting of the dwelling. This notice is due to take effect on 22 November 2002, and the compliance period is three months.

2.0 PLANNING POLICIES

2.1 Government Advice

Relevant planning policies are contained within PPG1 "General Policy and Principles" (February 1997), the Berkshire Structure Plan 1997, the Loddon Area Local Plan 1995, the Wokingham Local Plan Deposit Draft 1997 and the Proposed amendments to the Deposit Draft Local Plan 1999.

2.2 Advice in paragraphs 13 to 20 in PPG1 refers to the importance of good design. The appearance of a proposed development is a material consideration in determining planning applications and appeals, including in relation to both the design of the building itself and the context within which the development takes place.

2.3 Further advice in PPG1 states that Local Planning Authorities should not seek to impose a particular architectural taste or style, and should only concern themselves with matters of detailed design, where such matters have a significant effect on the character or quality of an area.

2.4 **Structure and Local Plan**

Berkshire County Council adopted the Berkshire Structure Plan in 1997. Policy EN1 is relevant to this appeal, in that it requires that the character and quality of the environment in villages such as Swallowfield be protected and enhanced, and that special attention should be paid to the maintenance and improvement of the character of village centres.

2.5 Wokingham District Council is currently reviewing its Local Plan. At the present time the Loddon Area Local Plan 1995 is the adopted Local Plan. Relevant policies are LB1 "Design of new Development" and LBE2 "Inappropriate Design".

2.6 The Council published the emerging Wokingham District Local Plan Deposit Draft in October 1997, and considered the responses in 1998 and 1999. The Council published its proposed modifications to the Plan later in 1999 and a Public Local Inquiry was held in 2000. The Inspector's report was published in 2001 and the Council is currently working on

further modifications to the Plan. It is understood that these modifications will be published early in 2003.

2.7 Relevant policies in the emerging Local Plan are WOS1 and WBE1. Given the advanced stage of preparation of the emerging Local Plan, these policies should be accorded some weight in considering the merits of this appeal application.

3.0 Planning Considerations

3.1 Swallowfield is an attractive and historic village, located approximately 7 miles to the west of Wokingham, and approximately 1 mile north of the county boundary with Hampshire. The village is situated in a pleasant area of countryside between the large settlements of Wokingham and Reading. Within the village itself there is an historic core at the eastern end of The Street at its junction with Swallowfield Street, which is designated as a Conservation Area.

3.2 Much of the built development in the village dates from the early part of the 20th century although there are also a number of 19th century properties, and with some more recent in-fill development. Within The Street, there is a mix of detached and semi-detached two storey dwellings, many of which are constructed in a red/orange brick with either plain tiled or slate roofs. In the immediate locality of the appeal site there is a well established building line, with dwellings on the northern side of The Street set back some 10 – 12 metres from the highway, and enjoying good sized front gardens. The dwellings on the southern side of The Street, have a similar well-established building line, but are sited a little closer to the carriageway edge.

3.3 The appeal site is situated on the inside of a bend in the road, as shown on the ordnance survey site plan at a scale of 1:500 that formed part of the appeal application. This site plan shows the positioning of numbers 1 - 4 Wyvols Cottages, which are two pairs of semi-detached two storey dwellings, and "Alltdeag", a more recently erected, detached, two storey dwelling. The building line formed by the front main wall of number 3 and 4 Wyvols Cottages and "Alltdeag" mirrors the bend in the road and this has ensured the parallel relationship between the highway and the development adjacent is maintained. This siting and layout has ensured that existing development has harmonised with the character and appearance of the street scene.

3.4 The approved house design incorporates a ridge line running north-south, with a projecting two storey gable on the eastern side encompassing the integral garage and bedroom number 2. This form and design is different from both 3 and 4 Wyvols Cottages and "Alltdeag" which have a ridgeline running east-west. As a result of this different design the dwelling would appear more prominent in the street-scene, even if it had been constructed correctly on the site pursuant to the details in application number F/2001/3725.

3.5 However, as it has been constructed approximately 1 metre forward of the approved position, the differences in the design and form of the appeal dwelling when compared to its immediate neighbours has been accentuated. The Parish Council is justifiably concerned that the siting approved in application number F/2001/3725 was such that the front main wall of the appeal dwelling lined up with that of the neighbouring dwelling to the east "Alltdeag" rather than being positioned midway between the front wall of 3 and 4 Wyvols Cottages and "Alltdeag".

3.6 The siting "as built" has resulted in a building form that is unacceptably prominent and incongruous in the street-scene. When viewed from views to the west, on approaching the village from the Basingstoke Road B2249, the mass and bulk of the building dominates numbers 3 and 4 Wyvols Cottages, and has an adverse effects on the character and appearance of the village.

3.7 Policy WOS3 of the emerging Local Plan states that the Council will require all development proposals to accord with a number of criteria, (a) to (f). Criteria (f) deals with detailed design, and states that all development proposals should be of high quality design, that respects the local context by virtue of its siting, layout, massing, materials, colour and texture.

3.8 The appeal proposal is not of a high quality design. The siting of the house, and the resulting greater bulk and mass, in a prominent position, has adversely affected the special character and appearance of the locality. This conflicts with the Council's emerging policy WOS3, the adopted policies LBE1 and LBE2 of the adopted Loddon Area Local Plan, and Structure Plan policy EN1.

3.9 The appeal proposal further conflicts with policy WBE1 of the emerging plan, and the listed nine criteria (a) to (i). The appeal application is unacceptable in terms of its visual impact as a result of the significantly increased prominence of the house arising from the revised siting of some 1 metre forward of the approved position. This increased prominence adversely affects the local townscape, resulting in a building form that dominates its neighbours.

3.10 In addition, it is noted that the dwelling "as built" does not accord with the approved detailed plan drawing number 2324.01RevA, in terms of the

fenestration on the east facing elevation. The submitted drawing that purports to show the development "as built", shows only two windows on this side-facing elevation, together with a partly glazed door. These windows give light to the WC on the ground floor and landing on the first floor.

3.11 However, two additional windows have also been provided, one at ground floor level adjacent to the chimneybreast, with a similar additional window at first floor level. These windows give light to habitable rooms, i.e. the living room on the ground floor and bedroom number 1 above. As a result of these additional windows, the proposal does not accord with criteria (h) in that it adversely affects the privacy and amenities of the occupiers of "Alltdeag" to the east. Although Wokingham District Council has only referred to the change in siting in the reason for refusal, the Parish Council requests that the Inspector also considers the effect of the additional windows on the eastern elevation as described

3.12 Furthermore, the Parish Council wish to draw the Inspector's attention to information provided by the applicant's agent in the original application, in relation to question 14 of the forms i.e. "external materials". The applicant indicated that red/brown bricks would be used, but in fact the dwelling has been constructed using yellow or buff coloured bricks. This alien brick colour adds to the prominence of the building. conflicting with criteria (f) (which refers to materials) of policy WBE1 of the emerging plan.

3.13 The Parish Council has already raised this matter with the Council's Planning Officer Ms N Brown, in a letter dated 25th October 2002, attached as appendix 2. To date the Parish Council has not received a reply from the District Council. However, planning conditions were imposed on

the original planning permission F/2001/3725 requiring that the District Council approve samples of external materials.

4.0 Comments on the grounds of appeal

4.1 The appellant has stated that The Street is characterised by its diversity, and refers to a wide range of design, type, scale and period. This is not accepted. There is a strong element of unity in the design and appearance of dwellings in The Street. In terms of design, and as previously described, the majority of dwellings in The Street are two storey, many with central ridge lines running east-west parallel to the highway. The appeal dwelling has a ridgeline running north-south at 90 degrees to the highway.

4.2 Secondly, it is not accepted, as contended by the appellant that the design of the dwelling and its external materials are "in keeping" with the character of the area, for reasons as previously referred to.

4.3 In addition, and as previously described it is not accepted that the appeal proposal has no effect on the amenities of occupiers of neighbouring dwellings. Reference has been made to the effect of the additional windows on privacy, and the dominating effect of the development on the occupiers of "Alltdeag" to the east.

4.4 Finally, the appellant has not provided sufficient justification to establish that the appeal proposal harmonises satisfactorily with its surroundings. The dwelling as built, differs significantly and materially from that approved by the District Council pursuant to application F/2001/3725. These differences have resulted in a development that dominates the street scene, and appears incongruous and out of character with the locality.

5.0 Conclusion

5.1 The Parish Council strongly supports the decision by Wokingham District Council to refuse the appeal application, and to take enforcement action to

ensure that the dwelling is built in accordance with the approved details contained in application number F/2001/3725.

5.2 For the reasons set out above, it is requested that the Inspector upholds the District Council's decision and dismisses this appeal.

APPENDIX 1

10/05/01

Application Number: F/2001/3725
Location: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield
Proposal: Proposed erection of detached dwelling with garage
Case Officer: Elaine Connor

The Parish Council objects to this application for the following reasons: -

1. All dwellings, other than terraced properties, along this part of The Street have reasonable spaces between themselves and their neighbours. Constructing a dwelling on this very restricted site will give the appearance of it having been 'shoe-horned' in, and consequently will detract from the attractive existing street scene.
2. The design of the dwelling is such that the roof has a ridge running from the front to the rear of the proposed property. All other immediate neighbouring properties in the area have their ridges running parallel to the road. This will cause the proposed property to look, architecturally, out of keeping with neighbouring properties, thereby detracting from the visual amenity of the area.
3. The Parish Council notes that the site is on a bend in the road. Problems are currently occurring in this area due to on road parking, which causes problems to traffic, particularly traffic turning off the B3349 Basingstoke Road and travelling along The Street, in that their sight lines are severely impaired. Provision of a dwelling on this site can only exacerbate the situation, particularly as only a total of two off road parking places are provided, which will inevitably mean that visitors to the house will have to park on the road.

For all the above reasons the Parish Council trusts that this application will be rejected, and in particular the Parish Council trusts that the Highway authority is made aware of the Parish Council's concerns relating to the anticipated increase in on road parking prior to a decision being made.

In addition the Parish Council notes that, whilst not strictly part of this planning application, this proposal is sited in the only access to the adjacent field. The landowner of the field will no doubt create a new access elsewhere around the perimeter of the field. The Parish Council is concerned that any new access will inevitably be sited at a dangerous position. There would appear to be no obvious access elsewhere on The Street unless the coppice at the junction of The Street and the B3349 Basingstoke Road is felled, and then the access would be too close to the junction. The Basingstoke Road is blatantly unsuitable given the fact that it is on a bend coupled with the volume of traffic using the road, and Swallowfield Street is narrow, on a bend and arguably too close to a junction with the Basingstoke Road.

APPENDIX 2

SWALLOWFIELD PARISH COUNCIL
PARISH COUNCIL OFFICE
SWALLOWFIELD STREET, SWALLOWFIELD
READING, BERKS, RG7 1QX
Tel: 0118 988 5929 Fax: 0118 988 6443
email: clerk@swallowfieldpc.gov.co.uk

18 October 2002

Faxed + posted

Planning Department
Wokingham District Council
Shute End
Wokingham, Berks
RG40 1WR

Attn: Natalie Brown

Dear Sirs,

Application F/2002/6056 – land adjoining 4 Wyvols Cottages
Proposed erection of detached dwelling. Amendment of consent F/2002/3725 (retrospective)

The Parish Council would like to know whether Wokingham District Council approved the colour of the brickwork used on the construction of the above property. It considers that this may be another important factor in the present appeal.

We understand that you have had a conversation with Max Bowker, our Planning Committee Chairman, and that the relevant paperwork may have been misplaced. However, we would be grateful if every effort could be made to establish whether the applicant had received permission for the bricks or not.

Many thanks.

Yours faithfully,

C Adams

Mrs. C. Adams
Clerk

The Planning Inspectorate

3/06b Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728430
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Fax No 0117-3728443
GTN 1371-8430

PLANNING SERVICES HQ 69777
POL TLS
DC DA ENF
APP
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05 JUN 2003
COPIES TO ACK

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

Your Ref: 00211/e

Our Ref: APP/X0360/C/02/1103995
APP/X0360/A/02/1100256

Date: 4 June 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEALS BY MR I RIVERS
SITE AT BEAVER COTTAGE, THE STREET, SWALLOWFIELD

I enclose for your information a copy of 1 representation/correspondence about the above appeals.

There is no need to comment unless you wish to do so. Please send any comments to me by 11 June 2003 and copy them to the appellant.

Yours faithfully

R. Marsden

Mr Richard Marsden

E96L

Christopher Strang Associates

TOWN & COUNTRY PLANNING CONSULTANTS

36 Donnington Square, Newbury, Berkshire RG14 1PP
Telephone: Newbury (01635) 580092 Fax: 01635 31181
Email: crwstrang@aol.com

3 June, 2003

Mr Richard Marsden
The Planning Inspectorate
3/06b Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

- BY FAX -

Dear Mr Marsden

Town & Country Planning Act 1990 – Appeals by Mr I Rivers, site at Beaver Cottage, The Street, Swallowfield, Reference APP/X0360/A/02/1100256, APP/X360/C/02/1103995

We are instructed by Swallowfield Parish Council in connection with the above appeals, and I have already made submissions regarding the Section 78 appeal, in a letter dated 11th November 2002. Since the lodging of that appeal, the Council have served an Enforcement Notice on this site against which a further appeal has been lodged. We set out below representations on behalf of the Swallowfield Parish Council in connection with the appellant's submissions regarding the Enforcement appeal.

Statement in support of grounds of appeal by Ian Rivers:

This statement includes as an attached document a report prepared by Adrian James, architect, to which further reference is made below. With regard to the appellant's own statement, at paragraph 17, there is reference to the difficulties which might be experienced in complying with the Enforcement Notice. It is suggested that internally, the size of the study would become unusable on the ground floor and the garaging would not accommodate a family sized vehicle. At first floor, two bedrooms would be reduced in size.

Consideration of the floor plans as built indicates that changes may have to be made to the ground floor accommodation as a consequence of complying with the Enforcement Notice. However, these need not be unduly onerous. For example, the area remaining for the study could be taken in with the adjoining dining room, or could be used as a downstairs WC. The garage area could be extended into the area currently occupied by the staircase, and the staircase re-accommodated by removing the existing downstairs WC. At first floor level, both bedrooms will remain useable.

Finally, this statement refers to the mis-siting of the house as a mistake. The Parish Council would, however, comment that the appellant is a property developer by trade, under the title "Moleficld Properties Limited", of Beaver Cottage.

Comments on statement of Adrian James:

This statement is attached to Mr Rivers' statement.

It is unclear whether Mr James's report is based on conclusions which he has reached from a desk/paper exercise, or whether he has carried out a site inspection. He has not referred explicitly to a site visit and there are numerous references to a "paper analysis".

Notwithstanding this, in his analysis, Mr James does not mention that the appeal site and the dwellings immediately adjoining it (3 and 4 Wyvols Cottages and "Alltdearg") are located on the inside of a bend in the road. The front building line of the dwellings immediately adjoining the appeal site (from "Little Gables" to the east to 1 and 2 Wyvols Cottage to the west) follows a curve, in the same way as the road. The appeal property projects forward of this curved building line, and its incorrect siting in this context, together with its bulk and height, has resulted in its increased visual prominence in the street scene. This prominence has a harmful effect on the streetscene, and is contrary to the policies in the Wokingham Local Plan.

We do not accept Mr James's conclusion that the houses are arranged loosely. Swallowfield is a village with a well-established and tightly-knit street pattern. Nor are the dwellings in the immediate vicinity (from "Little Gables" to the east to 1 and 2 Wyvols Cottage to the west) angled to the road. These dwellings are all sited parallel to The Street, and only "Little Gables" has a visible flank elevation. The dwellings listed in paragraph 1.2.4 of Mr James's report are all some distance away, and any comparison with these dwellings are of little relevance. Hence Mr James's conclusion at paragraph 1.2.5 that the appeal property is not "exceptionally sited" is not supported by the evidence.

Similarly when assessing the set-back from The Street, Mr James has not mentioned the fact that the appeal site is located on the inside of a bend. The front walls of the dwellings to the east of the appeal site are sited progressively closer to the carriageway edge, reflecting their movement with the bend in the road, and the change to smaller front gardens. This gradual change in front garden sizes on the northern side of The Street means that the incorrect siting of the appeal property together with its bulk and height, has produced a dominating building form which does not harmonise with its immediate surroundings.

Accordingly, we do not accept that there is a "huge" variety of set back (paragraph 1.4.1), nor that the buildings in the immediate vicinity are sited at an angle to the road, and lack a front façade.

In section 1.5 of his report Mr James has again compared the appeal site's street scene context with dwellings to the east. We contend that dwellings sited on the inside of the bend in the immediate vicinity of the appeal site, from "Little Gables" to the east to 1 and 2 Wyvols Cottages to the west, establish the character and context of this part of the street scene. Therefore any comparison with dwellings further to the east, after The Street straightens out, is of little relevance.

The flank walls of the appeal property particularly when viewed from the west, are highly visible, and their visibility dominates the street scene, contrary to the principles of good design in PPG1 and the District Council's Local Plan policies. There is no appreciation in Mr James's assessment of the height of the appeal building, which appears excessive in comparison to that of adjoining houses, nor a comparison of heights of other buildings.

Finally we do not accept Mr James's conclusion that Swallowfield is "solidly banal" (paragraph 2.1.1). Swallowfield is an attractive and historic village that has developed gradually, with development dating from the early part of the 20th century and some earlier and more recent housing. Further there is a "stylistic consistency" (paragraph 2.1.3) which Mr James does not mention in his report. The dwellings immediately adjoining the appeal site ("Alltdcarg" and 3 and 4 Wyvols Cottages) have their ridge line running parallel to the road in an east-west direction, whereas the appeal property has been designed with a ridge line at 90 degrees to the road running in a north-south direction. This lack of design consistency has added to the prominence and visibility of the appeal property, which has been exacerbated by the incorrect siting.

Comments of the Fladgate Fielder Solicitors dated 7th February 2003:

Paragraphs 1 – 4 of this statement refer to the lack of detail in the Council's case regarding harm. The initial representations submitted by ourselves on behalf of the Parish Council, together with those now enclosed, make it clear that harm has been caused by the siting of the house.

Paragraphs 5 onwards refers to the need for internal reorganisation of room spaces, and comments have already been made above on this issue. With regard to amendments necessary to the roof to comply with the requirements of the Enforcement Notice, in relation to the garage side of the house this could be easily achieved. With regard to the study side, clearly the appellant will have to enter into discussions with the local planning authority on how this set-back is achieved. It might, for example, be possible to set back the wall, but to retain the existing roof, thereby providing a deeper eaves treatment.

I would be grateful if you could ensure that the Inspector appointed to determine these appeals has a copy of this letter.

Yours faithfully

CHRISTOPHER STRANG

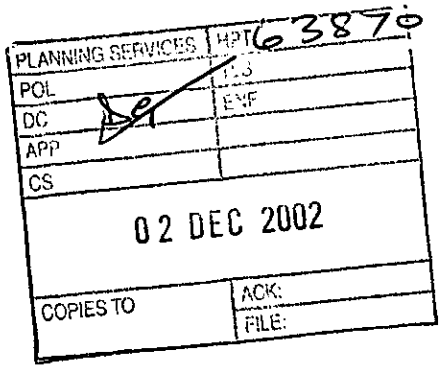
Cc: Clerk, Swallowfield Parish Council

Christopher Strang Associates

TOWN & COUNTRY PLANNING CONSULTANTS

36 Donnington Square, Newbury, Berkshire RG14 1PP
Telephone: Newbury (01635) 580092 Fax: 01635 31181
Email: crwstrang@aol.com

3rd December 2002



Ms Natalie Brown
Planning Officer
Wokingham District Council
Shute End
Wokingham
Berkshire
RG40 1BN

Dear Ms Brown

Town and Country Planning Act 1990
The Appeal by Mr I Rivers, Site at land adjacent to 4 Wyvols Cottage, The Street, Swallowfield, Berkshire - APP/X0360/A/02/1100256

We are instructed by Swallowfield Parish Council to submit their observations and representations in connection with the above appeal.

Thank you for sending me a copy of the Council's statement and the two statements submitted on behalf of the appellant.

We are concerned to note that that the statement by Mr James appears to introduced new evidence in support of the appeal proposal. We have prepared a letter to rebut the appellant's two additional statements, and I have enclosed a copy with this letter. As you are aware the Appeal Regulations do not specifically allow for additional comments by third parties after the 6 week deadline, but we have asked the Inspectorate to consider passing our letter to the Inspector given the new evidence now submitted. I understand that the 9-week deadline is Wednesday 4th December 2002.

Whilst I understand that you do not intend to submit any further comments to the Planning Inspectorate, we would be happy for the District Council to use our letter as a basis for a brief response to the James statement.

Yours sincerely

CHRISTOPHER STRANG
Encl.

3rd December 2002

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

Your reference: APP/X0360/A/02/1100256

Dear Madam

Town and Country Planning Act 1990
The Appeal by Mr I Rivers - Site at land adjacent to 4 Wyvols Cottage, The Street, Swallowfield, Berkshire

We are instructed by Swallowfield Parish Council, and submitted a statement to you setting out the Parish Council's representations on the above appeal on 11 November 2002.

We acknowledge receipt of your letter dated 15 November 2002. We are aware that there is no specific provision within the Regulation for comments by interested parties to be submitted after the 6-week deadline. However, in view of the new evidence submitted on behalf of the appellant, (particularly the report by Adrian James dated 24/10/02, and the new issues raised within this report) we have set out below our response. In these circumstances we would be grateful if you will allow this letter to be passed to the Inspector.

Firstly it is unclear whether Mr James's report is based on conclusions he has reached from a desk/paper exercise, or whether he has carried out a site inspection. As he has not referred explicitly to a site visit and given the numerous references to a "paper analysis" we assume that he has not visited the site. Accordingly, his conclusions should be weighted in this context, and we ask the Inspector to make his own assessment at his/her site visit. The Parish Council visited the site before submitting their objections to the District Council before the appeal application was determined. The District Council's Planning Officer visited the site before writing her report and recommending that the appeal application be refused. We visited the site before preparing our statement dated 11 November 2002, and our conclusions are based on site observations.

In his analysis Mr James does not mention that the appeal site, and the dwellings immediately adjoining it (3 and 4 Wyvols Cottages and "Alltdearg" are located on the inside of a bend in the road. The front building line of the dwellings immediately adjoining the appeal site (from "Little Gables" to the east to 1 and 2 Wyvols Cottage to the west) follow a curve in the same way as the road. The appeal property projects forward of this curved building line, and its incorrect siting in this context has resulted in its increased visual prominence in the street scene. This prominence has a harmful effect on the streetscene, and is contrary to the policies in the Wokingham Local Plan.

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Similarly when assessing the set back from The Street Mr James has not mentioned the fact that the appeal site is located on the inside of a bend. The front walls of the dwellings to the east of the appeal site are sited progressively closer to the carriageway edge, reflecting their movement with the bend in the road, and the change to smaller front gardens. This gradual change in front garden sizes on the northern side of The Street means that the incorrect siting of the appeal property has produced a dominating building form which does not harmonise with its immediate surroundings.

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CHRISTOPHER STRANG

Cc. Swallowfield Parish Council

Christopher Strang Associates

TOWN & COUNTRY PLANNING CONSULTANTS

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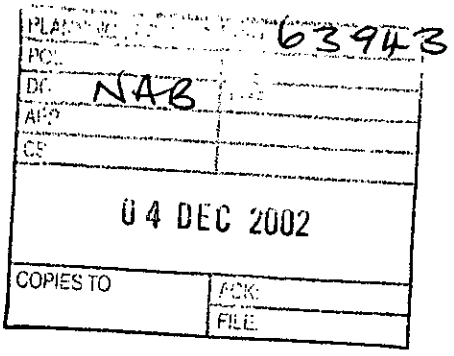

Ms Natalie Brown
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RG40 1BN

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Yours sincerely

CHRISTOPHER STRANG
Encl.

Christopher Strang BSc. (Hons), MRTPI
Isabel Strang

3rd December 2002.

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

Your reference: APP/X0360/A/02/1100256

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Town and Country Planning Act 1990
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We acknowledge receipt of your letter dated 15 November 2002. We are aware that there is no specific provision within the Regulation for comments by interested parties to be submitted after the 6-week deadline. However, in view of the new evidence submitted on behalf of the appellant, (particularly the report by Adrian James dated 24/10/02, and the new issues raised within this report) we have set out below our response. In these circumstances we would be grateful if you will allow this letter to be passed to the Inspector.

Firstly it is unclear whether Mr James's report is based on conclusions he has reached from a desk/paper exercise, or whether he has carried out a site inspection. As he has not referred explicitly to a site visit and given the numerous references to a "paper analysis" we assume that he has not visited the site. Accordingly, his conclusions should be weighted in this context, and we ask the Inspector to make his own assessment at his/her site visit. The Parish Council visited the site before submitting their objections to the District Council before the appeal application was determined. The District Council's Planning Officer visited the site before writing her report and recommending that the appeal application be refused. We visited the site before preparing our statement dated 11 November 2002, and our conclusions are based on site observations.

In his analysis Mr James does not mention that the appeal site, and the dwellings immediately adjoining it (3 and 4 Wyvols Cottages and "Alltdearg" are located on the inside of a bend in the road. The front building line of the dwellings immediately adjoining the appeal site (from "Little Gables" to the east to 1 and 2 Wyvols Cottage to the west) follow a curve in the same way as the road. The appeal property projects forward of this curved building line, and its incorrect siting in this context has resulted in its increased visual prominence in the street scene. This prominence has a harmful effect on the streetscene, and is contrary to the policies in the Wokingham Local Plan.

We do not accept Mr James's conclusion that the houses are arranged loosely. Swallowfield is a village with a well-established and tightly knit street pattern. Nor are the dwellings in the immediate vicinity (from "Little Gables" to the east to 1 and 2 Wyvols Cottage to the west) angled to the road. These dwellings are all sited parallel to The Street, and only "Little Gables" has a visible flank elevation. The dwellings listed in paragraph 1.2.4 of Mr James's report are all some distance away, and any comparison with these dwellings are of little relevance. Hence Mr James's conclusion at paragraph 1.2.5 that the appeal property is not "exceptionally sited" is not supported by the evidence.

Similarly when assessing the set back from The Street Mr James has not mentioned the fact that the appeal site is located on the inside of a bend. The front walls of the dwellings to the east of the appeal site are sited progressively closer to the carriageway edge, reflecting their movement with the bend in the road, and the change to smaller front gardens. This gradual change in front garden sizes on the northern side of The Street means that the incorrect siting of the appeal property has produced a dominating building form which does not harmonise with its immediate surroundings.

Accordingly, we do not accept that there is a "huge" variety of set back (paragraph 1.4.1), nor that the buildings in the immediate vicinity are sited at an angle to the road and lack a front façade.

In section 1.5 of his report Mr James has again compared the appeal site's street scene context with dwellings to the east. We contend that dwellings sited on the inside of the bend in the immediate vicinity of the appeal site, from"Little Gables" to the east to 1 and 2 Wyvols Cottages to the west, establishes the character and context of this part of the street scene. Therefore any comparison with dwellings further to the east after The Street straightens out is of little relevance.

The flank walls of the appeal property particularly when viewed from the west are highly visible, and its visibility dominates the street scene contrary to the principles of good design in PPG1 and the District Council's Local Plan policies.

Finally we do not accept Mr James's conclusion that Swallowfield is "solidly banal" (paragraph 2.1.1). Swallowfield is an attractive and historic village that has developed gradually, with development dating from the early part of the 20th century and some earlier and more recent housing. Further there is a "stylistic consistency" (paragraph

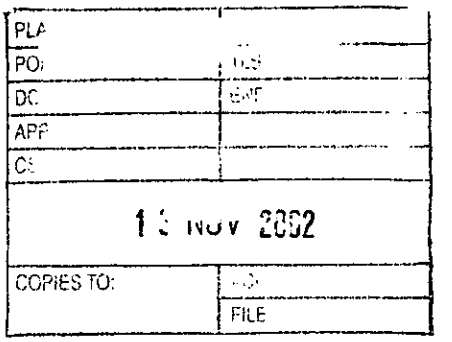
2.1.3) which Mr James does not mention in his report. The dwellings immediately adjoining the appeal site ("Alltdearg" and 3 and 4 Wyvols Cottages) have their ridge line running parallel to the road in an east-west direction, whereas the appeal property has been designed with a ridge line at 90 degrees to the road running in a north-south direction. This lack of design consistency has added to the prominence and visibility of the appeal property, which has been exacerbated by the incorrect siting.

Yours faithfully

CHRISTOPHER STRANG

Cc. Swallowfield Parish Council

11th November 2002



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

Dear Madam

Town and Country Planning Act 1990
The Appeal by Mr I Rivers
Site at land adjacent to 4 Wyvols Cottage, The Street, Swallowfield, Berkshire.
APP/X0360/A/02/1100256

I refer to the above appeal, and to the notification dated 8th October 2002, from Wokingham District Council.

We are instructed by Swallowfield Parish Council, to submit the enclosed representation in support of the decision by Wokingham District Council to refuse planning permission for the appeal application. The Parish Council submitted a letter of objection to Wokingham District Council before it determined the application.

Should the appellant submit a further detailed appeal statement, the Parish Council would like the opportunity to view this document, and submit a further letter of representation as necessary in view of the controversial nature of this proposal, and the concern in the village. We would be grateful if you would confirm that the Parish Council will be given an opportunity to comment on any additional Statement submitted by the appellant.

The Parish Council would like to be notified of the Inspector's site visit, as a representative of the Parish Council may wish to attend. Further we would request that you send the Parish Council a copy of the Inspector's decision letter.

Yours faithfully

CHRISTOPHER STRANG

Cc. Swallowfield Parish Council
Wokingham District Council.

HIGHWAYS CONSULTATION SHEET

From: Natalie Brown **Date:** 12 March 2002

Application Number: F/2002/6056

Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725. (Retrospective)

Parish: SWALLOWFIELD PARISH

Site Address:
Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.

Applicant:
Mr I Rivers C/O Robin Bradbeer Ltd.

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

✓ below as applicable;

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

As per app nos. 3725 + 5502

Signed: _____ **Print name:** Adam Coggins 13/03/02

HIGHWAYS CONSULTATION SHEET

From: Natalie Brown **Date:** 11 January 2002

Application Number: F/2001/5502

Proposal: Proposed erection of detached dwelling with garage.

Parish: SWALLOWFIELD PARISH

Site Address:
Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.

Applicant:
Mr I Rivers C/O W M Graham Associates.

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

✓ below as applicable;

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

Comment.

Awaiting revised plan showing visibility splays of 2.0m by 120m, as submitted with the previous application (F/2001/3725).

Plus confirmation that the applicant has control over the land within the sight lines.

Signed: _____ **Print name:** ADAM 18/01/02

Visibility plan received (Drg. No 2324 SK/00).

Conditional Approval as previous.

27/02/02.

HIGHWAYS CONSULTATION SHEET

From: Elaine Connor **Date:** 23 April 2001

Application Number: F/2001/3725

Proposal: Proposed erection of detached dwelling with garage.

Parish: SWALLOWFIELD PARISH

Site Address:
Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.

Applicant:
Mr I Rivers C/O W M Graham And Associates.

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

✓ below as applicable;

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

COMMENT.

The highway authority require a revised plan showing visibility splays of 2.0 metres by 120 metres, as identified on application no. 96/63695/F, at the proposed access. The affect of those splays on 3rd party land must also be addressed.

Spoke to Tom - 11th July 2001 - requires plan showing area of land to be included in /affected by visibility splays. Conditions as per 96/63695/f.
E.V.

Signed: _____ **Print name:** ADAM COGGINS 24/04/01

TO: **DEVELOPMENT CONTROL**
Natalie Brown

FROM: Environmental Design

DATE: 20 March 2002

Location:	Land adjoining 4 Wyvols Cottages, The Street, Swallowfield
Proposal:	Proposed erection of detached dwelling. Amendment of consent F/2001/3725
Application Number:	F/2002/6056

In response to your consultation dated 12 March 2002 for the above application, the landscape comments are as follows:

The native hedge mix as detailed on a separate sheet is acceptable. There is however a specification for trees, although no trees are shown to be planted. The applicant will need to show the location of the trees on the site plan and the species that they are intending to plant. There is also no information on the species of shrubs to be planted within the site adjacent to the parking spaces and the applicant will also need to provide these details.

Catherine Brimble

Catherine Brimble
Landscape Architect

Natalie Brown

From: John Mullaney
Sent: 20 March 2002 12:48
To: Natalie Brown
Subject: 4 Wyvols Cottages, The Street, Swallowfield F/2002/6056

I have no comments or objections to this application.

John Mullaney
Senior Environmental Health Officer
Environmental Protection and Housing
Wokingham Unitary
0118 974 6766
john.mullaney@wokingham.gov.uk
www.wokingham.gov.uk

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.

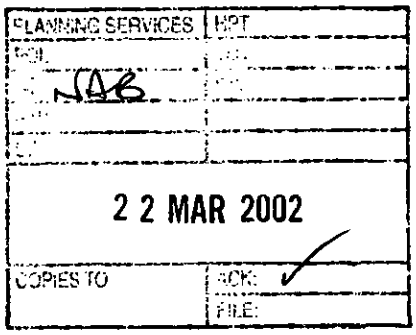


FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

WE THE UNDERSIGNED, BEING FULLY PAID-UP MEMBERS OF SWALLOWFIELD LOCAL HISTORY SOCIETY, ARE IN FULL AGREEMENT WITH OUR HONORARY SECRETARY'S LETTER OF 16 DECEMBER 2001 AS SET OUT OVERLEAF. THE OFFENDING BUILDING SHOULD BE DEMOLISHED.

SIGNED	PRINT NAME & ADDRESS
A Selling	A Selling Village farmhouse Swallowfield
B C Baker	B.C. BAKER Basingstoke Ld - Riseley.
B E Wadwell	1 The Rise Gowrnone BETTY WADWELL
E Wadwell	do EDWARD WADWELL
Beech Hill	A.D. & P. FLETCHER, BEECH HILL HOUSE
E Tomkins	E. TOMKINS. 'ORION' BEECH HILL
S M Davis	S.M. DAVIS, DORNEYCROFT, BASINGSTOKE ROAD SPENCERS WOOD
J. Neale	J. NEALE 69 CLIFTON RD WOKINGHAM
B [illegible]	B. [illegible] 50 [illegible]
J C Miles	(ARKHAM) LAUNDRY LANE HOLTFIELD' BLACK HANT
W A Lewis	Nutbean [illegible] SWALLOWFIELD
Zita Fraser	Upper Basingstoke, Swallowfield
M Hales	" " "
J R Baker	Briarwood, Swallowfield Street
Jean Dalyell	Shaplridge Hill, Swallowfield
M E Webber	Dolphin, The Street, Swallowfield
R J Webber	do
R Bright	REDROPE SCHOOL RD. BARKHAM
	A.F. PAYNE, WESSEX HOUSE, BASINGSTOKE RD. SWALLOW FIELD
J J Moore	MOORE, ST LEONARDS, SWALLOWfield.
	2 C Burt Church Rd Swallowfield
E M Gowers	Shillings 29 Foxboroughs Sw'field
R A Tombs	Windyridge The Street Swallowfield
P Bassar.	22 Howes Lane Swallowfield
M Jarvis	7 Farley Court Farley Hill.
R J [illegible]	Langstone Riseley Swallowfield
Tim Cole	Old Cottage Swallowfield
Peter Barnes	The Vicarage, Mill Street, Swallowfield
P Collin	Ridgeroe Swallowfield
C. J. Lemlor	19 ROWAN WAY EARLEY READING BERKS
R. W. Browning	Wallmer, Basingstoke Road, Three Mile Cross RG7 1AX
F. J. Browning	'Walmer', 3 Mile X. RG7 1AX
A Harper	Oaklands Swallowfield RG7 1QX

8DS



Wessex House
Basingstoke Road
Swallowfield
Reading
Berkshire
RG7 1PY

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

20th March 2002

Dear Mrs. Odell,

Application Number: F/2002/6056
Location: The Street, Swallowfield
Proposal: Proposed erection of detached dwelling
Amendment of consent F/2001/3725 retrospective

We wish to object most strongly to the above proposal.

We believe this building, in its current state, to be detrimental to Swallowfield village.

It is not sympathetic to the surrounding buildings, with regard to either scale, style or materials. Protruding so far forwards towards The Street only serves to highlight its inappropriateness - and lessens its front parking. This is resulting already in dangerous parking practices on a corner.

At the moment there are 4 windows installed adjacent and over-looking Alltearg. This neighbouring household should not be subjected to such intrusion.

This building should, at the very least, comply with the plans originally agreed or be removed forthwith.

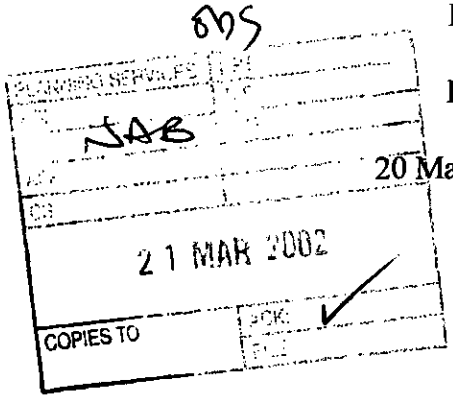
Yours Sincerely,

V. G. Payne

Mr. and Mrs. A. F. Payne

"Langstone",
Riseley,
Reading,
Berks.
RG7 1QL

20 March 2002



Wokingham District Council,
Environmental Services Department,
Planning Services,
P O Box 157,
Shute End,
Wokingham
Berkshire,
RG40 1WJ

Ref: Application 4/202/6056

Dear Sir,

I am writing to object in the strongest possible terms to retrospective planning approval being granted to the above development in Swallowfield Street. The builders appear to have proceeded with total disregard to the terms of the original planning consent and have continued to build even when these contraventions were pointed out.

If this eyesore is allowed to remain in its present form, a coach and horses will have been driven through any semblance of credible planning policy in this area and one is tempted to ask why bother with planning at all? I cannot believe that this building complies in terms of size, position on site, design or materials with any approval that may have been given and if so why were controls not implemented at a much earlier stage? I assume an inspector did visit the site at the time the footings went in and if so, how could he fail to notice what was going on?

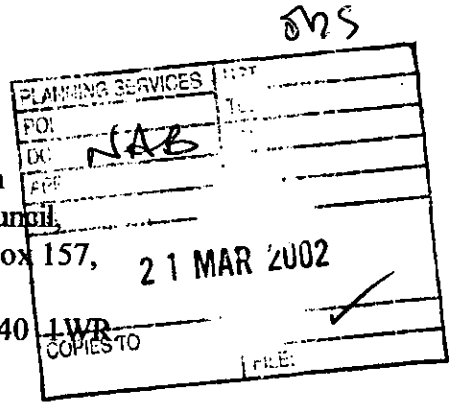
It is bad enough when sites of the dimensions and visual intrusiveness of Riseley Business Park are allowed to proceed, but at least they adhered to the plans that were passed by your department and did not flout authority in such a blatant manner.

I sincerely hope that the rules will be enforced even at this late stage, and retrospective approval will not be granted.

Yours faithfully,

Mrs G. M. Burnett

'Delphi',
The Street,
Swallowfield,
READING,
RG7 1RE.



Attention Natalie Brown
Wokingham District Council,
Planning Services, PO Box 157,
Shute End,
WOKINGHAM. RG40 1WR

March 20th. 2002.

Dear Madam,

Reference F/2002/6056: Site adjacent to No 4 Wyvols Cottages, The Street, Swallowfield.

This property is being erected in contravention of the permission granted by you under applications F/2001/3725, 5044 and 5502. Apart from the unauthorised addition of dormer windows it is forward of the agreed 'building line' by a considerable amount particularly on the west side. This was confirmed by the Enforcement Officer's letter to me dated 11/12/01 Ref DL/2/RFS/01/4867, which also stated that the applicant has been warned that they proceed at their own risk. Despite this warning work has proceeded apace and the property virtually completed.

This is the second application out of the four to show no change and is an obvious delaying tactic to apply pressure for a favourable outcome when the final decision relates to a completed property. The application should be refused in view of the blatant disregard of the regulations concerning planning permission and would appear to be a direct challenge to the authority of the District Council in such matters.

Yours faithfully,

P.J. Webber. (Mr.)

cc. Karen Sattersford. Director, Environmental Services.
Richard Lettin, Planning Enforcement Officer.
Clare Beatty, Swallowfield District Councillor.

Windyridge
The Street,
Swallowfield

23 March 2002

Ms. Natalie Brown
Development Control Officer,
Wokingham District Council,
Shute End,
Wokingham RG40 1WR

Dear Ms. Brown,

Your ref. F2002/6056

Thank you for informing me of the Amendment of Consent to F2001/3725.

I strongly object to the addition of a dormer to this property. The size of the dormer would be totally out of keeping with neighbouring properties and would do grave visual harm to this part of our village.

I trust that your Authority will not allow this dormer, nor any variation to the original consent which will make this house appear even more dominant on The Street. This addition was never wanted as the plot was much too small to accommodate anything but a small 2-bed house, the type of which no-one would be prepared to build for the profit gained on the likely cost of the site.

The dormer makes no attempt to match any of the neighbouring properties. Previous additions to the village have made some such attempt with the co-operation of your Authority. This addition will stick out like a sore thumb, so I trust your Authority will turn it down.

Yours sincerely,

R A Tombs

Mrs. Tombs

23.03.02

St Leonards
Swallowfield Street
Swallowfield
RG7 1QX

Planning Services,
Environmental Services Department,
PO Box 157,
Wokingham

FAO Ms. Natalie Brown, Development Control Officer

Dear Ms. Brown Your Ref. F2002/6056 Wyvols Cottages
Amendment to Consent F2001/375

May I object strongly to the addition of a dormer on this house. The developer appears to have done us a great favour by building it in advance of planning permission as it clearly demonstrates the full extent of the visual intrusion. Not many of us would be qualified to imagine from a plan how absolutely dreadful this oversized dormer would appear when built. It dwarfs those on neighbouring properties, the yellow bricks are hideous and it draws attention to this house which is totally out of keeping with this village.

The dormer addition does not match any of those in this historic village – I thought planners were instructed by Government to safeguard villages now from unsympathetic buildings being added. This addition is much too big, and has upset the village and the people living near it with just cause.

Recent additions to this village have been planned quite carefully, so nobody can have any real objection to progress. This one we call the carbuncle, and I feel the whole building should be pulled down. It seems outrageous that one house should be allowed to ruin our village.

I trust that the very least you will take enforcement action on both deviations from the original consent – the oversized dormer and the positioning forward on the site. The positioning forward greatly affects the ability for the owner to park off-street, which is vital on this bend since we are subjected to a rat-run in rush hours, and the dormer adds to the visual intrusion of this property.

Yours sincerely,

S. J Moore

Sylvia Moore (Mrs)

068
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APP |
CS |
20 MAR 2002
COPIES TO | ACK: ✓
FILE:

Brierley House
The Street
Swallowfield
Berks. RG7 1RE

16 March 2002

Wokingham District Council
Environmental Services Department
Planning Services
P.O. Box 157
Shute End
Wokingham
Berks. RG40 1WR

Dear Sirs,

Application Number **F/2002/6056**
Address **The Street, Swallowfield**
Proposal **Amendment of Consent F/2001/3725**

May I acknowledge receipt of your letter dated 12 March under the foregoing reference.

I wish to register my objection to this application on the grounds that it will cause a major traffic hazard and undoubtedly endanger the safety of all road users in the vicinity.

The site is on the apex of a bend in the road through the village. The property seems to have been built closer to the road than the original plan and this has restricted the amount of off road parking which is available.

The Street itself is on a bus route and is at times very busy with commuter traffic using it as a "cut through" to avoid the rush hour traffic jams at Three Mile Cross. Access to and from the site will be dangerous and parking on the road will create a dangerous hazard as we have already experienced with the builders vehicles.

Approval of this retrospective application will almost certainly cause a major traffic accident at some time in the future and it should therefore be rejected.

Yours Faithfully

T.W.Trinder

OBS

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GS	

26 MAR 2002

COPIES TO	ACK: ✓
	FILE:

Alltdearg
The Street
Swallowfield

24th March 2002

Your Reference: Natalie Brown
F/2002/6056

Dear Ms Brown

Application number:F/2002/6056
(Amendment to consent F/2001/3725)
Site: Adjoining 4 Wyvols Cottages
The Street, Swallowfield

On January 28th I wrote with my objections to another application for amending the consent for erecting this detached dwelling. As with the present application, this earlier application also included a retrospective request to re-site the house a metre further forward. This was refused. I am puzzled that the erection of the house was continued during the period when the application was being considered and refusal seems to have had no impact whatever on the builder's actions. It is now at a stage at which the owner is, I believe, intending to take up residence in about 5 weeks' time. It seems that there is a continuing saga of ignoring the usual procedures and just pushing ahead with the building, presumably in the hope that when it is there on the ground the Council will relent. We very much hope that the Council will see this tactic for what it is, will stand firm on its earlier decision and insist that the house is built in accord with the permission already granted which, as I pointed out last time, would already place the house in front of the notional building line established by the adjacent existing houses and the line of the road.

Most of my earlier comments continue to apply and I will repeat them here:

We have looked at the plans for the proposed detached dwelling, which will adjoin our property. Of course, the erection of the house is not a proposal since the building is in progress and this is just one of a series of attempts at altering what was originally proposed. We did not oppose the original application, nor the first revision which added a garage. We were surprised however at the way in which the building stands forward of what would be a natural line for the fronts of the buildings in The Street. On consulting the plans, it is clear that permission was given for the front of the house to be in line with ours. This would already be in front of a line parallel to the road, which bends away near the site of the new house. In fact the front of the house that is going up at the moment is *at least one metre in front of the line for which permission has been granted.* The builders are aware of this, and I believe were aware of it from the start. The new proposal moves

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COPIES TO | ACK.
FILE:

M Nelhams
'Maypool House'
The Street
Swallowfield
Reading
Berkshire RG7 1RE

28 March 2002

Ms Natalie Brown
Development Control Officer
Environmental Services Department
Planning Services
PO Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Ms Brown

Application No: F/2002/6056
Site Address: Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading, Berkshire
Proposed Erection of Detached Dwelling. Amendment of Consent F/2001/3725(Retrospective)

I refer to your letter dated 12 March 2002 in connection with the above Application Number.

I am becoming extremely concerned with regard to this new Planning Application in respect of the retrospective proposed erection of detached dwelling with garage, which within parameters, has been previously granted under Application Number: F/2001/3725 as amended by F/2001/5044.

The history of this saga is particularly pertinent and entirely relevant to the current application. For this purpose, I enclose my letter of 25 January 2002 in respect of the objections to Application No: F/2001/5002. This application was refused on 1 March 2002 and now another retrospective Planning Application has been submitted.

I would contend that by submitting this further Application, on a retrospective basis is a deliberate act on the Applicant and that the Applicant had every intention of not complying with the original planning consents. The new retrospective planning application is a clear breach of the rules of natural justice.

The points originally raised by the Swallowfield Parish Council in their letter of 5 December 2001, are clearly valid and remain totally valid, as do the concerns raised in my letter of 25 January 2002.

I submit on the grounds of visual amenity, positioning of the dwelling further forward, effect on daylight and privacy as originally raised, still remain valid.

I further understand that the original restrictions placed on the erection of a detached dwelling with garage, under Application F/2001/3725, as amended by F/2001/5044, remain. In particular, the bringing of the dwelling forward, visual effect on the continuous, harmonious vista to the village, inadequate structural consideration by using inconsiderate building material, utilising a different roof pitch to the existing dwellings in the village and dangerous location by not providing adequate off-street parking. There can only be one way forward and that is for the Application to be refused and compliance with the original Planning Consents forthwith.

Any other decision is in breach of natural justice and has great impact on other planning consents throughout the area. This is an important decision.

I trust the above will be taken into consideration and the right decision reached.

Yours faithfully

M Nelhems

'Maypool House'
The Street
Swallowfield
Reading
Berkshire
RG7 1RE

25 January 2002

Ms Natalie Brown
Development Control Officer
Environmental Services Department
Planning Services
PO Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Ms Brown

Application No: F/2001/5502
Site Address: Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield Reading Berkshire
Proposed Erection of Detached Dwelling with Garage

I refer to your letter of 11 January regarding the above application.

My understanding of the situation in connection with the above application number for the erection of a new detached dwelling with garage at the above address, is as follows:

Application Numbers F/2001/3725, as amended by F/2001/5044 have been previously granted planning permission for the erection of a detached dwelling, with garage, at the land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading, in accordance with planning and regulations.

Further to the above planning approvals, the building commenced. However, it has become blatantly obvious that the works in accordance with the above have not been carried out in accordance with the planning approval. In particular the front of the building is sited six or so feet in front of neighbouring properties, whereas the planning approval required the dwelling to be approximately in line with neighbouring properties.

It now transpires that with work continuing on this building, which is outwith the planning approval's given, the owner is now seeking planning approval under Application No: F/2001/5502 to erect a detached dwelling, with garage, as per the building that he has continued to erect in defiance of Planning Application Nos: F/2001/3725, as amended by F/2001/5044.

An erection of this detached dwelling, with garage, is in contravention of the original Planning Approvals requested and granted and, in my opinion, has been so built in order

to deliberately contravene the original planning approvals and as such to circumvent the legal requirements and planning applications.

The erection of the current building is in direct conflict with the planning requirements and the local authority have no other option but to insist upon Application Nos: F/2001/3725, as amended by F/2001/5044 being fully complied with

From the evidence so far, the failure to comply with the Planning Approval appears to be a deliberate act to circumvent the legislation.

A consequence of this failure the Swallowfield Parish Council in their letter dated 5 December 2001 highlighted the issues. I feel it important to reiterate the two points raised by them. Namely:-

1. The visual amenity of the immediate area has been severely damaged. This is an important site in that Wyvols Cottages effectively forms a "gateway" to the village. When entering a village, first impressions are very important and if a dwelling under construction has been correctly sited there would have been a continuous harmonious vista to the village. However, with the dwelling sited in its present position, this vista has been ruined, as all eyes are now drawn to this property jutting out and effectively cutting off the "Alltdearg" dwelling house from view when entering Swallowfield village.

2. The dwelling is on a bend in the road. In the Parish Council's original objections to this application, one reason was that the sight lines on the bend are poor, particularly if vehicles are parked in the road. The original scheme only had two off road parking spaces provided, which the Parish Council considered adequate, given the danger of on street parking in that location. By positioning a dwelling further forward, the Parish Council questions whether even the two proposed off road parking spaces can be properly provided. If not, then it is inevitable that there will be more on street parking, with the consequential danger and difficulties that will be caused due to the bend.

I endorse the points raised by the Parish Council in this respect.

In addition there must be a right of light abjection in relation to the Adjoining properties of 4 Wyvols Cottages and "Alltdearg".

In my opinion, the Parish Council must refuse Application No: F/2001/5502 in order that the dwelling is now completed in accordance with Application Nos: F/2001/3725, as amended by F/2001/5044. If necessary, the dwelling must be demolished to accomplish this requirement.

I look forward to hearing from you as to the outcome of this Planning Application.

Yours faithfully

Broadfields House, The Street, Swallowfield, Berks., RG7 1RE
tel. 0118 9885800; 0118 9884847
fax. 0118 9885800
e-mail bwconsult@broadfieldshouse.fsnet.co.uk

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30th March 2002

Your Ref: F/2002/6056

Wokingham District Council
Environmental Services Department
Planning Services
PO Box 157
Shute End
Wokingham
Berkshire RG40 1WR

For the attention of Ms Natalie Brown

Dear Madam

Application No F/2002/6056
Site Address: Land Adjoining Wyvols Cottage, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling Amendment of consent F/2001/3725 (Retrospective)

Thank you for your communication regarding the above.

Many letters have been written regarding this development, and I list again objections raised to this planning application:

- Siting this dwelling well over 1 metre forward on this small wedge shape side on a bend in the road has had a disproportionately detrimental visual impact on the village, from whichever way it is approached. The position of this dwelling should, therefore, be re-instated in accordance with the original granted application.

- Repositioning the dwelling further forward decreases the amount of space in front of the house for vehicle parking. It is, therefore, highly likely due to restricted parking that visitors will be forced to park on the road causing a very hazardous situation. At the moment vehicles visiting the site either park either half on the road and half on the pavement, or over the road, causing restricted vision for us and our neighbours Mr & Mrs Cobbold when exiting our properties. I understand Mr Cobbold has already been in touch with the Highways Department regarding this matter.

- The two properties adjacent to this dwelling have had their gardens extended, but the area has not been cultivated and remains agricultural land. On the original application the garden is shown as extending to the original points in the adjacent gardens before the gardens were extended. This application shows the garden to be full length to match the increased size of the properties either side. This additional increased length is designated as agricultural land in line with the adjacent properties, and should not form part of the garden.

In addition, I am given to understand that additional windows have been added to the east elevation, and that on the original specification the brick to be used was quoted as "brown/red". Clearly the bricks used are not this colour, making it all the more intrusive because it does not blend harmoniously with the adjoining properties.

We ask that you give our objections your serious consideration and that the application will be rejected.

Yours sincerely

Mr & Mrs B Wright

CC. Mr. Trevor Watson - thank you for attending our APM - much appreciated. EG

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Mrs E Gower
Shillings
29 Foxborough
Swallowfield
Reading
RG7 1RW

10/04/02

Ms. Natalie Brown, Case Officer
Planning Dept.
WDC
Shute End.

Dear Ms. Brown

223/F/2002/6056 - land adjoining 4 Wyvols Cotts. The Street, Swallowfield

May I thoroughly object to this application. The applicant stated this building is only 600mms further forward on the site than the original consent. Having seen the plan which received consent, it appears over 1 metre further forward when measured on site. Please will you thoroughly check the validity of the applicants claim?
The resultant house absolutely ruins the approach to our village & detracts the visual amenity of the area. With the addition of a dormer - also without P.P. makes this building more dominant than ever. Even the bricks are apparently different from the consent making a building which already sticks out like a sore thumb, even more prominent & dominant on an important part of this village's heritage. I realise we are not supposed to comment on applicants morals, but the whole thing makes a mockery of the planning system, if allowed.
Furthermore the parking arrangements are totally inadequate. One garage for a 4-bed house on a busy main thoroughfare (particularly in the rush hour) with 2 sideways parking spaces always was inadequate, as the spaces obstruct egress from the garage. All 4-bed houses in this village attract families which have at least 2 cars due to the lack of public transport. Made worse by this property situated on a bend, egress will have to be backwards & much manoeuvring of cars except that nearest to the road. It always was inadequate for visitor parking - the siting of the house further forward on the site will make a bad situation much worse.
Parish & District Councils have requested WDC to employ rural P.O's on their team, as with staff shortages a rural Planning Officer would know without leaving his office, what type of house/situation in villages would be appropriate - hence we feel the original consent would not have been passed by an experienced P.O in rural villages. The siting was wrongly placed next to Wyvols Cotts - ie it should have related to it, & been placed on a building line ½-way between Attdeorg & Wyvols Cotts. & not lined up with the front of Attdeorg. I trust, therefore that no PA's will be given to anyone in future who is not au-fait with rural villages.
May I take this opportunity to thank WDC with their co-operation over other prominent additions to our Parish, notably under the expert guidance of Angela O'Dell - and may WDC learn from this awful carbuncle in our midst, which even perfect strangers have stopped when passing through to ask "whatever is going on"?!!
Thank you for taking my views into account. Yours faithfully E J M Gower

MRS. E.J.M. GOWER.

SWALLOWFIELD PARISH COUNCIL

PENTON COTTAGE
SWALLOWFIELD STREET, SWALLOWFIELD
READING, BERKS, RG7 1QX
Tel: 0118 988 5929 Fax: 0118 988 6443
email: clerk@swallowfieldpc.gov.uk

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10th April 2002
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Planning Dept.,
P.O. Box 157,
Wokingham District Council,
Shute End,
Wokingham,
Berks. RG40 1WR

Dear Sirs,

Application Number: F/2002/6056
Location: Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725 (Retrospective)
Case Officer: Natalie Brown

The Parish Council wishes Wokingham District Council to note that the drawings show a revised siteing of the dwelling, approximately 600mm forward of the position shown on the original application No. F/2001/3725 that received planning consent. The Parish Council believes that the true figure is in excess of 1 metre. Consequently the Parish Council requests that Wokingham District Council satisfies itself as to the exact position of the dwelling as constructed compared to this planning application.

In addition the Parish Council notes that the building as constructed does not match the plans. The side elevation facing Altdearg is shown on the application as having one door and two windows, whereas the dwelling as constructed has one door and four windows. Given this blatant variation to the plan there may be others that the Parish Council is in no position to check, and consequently again requests that Wokingham District Council checks the planning application against the 'as-built' dwelling for any further inaccuracies.

Furthermore the application describes the bricks used as being Red/Brown bricks. If bricks of this colour designation had been used then the dwelling would have matched adjacent properties. Instead the brickwork is more Yellow in nature, and whilst not unpleasant in colouring, this major variation to the planning approval previously granted has meant that the colouring severely clashes with all nearby dwellings.

For all the above reasons the Parish Council queries whether this is a valid application.

Regardless of whether this is deemed by Wokingham District Council to be a valid application, the Parish Council strongly objects to this application for the following reasons: -

1. The correct positioning on the site of the dwelling is absolutely crucial due to the visual impact that the dwelling has on the entrance to the village and its immediate area. The Parish Council considers that it was unfortunate that when the original application was granted permission the front of the building lined up with Alltdearg, rather than being set back so that the front of the dwelling would be half way between 4 Wyvols Cottages and Alltdearg. The reason for this viewpoint is that the road curves in front of this proposed dwelling, which means that even in its original granted position the side elevation would be very conspicuous when travelling into the village along The Street from the B3349 Basingstoke Road. However, by positioning it still further forward it now not only becomes excessively conspicuous when travelling into the village, but it also becomes conspicuous when

travelling out of the village. On many sites an error of siteing a building in front of its proposed position by just over 1 metre would have little effect. However on this site such an error has a major visual effect, and consequently must not be permitted.

2. The dwelling is in a visually important part of the village, being at 'the gateway' where first impressions are made of the village when entering it. It is therefore highly important that any dwelling on the site blends in with its neighbours. The colour of the brickwork, which is not in accordance with the planning application, is of a colour that contrasts with all nearby properties, and therefore accentuates this dwelling over adjacent properties. Thus the incorrect siteing of the dwelling, causing it to look extremely conspicuous, is exacerbated.

3. The Parish Council questioned the wisdom of permitting a dwelling on this site in its comments on application No.F/2001/3725 due to the limited off street parking available. This application, and indeed the previous granted application allows for parking for only two cars in front of the house, plus one in the garage. However if three cars are parked then it is only the one closest to the road that will with ease be able to leave. Effectively the cars will tend to block each other. There is therefore a high likelihood that the occupier of this dwelling will only park a maximum of two cars off road on a regular basis. This will inevitably mean that on road parking will be a regular occurrence. The Street is a busy road during peak periods, particularly the morning, and the positioning of this dwelling is on a sharp bend which means there is limited visibility for road users at this point, particularly if there are obstructions on the road such as parked vehicles. Therefore parking on the road will arguably increase the risk of an accident.

   However this application will make matters far worse as the repositioning of the dwelling further forward means that there is even less space in front of the house for vehicles to park and manoeuvre.

For all the above reasons the Parish Council trusts that this application will be rejected, and that enforcement proceedings will be instigated without delay to ensure that the dwelling is sited and built in accordance with the approvals granted in application No. F/2001/3725.

It should also be noted that the adjacent properties have had their gardens extended at the rear, but that these extensions remain agricultural land. The granted application No. F/2001/3725 showed the rear garden extending to the original points of the rear gardens of the adjacent properties prior to the adjacent properties garden extensions. However the Parish Council notes that currently there is no demarcation on the site to differentiate between the garden and the agricultural land, and consequently the Parish Council fears that the agricultural section will be incorporated into the garden, thereby increasing the curtilage of the dwelling.

The Parish Council wishes to take this opportunity to remind the District Council that in the event that this planning application if refused, or any other application on this site that has had planning permission refused is taken to appeal, then the Parish Council will employ an appropriate Consultant to act on the Parish Council's behalf in assisting Wokingham District Council's objection to any appeal.

Yours faithfully,

pp E J Shashoua

Mrs. C. Adams, Clerk

78036

Tel. (0118) 974 6426 (Direct Line)
Fax. (0118) 974 6484
Email. Trevor.Watson@wokingham.gov.uk
Date April 14, 2004
My ref. F/2002/6056/TW
Your ref.

Mrs C Adams
Clerk to Swallowfield Parish Council
Parish Council Office
Swallowfield Street
Swallowfield
READING
Berks
RG7 1QX

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

Dear Celia

ERECTION OF DWELLING : BEAVER COTTAGE, SWALLOWFIELD F/2002/6056

Thank you for your letter of 22nd March 2004 received by the Authority on 25th March 2004, regarding the above matter.

Responding to the points you raise. Firstly I am afraid that the service is not resourced to the point where proactive visits can be made to every development site upon commencement of works. Having said this, where breaches of control are brought to our attention, these will be investigated and action taken as appropriate.

I note your comments regarding inspections by Building Control. My officers do work closely with Building Control colleagues, however, it is not the role of the Building Control Officer to investigate potential breaches of planning control. Having said this, Building Control inspections have given rise to the instigation of Enforcement investigations in the past and I can assure you that these good working relationships will continue to be fostered in to the future.

Turning now to your second point regarding the colour of the brickwork for the construction of the dwelling. Where a condition is imposed upon a planning permission requiring the details to be agreed prior to commencement of works, the onus is upon the developer to comply with the condition. Where this is not done as may have been the case in this situation, it is open for the Authority to serve a Breach of Condition Notice. Before doing so though, the Authority needs to consider the issue of expediency, this matter underlies all of the Enforcement powers available to the Authority. Whilst not being fully familiar with all of the facts as they relate to this particular case, I can assure you that procedures are in place to ensure that when a materials sample is submitted for approval subsequent agreement or otherwise to its use is recorded in writing on the file. Due to your concerns with respect to this matter I will remind my Officers of the need to follow due process through my Team Leaders at our next Team Leaders meeting.

I trust this letter answers your questions satisfactorily in respect of the points raised.

Yours sincerely

TEW'

Trevor Watson
Development Control Manager

SWALLOWFIELD PARISH COUNCIL
PARISH COUNCIL OFFICE
SWALLOWFIELD STREET, SWALLOWFIELD
READING, BERKS, RG7 1QX
Tel: 0118 988 5929 Fax: 0118 988 6443
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DC Trevor
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29 MAR 2004
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22nd March 2004

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Planning Dept.,
P.O. Box 157,
Wokingham District Council,
Shute End,
Wokingham,
Berks. RG40 1WR

Dear Sirs,

Beaver Cottage, Application No. F/2002/6056

The above application went to appeal, basically because it was not built in accordance with the approved planning permission, in that it was not constructed in the correct position on site, being built too far forward. Regrettably the appeal was granted.

Two concerns arose from this application, namely: -

1. There were no checks made by the Planning Authority at an early stage to ensure the building was constructed in its correct position on site. This could have been done when the footings were checked by Building Control.
2. Whilst the Planning Authority did not object to the colour of bricks used – a colour that the Parish Council considered totally inappropriate in that location given the brick colours of nearby dwellings – it was admitted that there was no proof on file that a sample had been submitted for approval, and that approval had been given.

The Parish Council would therefore be grateful to learn whether procedures have now been put in place to ensure that neither of the above problems can occur in the future.

Yours faithfully,

C Adams

Mrs. C. Adams, Clerk

SWALLOWFIELD PARISH COUNCIL

PARISH COUNCIL OFFICE
SWALLOWFIELD STREET, SWALLOWFIELD
READING, BERKS, RG7 1QX
Tel: 0118 988 5929 Fax: 0118 988 6443
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22nd March 2004

FAXED AND POSTED

REPLY BY
8 APR 2004

Planning Dept.,
P.O. Box 157,
Wokingham District Council,
Shute End,
Wokingham,
Berks. RG40 1WR

NAB

Dear Sirs,

Beaver Cottage, Application No. F/2002/6056

The above application went to appeal, basically because it was not built in accordance with the approved planning permission, in that it was not constructed in the correct position on site, being built too far forward. Regrettably the appeal was granted.

Two concerns arose from this application, namely: -

1. There were no checks made by the Planning Authority at an early stage to ensure the building was constructed in its correct position on site. This could have been done when the footings were checked by Building Control.
2. Whilst the Planning Authority did not object to the colour of bricks used – a colour that the Parish Council considered totally inappropriate in that location given the brick colours of nearby dwellings – it was admitted that there was no proof on file that a sample had been submitted for approval, and that approval had been given.

The Parish Council would therefore be grateful to learn whether procedures have now been put in place to ensure that neither of the above problems can occur in the future.

Yours faithfully,

C Adams

Mrs. C. Adams, Clerk

25.Mar. 2004 14:27 SWALLOWFIELD PARISH COUNCIL No.1990 P. 1/1
SWALLOWFIELD P C

IAN RIVERS ESQ
BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE RG7 1RH

ENFORCEMENT NOTICE DATED 10 OCTOBER 2002
SERVED BY WOKINGHAM DISTRICT COUNCIL

STATEMENT IN SUPPORT OF GROUNDS OF APPEAL

Ground of Appeal (a) – That planning permission should be granted for what is alleged in the Notice

1. Beaver Cottage is the home of the Appellant. He does not own another home. The mis-siting of Beaver Cottage during construction was a mistake. It did not occur in order to achieve any gain, whether financial or otherwise. The house has not been extended in length by the 950mm referred to in the Enforcement Notice; it has merely been mis-sited.

2. The current siting of Beaver Cottage is not materially different to the siting permitted by planning permission F/2001/3725 (**Document 1**). The vast majority of the house is within the permitted footprint.

3. An application for retrospective consent was submitted on 5 March 2002 under ref: F/2002/6056 (**Document 2**). In the Planning Officer's Committee Report (**Document 3**) relating to this application it is stated, at paragraph 1:-

   "With regard to the positioning of the dwelling, it is not considered that this would have significant adverse effect to Altdeare, ... nor that it would have any significant adverse effects upon 4 Wyvols Cottages, compared to the previously approved application".

4. This Committee Report also states that the neighbouring properties (Altdeare and 4 Wyvols Cottages) were previously shown incorrectly on the plans and the inference from this comment is that this has resulted in the incorrect siting of Beaver Cottage.

5. It is notable that neither the refusal of the application for retrospective consent nor the Enforcement Notice allege that the siting of Beaver Cottage has any impact whatsoever on highway safety.

6. Attached to this statement is a report prepared by Adrian James an Architect experienced in urban design (**Document 4**) and in which he concludes:-

   - The siting of Beaver Cottage is unexceptional and acceptable.

- The houses on this part of The Street vary considerably in their set-back from the road. Beaver Cottage falls within any perceived pattern in set-backs, while other houses stray further from any apparent pattern.

- There is a lot of variety in positioning, massing and twist of the neighbouring buildings. This means it is not possible or correct to ascribe a precise building line to the houses. To the extent that any zone can be established within which facades fall, Beaver Cottage complies.

- Beaver Cottage presents some of its flank elevations to the road on both sides. This is entirely unexceptional and modest, given how much of how many other houses' flanks are visible from both directions.

- The variety of style and quality in the village architecture and the prominence of one or two poor buildings, means there is a lack of consistency and a level of distraction which diminishes any possible intrusion.

7. The Enforcement Notice alleges that Beaver Cottage is "visually intrusive" and an "incongruous feature within the street scene" to the serious detriment of its character and that it is "harmful to the visual amenities of the area". The Street is not a road characterised by standard sized spaces as between the road and the front elevations of buildings. In fact, along The Street, there is a huge diversity of set-backs ranging from 11.4m to 16.1m. This can be seen from the various plans attached to the Report of Adrian James. Given the range of frontages and the range of different styles of front elevation, design, type, scale and period of the houses it is difficult to see how Beaver Cottage can be an incongruous feature or how it can be visually intrusive to the extent that it is harmful to the visual amenities of the area.

8. The Enforcement Notice refers to the following development plan policies, copies of which are attached to this statement as **Document 5**.

Berkshire Structure Plan

Policy EN1 – Protection and enhancement of the environment of the built-up area

This policy requires development within built-up areas to be appropriate in scale, form, impact, character and siting to its location. Beaver Cottage complies with this policy.

Loddon Area Local Plan

Policy LBE1 – Design of new development

This policy requires new development to have a high standard of design appropriate to the character of the area, to make a positive contribution to

the setting and character, to create a safe and attractive environment and to retain impact features of the site compatible with good design.

Policy LBE2 – Inappropriate design

This policy is a negative version of LBE1 which prohibits development which adversely affects the character of an area. Since the design of Beaver Cottage has been granted planning permission it must be considered by WDC to be appropriate to the character of the area in which it is situated. The mis-siting causes no significant adverse effect upon either of the adjoining dwellings (Planning Officer's report) or upon the character of the area (Adrian James' report).

Policy LTV6 – Protection of important open areas within the settlement

This policy requires infill development to be sympathetic in scale and character to the environs of the site. WDC has by the grant of planning permission F/2001/3725 accepted that this is not a visually sensitive site and accepted that the design of the dwelling is sympathetic in scale and character. The analysis of Adrian James demonstrates that the siting is unexceptional, modest and acceptable when viewed in context.

Wokingham District Local Plan Deposit Draft

Policy WOS3 – Development control principles

This policy sets out a range of considerations to be applied to proposals which are deemed acceptable in principle by the plans. The most relevant in this case are a, d and f. Beaver Cottage is entirely in accordance with these considerations.

Policy WBE2 – Improving on the local context

This policy requires proposals for infilling development in areas where the existing environment does not exhibit especially pronounced or historic architectural styles, to create added visual interest and raise the area's architectural quality. The grant of planning permission F/2001/3725 indicates that this policy is complied with.

Policy WH1 – Housing Development – Unidentified sites

This policy considers favourably residential development in the form of infilling, re-development and change of use within identified settlements on sites that are not identified in the plan for residential use. The policy lists criteria that WDC will seek to ensure are complied with.

9. The development does not breach these policies.

10. The design of the dwelling and the external materials used in its construction have been approved by WDC (in accordance with planning permission F/2001/3725) and are in keeping with the character of the area.

11. The erroneous siting has made no difference whatsoever to the provision of on-site car parking. The situation as existing provides exactly the same car parking that was permitted by planning permission F/2001/3725.

12. Local planning authorities are advised (PPG18, paragraph 5) not to take action solely to "regularise" development which is unauthorised, but is acceptable on its planning merits. It is clear from **Document 3** that the mis-siting of Beaver Cottage does not have significant adverse effects on either the immediate neighbours or the vicinity. As set out in paragraph 7 of PPG18, it will generally be regarded as unreasonable for a local planning authority to issue an Enforcement Notice, solely to remedy the absence of a valid planning permission, if it is concluded on an Enforcement Appeal to the Secretary of State, that there is no significant planning objection to the breach of control alleged in the Enforcement Notice. In such circumstances a local planning authority will remain at risk of an award against them of the Appellant's costs in the Enforcement Appeal. In this case there are no significant planning objections to the breach of control alleged in the Enforcement Notice.

Ground (f) – The steps required to comply with the requirements of the Notice are excessive, and lesser steps would overcome the objections

13. The Notice requires the Appellant to "Remove 950mm of the front part of the existing dwellinghouse across the whole width". The Enforcement Notice states that the alleged breach of planning control was "the erection of a section of a dwellinghouse shown hatched in black on the attached plan". This cannot be the case. The Notice infers that only the "section of a dwellinghouse" is in breach of planning control and the rest of the dwellinghouse is not in breach of planning control and is, presumably, constructed in accordance with planning permission.

14. Case law has found that where a building is not constructed in accordance with a planning permission (even if the breach is a minor deviance) then the whole building is unauthorised by the planning permission. (See *Copeland Borough Council v the Secretary of State for the Environment* [1976] JPL304 and *Handoll v Warner Goodman Streat* [1995] JPL930 **Document 6**). Thus simply requiring 950mm of the front elevation to be removed will not result in a building that complies with the existing planning permission. The existing planning permission (with for example condition 6 which restricts the application of the General Permitted Development Order 1995) will not apply. If the Appellant were to comply with the Enforcement Notice the resultant building would, by virtue of Section 173(11) of the Town & Country Planning Act 1990 have deemed planning permission but that planning permission would not be restricted by the conditions (including that limiting the application of

GPDO rights) on the original permission. At that point the Appellant would be entitled to extend the property within GPDO tolerances.

15. If the original consent F/2001/3725 does apply, it requires that the development should be carried out in accordance with the plans. If the Enforcement Notice is complied with, the resulting building will not comply with the plans attached to the original consent.

16. Although it is acknowledged that WDC is entitled to under-enforce, by not upholding the Enforcement Notice and not requiring the Appellant to take down the front elevation of the property, WDC would be in a better position because the existing planning permission with its GPDO rights restrictions would apply.

17. If the Appellant is required to comply with the Enforcement Notice then this will result in a nonsense as far as the internal configuration of the dwellinghouse is concerned. On the ground floor the rooms abutting the front elevation are the study, the hall and front door and the garage. The size of the study would be reduced from 2.2m to 1.25m and would become unusable. It could not accommodate any furniture and would not be habitable. The garage would be reduced in size and would no longer be capable of accommodating a family-sized vehicle. It would also be difficult to accommodate a car and a garage door at the same time. In these circumstances the garage door would have to be removed and the garage could remain as a car port but with a gaping hole in the front elevation. It should be noted that WDC's own development plan (the Deposit Draft Local Plan) requires in its own parking standards at appendix 7 (paragraph 2.7) **(Document** 7) that the minimum size of a garage should be 5m x 2.5m (internal). Removing the front 950mm of the front elevation would reduce the garage space such that it would not comply with WDC's own standards. In addition it should be noted that paragraph 2.7 of appendix 7 also requires that where parking spaces are contained within a garage drive, "the distance from the face of the garage to the highway boundary shall be a minimum 6m, or a minimum 7m from the face of the garage to the carriageway edge on access ways". Notwithstanding the mis-siting of Beaver Cottage, the distance from the face of the garage to the highway is more than the minimum 6m required. On the first floor two bedrooms abut the front elevation and these would be reduced in size from 2.8 x 3.1m and 4.8 x 3.1m respectively to 1.85 x 3.1m and 3.8 x 3.1m respectively. The reduction in size of the smaller bedroom would reduce the useable area from 9.3 square metres to 6.5 square metres which is very much on the boundary of useable space. Just because 950mm of the front of the building is demolished does not mean that the internal configuration behind can be consequentially adjusted. The internal walls of the dwellinghouse hold up the first floor and cannot therefore be moved without demolishing the whole house.

No pp &. no condition.

18. Thus if the front elevation is removed to a depth of 950mm the rooms behind will become unusable and of shapes inconsistent with normal room shapes and sizes in a dwellinghouse.

19. In addition, the cost of having to comply with the Enforcement Notice is completely out of proportion to the alleged breach of planning control.

20. The requirements of the Enforcement Notice are in breach of the Appellant's human rights. Section 6 of the Human Rights Act 1998 states that it is "unlawful for a public authority to act in a way which is incompatible with a Convention Right". The Convention referred to is the European Convention on Human Rights. WDC failed to have any regard to the Appellant's human rights when deciding to authorise the service of the Enforcement Notice. The right to respect for private and family life and the right to protection of property are both Convention Rights (Article 8 and Article 1 of the First Protocol). Both these Articles allow interference in the public interest **BUT** interference with a convention right must be proportionate i.e. it must strike a fair balance between the demands of the general interests of the community and the requirements of protection of the individual's fundamental rights. The Council clearly has not undertaken this balancing exercise in deciding whether to serve the Enforcement Notice. The Human Rights Act 1998 now confers a duty on a public authority to respect the private and family life of every individual including his home. A local planning authority has the discretion whether or not to serve an Enforcement Notice where it appears to them that it is expedient to issue such a Notice. In this case, had WDC undertaken the required balancing exercise, it should have reached the conclusion that it was not expedient in this case to serve an Enforcement Notice.

21. The Enforcement Notice alleges that the front of the house is visually intrusive and is an "incongruous feature within the street scene to the serious detriment of its character". Even if this were found to be true (which is denied) it cannot be proportionate to expect 950mm of an existing building to be removed. This would be an entirely disproportionate requirement and unreasonable on the part of WDC.

22. Interestingly the Enforcement Notice does not explicitly state that the front elevation is to be re-built 950mm behind where it is currently situated. The Notice requires that all building materials and rubble arising from compliance with the first requirement should be removed and that the Appellant should then "restore the land to its condition before the breach took place". At that point there was no house and it is therefore difficult to know whether rebuilding the elevation 950mm behind its current siting is required/allowed by the Enforcement Notice.

Ground (g) – The time given to comply with the Notice is too short

23. Three months is simply not long enough to, effectively, re-build the front of the house – if that is what the Enforcement Notice requires/permits. This is particularly the case during the winter. The work will require the services of an experienced building contractor: not least because the front of the house must be held up whilst the elevation is removed and rebuilt. It would be very difficult to appoint such a contractor and complete the work within three months.

Conclusion

The attached detailed specialist report on urban design demonstrates that on the main issue, the mis-siting of Beaver Cottage is not harmful nor does it create an unacceptable impact on the character and visual amenities of the area. WDC accepts that the mis-siting causes no harmful impact upon either of the adjoining properties. Thus the mis-siting does not breach any development policies and there are no material considerations which dictate that this appeal should not be allowed.

IAN RIVERS ESQ

BEAVER COTTAGE, THE STREET, SWALLOWFIELD, BERKSHIRE, RG7 1RH

APPEAL REF. NO: APP/X0360/A/02/1100256

APPELLANTS COMMENTS ON THE LPA'S STATEMENT AND THIRD PARTY CORRESPONDENCE

LPA's Statement

1. This Statement contains no analysis of the character of the streetscene to support the assertion that the forward siting creates harm. At paragraph 1.01 the LPA refers to "a row of houses" which suggests a regimentation which does not in fact apply as is shown in the Adrian James Report attached as **Document 4** to the Appellant's Statement in Support of Grounds of Appeal.

Report of Christopher Strang Associates dated November 2002

2. Much of this Statement is concerned with objections to planning permission having been granted in the first place. The fact of the matter is that planning permission was granted. The only issue in this appeal is the mis-siting of Beaver Cottage. With reference to paragraph 3.2 of the Statement, the Adrian James Report attached as **Document 4** to the Appellant's Appeal Statement shows that the building line is at best haphazard and, if it can be identified, the existing siting of Beaver Cottage is well within it. With reference to paragraph 3.4 of the Christopher Strang Associates Statement, it should be noted that the design of the house, including the ridge line, was approved by planning permission and the remarks made are otiose.

3. With reference to paragraphs 3.10 and 3.11, it is the case that two additional windows have been inserted in the east elevation of Beaver Cottage. The first floor window does not light bedroom number 1; it lights the ensuite bathroom and the window is made of obscured glass. The window on the ground floor does light the living room but does not overlook the adjoining property due to the existence of the fence between the properties.

4. It should be noted that the two first floor windows permitted to the west elevation have not been inserted and consequently there is no net increase in the number of windows provided. The LPA has not sought to enforce against the repositioning of the windows and this is not strictly an issue in this appeal. In deference, however, to the number of comments on this issue contained in both the Christopher Strang Associates statement and other representations, an internal re-organisation of habitable rooms led to the windows being swapped from one side to the other but there is no decrease in the privacy and amenities of the occupiers of the Altdearg because the first floor window is obscure and the ground floor window is behind the fence.

5. At paragraph 3.12 of the Christopher Strang Associates' statement it is alleged that the bricks used to construct the building were not approved by the LPA. This is not the case. Attached to this statement is a bundle of copy correspondence showing that the bricks (and indeed the roof tiles) were approved. The correspondence consists of:-

   - Letter from W M Graham Associates (Architects) to Wokingham District Council dated 10 May 2001.
   - File note recording the delivery of brick and title samples to Wokingham District Council on 9 May 2001 and follow-up telephone call to NB (Natalie Brown – Planning Case Officer) on 8 June 2001. She confirmed that the materials were ok and a letter would be sent to confirm.
   - Letter from W M Graham Associates to Wokingham District Council dated 11 January 2002 relating to a change in the choice of roof tiles.
   - File note recording a telephone call to NB on 24 January 2002 who confirmed that the materials were ok and a letter was due.
   - Letter from W M Graham Associates to Wokingham District Council dated 11 February 2002.

   It is not known why Natalie Brown did not follow-up her oral approval with letters but the copy correspondence and file notes shows that the bricks and roof tiles were approved.

Other Objection Letters

6. The main purpose of these letters is to object to the fact that planning permission was granted in the first place. There are various observations relating to design, height of the building and other extraneous matters which are irrelevant because these matters are permitted by the LPA.

December 2002

Fladgate Fielder on behalf of the Appellant

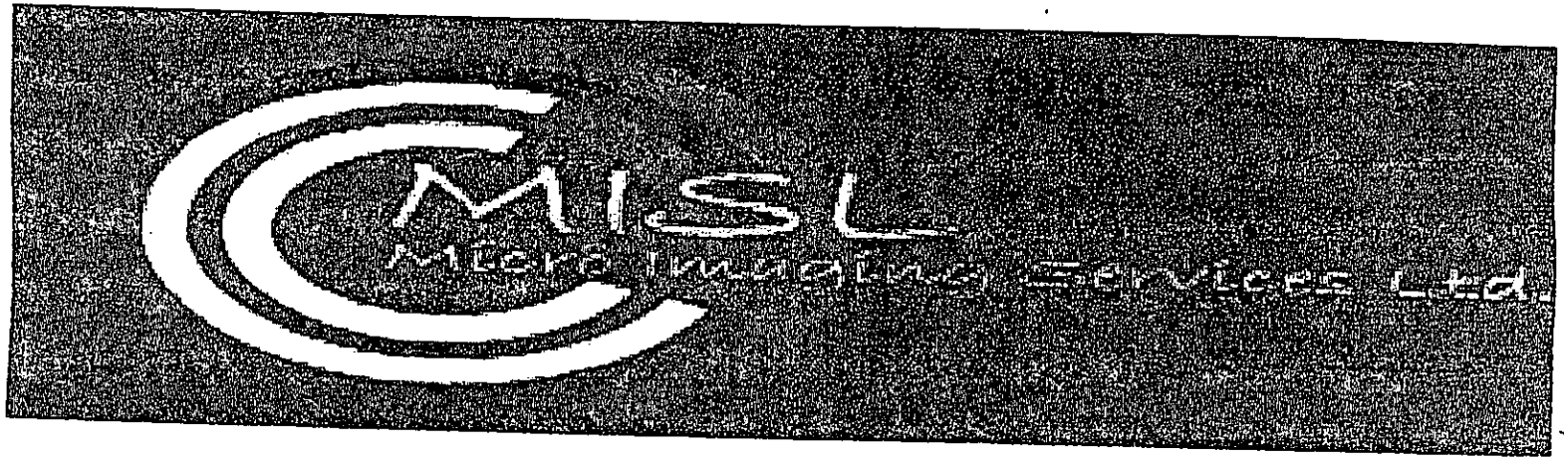
IAN RIVERS ESQ

BEAVER COTTAGE, THE STREET, SWALLOWFIELD, BERKSHIRE, RG7 1RH

APPEAL REF. NO: APP/X0360/A/02/1100256

COPY CORRESPONDENCE REFERRED TO IN THE APPELLANTS COMMENTS ON THE LPA'S STATEMENT AND THIRD PARTY CORRESPONDENCE

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

24

Ref: 2312/wmg/cm

10 May 2001

The Director of Planning
Wokingham District Council
Planning Department
PO Box 157
Civic Offices
Shute End
Wokingham
RG40 1WR

Dear Sir

LAND ADOINING 4 WYVOLES COTTAGES THE STREET SWALLOWFIELD

With reference to Town Planning application No. 96/63695/F granted 11 June 1996 please find enclosed the following: -

1. Deeds of Covenant relating to a visibility splay at The Street Swallowfield. 7 No. items covering the sight lines from the site entrance. These cover Condition No.9.

2. 4 Copies of Dwg. No. 2324 – 100 showing the landscaping and specification. These cover condition No. 4.

3. Brick and tile samples were handed over during the week commencing 7 May 2001, these cover Condition No. 2. The brick and tile samples are also intended for the current application No. F/2001/3725.

We believe the above covers the various conditions noted in Application No.96/63695/F

Re: 2324/wmg/cm

15 May 2001

WDC

We trust that you find all now in order but should you require any further information please do not hesitate to contact us.

Yours faithfully

W M Graham

Enc

W M GRAHAM ASSOCIATES CHARTERED ARCHITECTS

JOB NO 1324 DATE 9 · May 01 · TIME

NOTES FOR:-

MEETING FILE SITE VISIT TELEPHONE

Borehole T.P. into WOC (B/H
MF 96/63695/F and F/2000/3725.

by MB 8 · June 01 · Attended 01
RJ IR Letter Due

FILE

TOTAL P.05

Ref: 2324/wmg/cm

11 January 2002

The Director of Planning
Wokingham District Council
Planning Department
PO Box 157
Civic Offices
Shute End
Wokingham
RG40 1WR

For the attention of Miss N Brown

Dear Sir

BEAVER COTTAGE THE STREET SWALLOWFIELD

With reference to the above and planning application No. F/2001/3725 and the recent submission of materials we wish to change the roof tiles to Redland Heathland Plain Tiles (Autumn) as per the sample with letter.

We trust that you find all in order and we look forward to receiving your approval.

Yours faithfully

W M Graham

Enc

W M GRAHAM ASSOCIATES CHARTERED ARCHITECTS

JOB NO 2321 DATE 22.01.02. TIME

NOTES FOR:-

MEETING FILE SITE VISIT TELEPHONE

Ry MB try again -

21 Jan Marked OK Letter Sent

FILE

11.02.02 @ 11.30 am

Ref: 2324/wmg/cm

11 February 2002

The Director of Planning
Wokingham District Council
Planning Department
PO Box 157
Civic Offices
Shute End
Wokingham RG40 1WR

For the attention of Natalie Brown

Dear Miss Brown

LAND ADJOINING 4 WYVOLES COTTAGES THE STREET SWALLOWFIELD

With reference to the above and a letter written to you on 7 February 2001 by Robin Bradbeer please find enclosed the following: -

a) 6 copies of Dwg. No. 2324 – 02C
b) Dwg. No. 2324/SK100 relating to the visibility splays
c) Landscaping specification
d) Brick and tile samples are as previously noted, last letter dated 11 January 2002

As noted we would be grateful if you could correspond direct with Mr Bradbeer regarding the planning issues.

Yours sincerely

W M Graham

Cc Mr R Bradbeer

① MIKE H
② NATALIE

FLADGATE FIELDER
SOLICITORS

SERVICE HPT 65915
DC
AP
CS
10 FEB 2003
COPIES TO ACP FLF

Mrs D Gumbell
Wokingham District Council
Environmental Services Department
DX: 33506 WOKINGHAM

Our ref	MF\20075\0001
Your ref	00211/e
Direct dial	020 7462 2212
E-mail	mfraser@fladgate.com
Date	7 February 2003

Dear Sirs

Appeals by Mr Ian Rivers - Beaver Cottage The Street Swallowfield APP/X0360/C/02/1103995 and APP/X3060/A/02/1100256

We reference to the above appeals, we enclose a copy of a letter that we have today sent to the Planning Inspectorate together with a copy of the Appellants Comments on your Council's Statement.

Should you have any queries, please do not hesitate to contact Miss Moira Fraser of this office.

Yours faithfully

Fladgate Fielder

Fladgate Fielder

Encs.

cc: Mr I Rivers
Mr P Wilmott
Mr R Bradbeer
Mr A James

1095230v4\CT

Mr R Marsden
The Planning Inspectorate
Room 3/06b Kite King Wing
Temple Quay House
2 The Square
Temple Quay Bristol
BS1 6PN

MF\20075\0001

APP/X0360/C/02/1103995
APP/X3060/A/02/1100256

020 7462 2212

mfraser@fladgate.com

7 February 2003

BY FAX: 0117 372 8443

COPY

Dear Sir

Town & Country Planning Act 1990
Appeal by Mr I Rivers
Site at Beaver Cottage The Street Swallowfield Berkshire

We write further to our letter dated 29 January and, as promised, attach a copy of the Appellants Comments on the LPA's Statement. With the hardcopy of this fax, you will receive two copies of the Appellants Comments. We have also forwarded a copy direct to Wokingham District Council.

Should you have any queries, please do not hesitate to contact Miss Moira Fraser of this office.

Yours faithfully

Fladgate Fielder

Encs.

cc: Mr I Rivers
Mr P Wilmott
Mr R Bradbeer
Mr A James

1162869v2\CT

IAN RIVERS ESQ
BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE RG7 1RH

APPEAL REFERENCES: APP/X0360/A/02/1100256 AND APP/X0360/C/02/1103995

APPELLANTS COMMENTS ON THE LPA'S STATEMENT

1. In attacking the appeal on ground (a) the LPA states, at paragraph 4.1.1 that "planning permission should not have been granted". The starting point for this appeal and, indeed, the Enforcement Notice appeal, is that the LPA **did** grant planning permission. This is a fact. The LPA both granted planning permission for the scale, form, impact, character and siting of the dwellinghouse and, by way of approval, approved the materials, colour and texture of the dwellinghouse. It is inappropriate for the LPA now to regret that decision since the LPA had other sanctions at its disposal had it wished to revoke the planning permission.

2. The LPA's statement contains no analysis whatsoever of the "serious harm" (paragraph 5.2) which it is asserted has occurred. The statement asserts that the dwelling is "more visually prominent within the street scene" and creates "a visually intrusive and incongruous feature" but no attempt has been made either to compare the extent of visual prominence with the approved development or to identify how the difference in visual prominence would "unacceptably affect public amenity". The LPA statement relies on bald assertions without any detailed analysis. It does not define the alleged harm.

3. It is most significant that the LPA has chosen not to rebut, in any way, the report of Mr Adrian James which incorporates a detailed analysis of the street scene. This report was submitted with the appeal against the Enforcement Notice on 5 November 2002.

4. It is not enough merely to make bald assertions. If the Council believes that the dwellinghouse unacceptably affects public amenity it should produce a detailed analysis to substantiate this assertion. The LPA has demonstrably failed to do this and has not in any way rebutted the detailed evidence submitted on behalf of the Appellant. The only conclusion to be drawn is that the LPA does not have evidence to substantiate its assertions.

5. The LPA states in paragraph 5.8 (incorrectly marked 5.9) that "the internal configuration could be altered to make the space more useable". The Appellant's previous statement of 5 November 2002 set out in some detail why

it would not be possible to move internal walls behind the front elevation. Attached to this statement is a bundle of three plans which illustrate Beaver Cottage as built. From these plans it can be seen that, on the ground floor, the kitchen and dining room were swapped and, on the first floor, the ensuite bathroom was moved from one side of the house to the other. In all other respects the internal configuration of the house is as permitted which makes even more nonsensical the assertion of the LPA that "internal walls could be moved". Clearly the garage wall could not be moved to achieve the 5 metre internal length required by the design guide in Appendix 7 of Wokingham District local plan (deposit draft) because of the existence of the staircase immediately to the rear of the garage. It would not be possible to increase the size of bedroom 3 by removing the partition wall between bedroom 3 and the bathroom because this would result in a bigger bathroom, not a bigger bedroom. It should also be noted that to remove the front 95 centimetres of the house would require the roof to be completely removed and replaced because otherwise the angles of the roof ridges would not be in proportion.

6. The LPA has failed to substantiate any of its assertions. It has not carried out an analysis of the street scene so as to compare Beaver Cottage with its neighbours. It has also not rebutted the detailed analysis submitted on behalf of the Appellant by Adrian James.

7. It is respectfully requested that the appeals should be upheld.

7 February 2003
Fladgate Fielder, Solicitors
for the Appellant

APP/X0360/A/02/1100256
APP/X0360/C/02/1103995

FOR THE APPELLANT

Miss M Fraser, Solicitor
Fladgate Fielder
25 North Row
London W1K 6DJ

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F: 020 7629 4414
e-mail: mfraser@fladgate.com

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Mr Adrian James
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E-Mail
planning@bradbeer.co.uk

The Planning Inspectorate
3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay Bristol BS1 6PN

Our ref. RWB/414
Your ref. APP/X0360/A/02/1100256
5 November 2002

For the attention of Mrs M Pocock

Dear Mrs Pocock

APPEAL BY MR I RIVERS
SITE : BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE RG7 1RH

In addition to this current appeal under s.78 an appeal under s.174 is now being made by on behalf of Mr I Rivers in which Miss Moira Fraser of Fladgate Fielder is agent.

This letter confirms our agreement to the s.78 appeal being co-opted with the s.174 appeal and the two appeals being run together at a hearing. Please will you direct all further correspondence on the s.78 appeal through Miss Moira Fraser of Fladgate Fielder who will take over the conduct of the s.78 appeal upon co-option.

I await confirmation of this request at your soonest convenience.

Yours sincerely

ROBIN BRADBEER BA (Hons) Chartered Town Planner

c.c. Miss Moira Fraser, Fladgate Fielder
Mr Ian Rivers

414bc.pi3

Registered in England Number: 3372202

Document 1

(EC)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Approval of Permission

Mr I Rivers
C/O W M Graham and Associates
1 Rectory Road
Wokingham
Berkshire
RG40 1DJ

Application Number: F/2001/3725

Parish: **SWALLOWFIELD**

Location: **Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.**

Proposal: **Proposed erection of detached dwelling with garage.**

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

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

Condition
2. Prior to the commencement of the development details of the proposed materials shall be submitted to and approved by the Local Planning Authority.

Condition
3. Prior to the commencement of the development samples of the proposed materials shall be submitted to and approved by the Local Planning Authority.

Condition
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Condition
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Condition
6. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.

Condition
7. The ground floor w/c window and first floor bathroom/w/c and landing windows in both side elevations of the development hereby permitted shall not at any time be glazed other than with obscured glass, and be permanently so retained thereafter.

Condition
8. No building shall be occupied until vehicle parking and turning space has been provided in accordance with the approved plans. These spaces shall thereafter be kept available for parking and turning at all times.

Condition
9. No construction work of any sort within the area covered by the application shall take place between the hours of 7.00pm and 7.00am on Mondays to Saturdays and no construction work at all shall take place on Sundays or Bank Holidays.

Condition
10. No development shall take place until all the land required to provide a visibility splay shown on the application drawing has been secured by the applicant by legal covenants. The land shown on the drawing shall thereafter be kept free from all obstructions to visibility above a sightline height of 0.6m from the surface of the carriageway.

Reason
1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

Reason
2. Because inadequate details have been submitted with the application.

Reason
3. In order to ensure the satisfactory appearance of the proposal.

Reason
4. In the interests of visual amenity.

Reason
5. In the interests of visual amenity.

Reason
6. To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.

Reason
7. To safeguard the residential amenities of the occupiers of neighbouring properties.

Reason
8. In the interests of road safety.

Reason
9. In the interests of amenity and to prevent undue disturbance to existing residential properties.

Reason
10. In the interests of road safety.

Informative
1. The applicant is advised to contact the Council's Engineer regarding any issues relating to the drainage of the site.

John Mitchell
Development Control Manager
Date: 27/07/2001

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.

TOTAL P.03

Document 2

Robin Bradbeer Limited

Planning & Development Consultancy

Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Telephone
01453 889102

Fax
01453 889103

E-Mail
planning@bradbeer.co.uk

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

Our ref. RWB/414
5 March 2002

For the attention of Mr Trevor Watson
Development Control Manager

Dear Mr Watson

SITE : BEAVER COTTAGE THE STREET SWALLOWFIELD
PROPOSAL : ERECTION OF DETACHED DWELLING - VARIATION TO F/2001/3725 (RETROSPECTIVE)

I enclose the following documentation in connection with this application:

- Completed Certificate of Ownership and Agricultural Holdings Certificate.
- Six copies of the Completed Part 1 application form
- Six copies of the following plans:
  - OS location plan 1:2500
  - OS site plan 1:500
  - drawing no. 2324/01/A
  - drawing no. 2324/02
- Drawing no. 2324/SK100 relating to the visibility splays.
- Landscaping specification.
- Letter from WM Graham Associates Chartered Architects with attachments.

The purpose of this further application following refusal F/2001/5502 is twofold. Firstly, to seek retrospective permission for the dwelling as built, omitting reference to proposed dormer additions at second floor level. Secondly, to bring to your attention additional material considerations which were not taken into account in the recent decision.

414bc 1

This application addresses setting out errors which caused the dwelling to be sited differently to the development approved under F/2001/3725. As a consequence the dwelling has been built a distance of 888mm forward of the approved position. Those errors were genuine and represent no gain to the applicant.

I have studied your Case Officer's report on F/2001/5502 and note that it relied upon the assumption, based on information supplied by Enforcement Officers, that the siting difference was "*more like 1.2m*".

I was sufficiently concerned by this 50% discrepancy in the siting difference that I arranged for WM Graham Associates Chartered Architects to revisit the site to check once again the dimensions and to verify the position. I attach a copy of Mr Graham's letter dated 1 March with attachments showing his findings following his further site measurements taken on 28 February. You will see that in Mr Graham's expert opinion the dwelling has been built 888mm forward of the approved position. It is therefore evident that the Council relied upon incorrect facts when determining F/2001/5502.

Correct understanding of the factural difference in siting is fundamental since the sole consideration in this application is the differing impact between the development as permitted under F/2001/3725 and the development as built.

Development in The Street, in the section which lies beyond the Conservation Area, is characterised by its diversity. This is evidenced not only by the fact that houses of wide varying design, type, scale and period are represented but also by the absence of rigid building lines. Reference to the ordnance survey shows that some properties are built within 8m-10m of the highway and others are set back 20m or more. Because of this diversity stepped frontages are an existing characteristic.

In the context of the character of the area the realignment of the dwelling by a difference of 888mm from the position granted planning permission will not be unduly conspicuous when approaching the village from the west nor will it be out of keeping with the character of the area.

A further material consideration which I wish to draw to your attention in considering this application concerns the case of 392 London Road, Wokingham. This property, which is located on a strategic approach road to the town, was built last year in a position 1m forward of the approved siting. The purchaser advised the Council of this fact in writing yet in that case neither a retrospective application was requested nor was enforcement action taken.

An adverse decision in this case which involves a less significant setting out error than occurred at 392 London Road would raise important issues relating to the fairness and consistency of Council's approach. Accordingly, once the application has been registered I

intend to write to the Local Councillor and also to the Chairman and Vice-Chairman of the Development Control Committee to appraise them of the information set out in this letter.

I would be very happy to arrange a site meeting at your request together with the applicant's Architect to provide you with the opportunity to verify the dimensions to which I have referred.

Yours sincerely

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Encs.

Ref: 2324

BEAVER COTTAGE THE STREET SWALLLOWFIELD

LANDSCAPING

1.0 **Native Hedge**: -

30 Acer Campestre	60-90 cm height whips
10 Crataegus Monogyna	60-90 cm height whips
10 Ilex Aquifolium	2 litre pot
30 Prunus Spinosa	60-90 cm height whips

Plant to replace elm hedge 3 rows 300 mm apart, 600 mm staggered centres, random mix.

1.1 GENERAL NOTES

All plant material is to conform to BS 3936:1980

All planting operations are to be carried out in accordance with BS 4420:1989.

Feathered trees to be planted in pits 600 x 600 depth backfilled with 20 litres tree planting compost and handful of broadleaf P4 mixed with topsoil, supported by 1 No. short stake and 1 No. adjustable tree tie. Standard trees to be planted in pits 900 x 900 x 600 mm depth backfilled with 40 litres T.P.C. and broadleaf P4 mixed with topsoil, supported as feathered trees.

All existing trees to be retained to be inspected by L.P.A. Tree Officer and qualified tree surgeon and any necessary works i.e. crown lifting or dead wood removal to be carried out in accordance with BS 3998. All trees to be retained are to be protected during building works by temporary protective fencing. No material, spoil or machinery is to be stored beneath the canopy of the trees and care should be taken not to raise or lower the existing ground level within the root zone of trees to be retained.

- All tree protection work to be carried out to BS 5837:1991

W.M. GRAHAM ASSOCIATES

CHARTERED ARCHITECTS

W.M. GRAHAM B.A., B. Arch., R.I.B.A.

1 Rectory Road,
Wokingham,
Berkshire, RG40 1DJ
Tel: (0118) 9770464
Fax: (0118) 9770482

Ref: 2374/wmg/cm

1 March 2002

Mr R Bradbeer
Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Dear Robin

BEAVER COTTAGE THE STREET SWALLOWFIELD

With reference to our discussions and yesterday's site visit we consider the dimensions to be similar to those noted previously. We cannot understand why 1200 mm is being noted.

Please compare the recent application 63659/F and application F/2001/3725 (Dwg. 2324/01). The latter application (3725) pushed forward of the original and was approved.

The site history is complex and we enclose details to provide the background.

The dwelling as constructed on site is larger and located forward of that granted permission.

Based on the site visit of 28.2.2002 the dimensions noted are very similar to sketch A and the dimensions are noted on the over marked copy of Dwg. No. 2324 – 02A.

Sketch B shows the 'as planned and 'as built' dimensions.

Sketch C shows the string line.

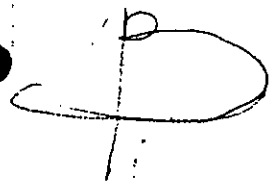
Ref: 2324/wmg/cm

1 March 2002

Mr R Bradbeer

We trust that the enclosed details help give a clearer picture but should you need further information please do not hesitate to contact us.

Yours sincerely



W M Graham

Enc

Ref: 2324

BEAVER COTTAGE
THE STREET
SWALLOWFIELD

SITE HISTORY

1. Original application No. 63695/F granted in 1996

2. Messrs Rivers and Dean bought the property in 2001

    a) We renewed 63695/F as this was due to run out (Application renewal F/2001/3937 granted 5.07.2001
    b) Submitted a new application based on Dwg. No. 2324/01 and this became application No. F/2001/3725 granted 27/07/2001

3. After this a further application for the scheme submitted was submitted with dormers and a loft conversion. The drawing submitted with this application was 2324 – 02A. This became application F/2001/5044. This was close to being granted when the error on site was noted. This application was withdrawn and a further application was submitted.

4. Application F/2001/5502 is the current application based on Dwg. No. 2324 – 02C

Document 3

WORK SHEET FOR : Natalie Brown

Application Number : F/2002/6056

Applicant : Mr I Rivers C/O Robin Bradbeer Ltd.

Location : Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.

Proposal : Proposed erection of detached dwelling. Amendment of consent F/2001/3725. (Retrospective)

Site Notice Displayed ? :	YES	NO	DATE

Date of Neighbour Notifications : .....

Date of Site Visit : .....

Date Registered : 05/03/2002

Earliest Date for Decision : 04/04/2002

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

This application will have expired on: 30/04/2002. 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 :

Highways - comments as per 5725 + 5702

Landscape

Env. Health - no comments/objections

Letters of rep:

Planning Issues :

Application Number: F/2002/6056

Appraisal :

See attached Sheet

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

Application Number F/2002/6056
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal
			By virtue of its ~~forward projection~~
			Siting on the external walls of a bend
			together with its forward projection, the
			dwelling creates a ~~more~~ visually intrusive +
			incongruous feature to the detriment of
			the character of the streetscene.
			As such, ~~it would be~~ contrary to the following policies:
			BSP: ENV
			WDLP(DD): WOS3, WBE1
			LALP: LBE1, LBE2.

Informative for approvals

N16

LODDON AREA LOCAL PLAN POLICIES: ENV1, LBE1, LBE2

SOUTH-EAST AREA LOCAL PLAN POLICIES:

WOKINGHAM DISTRICT LOCAL PLAN POLICIES: WOS2, WOS3, WBE1.

GREEN BELT LOCAL PLAN POLICIES:

BERKSHIRE STRUCTURE PLAN POLICIES: ENV1, LD3

MINERALS LOCAL PLAN POLICIES:

RECOMMENDATION AND CONDITIONS/REASONS AGREED: T E Wilson
(Development Control Manager)

Date: 12/8/02

RECORD OF SITE VISIT

SITE ADDRESS: Land Adjoining 4 Wyvols Cottages The Street Swallowfield Reading.

APPLICATION NUMBER: F/2002/6056

OFFICER: Natalie Brown

DATE OF SITE VISIT:.....

1 SITE/STATUTORY NOTICE DISPLAYED ?

2. DESCRIPTION OF SURROUNDINGS

3. DESCRIPTION OF SITE/BUILDING

4. RELATIONSHIP TO ADJOINING PROPERTIES

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING

LEVELS

BOUNDARY TREATMENT

OTHERS

Application Number: F/2002/6056 – adj 4 Wyvols Cottages

Appraisal:

Development
Proposed erection of two-storey detached dwelling. Amendment to consent F/2001/3725. This is a retrospective application, and seeks approval of the dwelling in the position as built. It was not built in the position as approved by application F/2001/3725. This application omits the dormer windows included on application F/2001/5502.

Relevant Policies
The site is located within the identified settlement of Swallowfield.
BSP: EN1, LD3
WDLP: WOS2, WOS3, WBE1
LALP: LTV1, LBE1, LBE2

Previous History

- Application 96/63695/F – Erection of detached cottage, approved
- Application F/2001/3725 – Erection of detached dwelling & garage, approved
- Application F/2001/3937 – Renewal of consent 96/63695/F, approved
- Application F/2001/5044: Following the approval of a detached dwelling (3725) this application was submitted to add dormer windows to the roof space in all elevations, refused
- Application F/2001/5502 – Amendment to consent F/2001/3725, including addition of dormer widows and resiting of dwelling, refused

1) Impact upon neighbouring properties
The side windows would be for toilet (facing No. 4 and hall facing Altdeare), with the rear being for a dressing room. This could be conditioned to be obscurely glazed to prevent overlooking of the neighbouring residential amenity area. It is not considered that the proposed front dormer window for a bedroom would cause any adverse effects.

With regard to the positioning of the dwelling, it is not considered that this would have significant adverse effect to Altdeare, which has its garage along the boundary with the application site, nor that its would have any significant adverse effects upon 4 Wyvols Cottages, compared to the previously approved application.

2) Impact upon the character of the streetscene
In projecting further forward than that approved by application 3725, a significant amount of the front gable (garage and bed 2) is visible from the east as well as being noticeable from the west. Furthermore, as the dwelling is located on the external radius of a bend, the dwelling, in its incorrect (current) position, the dwelling is more visually prominent.

It is therefore considered that the dwelling as built creates a more visually intrusive and incongruous feature within the streetscene (compare to the original approval), to the detriment of its character.

A theodolite survey submitted to the Council on 25 April 2002 shows the property in its correct position in relation to neighbouring properties. Neighbouring properties were previously shown incorrectly.

3) Impact upon highway safety (parking provision)
In the event of an approval, the Highways Officer would have no objection to the proposed development subject to inclusion of conditions as per application 3725, which relating to parking, turning and visibility splays.

4) Letters of Representation
10 letters received on grounds of visual amenity, dwelling would affect sight lines of the road, insufficient off-road parking. These points have been addressed above.

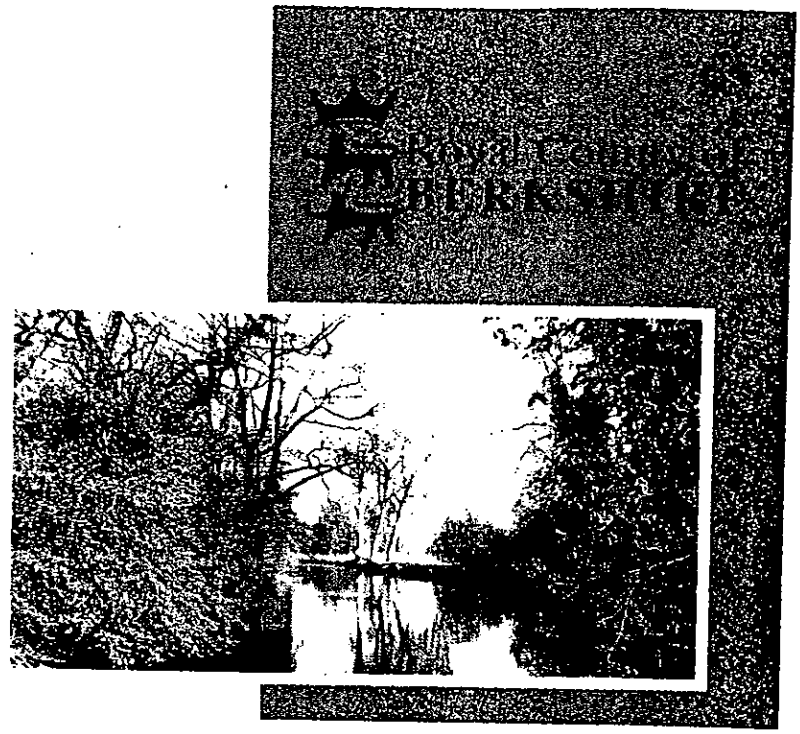
5) Other Considerations
The agent makes reference to a property in Wokingham, 392 London Road and that this dwelling was built 1m forward of its approved position.
The case of 392 London Road is not directly comparable to this application for the following reasons:

- It does not front the main road as with this application. It is located along a lay-by style road, spurred off the main London Road
- It is set back from the main London Road by a substantial distance
- It is sited on the internal radius of a bend, not the external radius, as with this application
- Whilst 392 London Road is set forward of its approved position, there is a staggered building line. Even built forward by approx. 1m, 392 is not a prominent dwelling within the streetscene as it is still set behind the front of No. 9 Wainwright Close, Wokingham.

Consequently, it is considered that 392 London Road is not obtrusive within the streetscene, and is not comparable to this application.

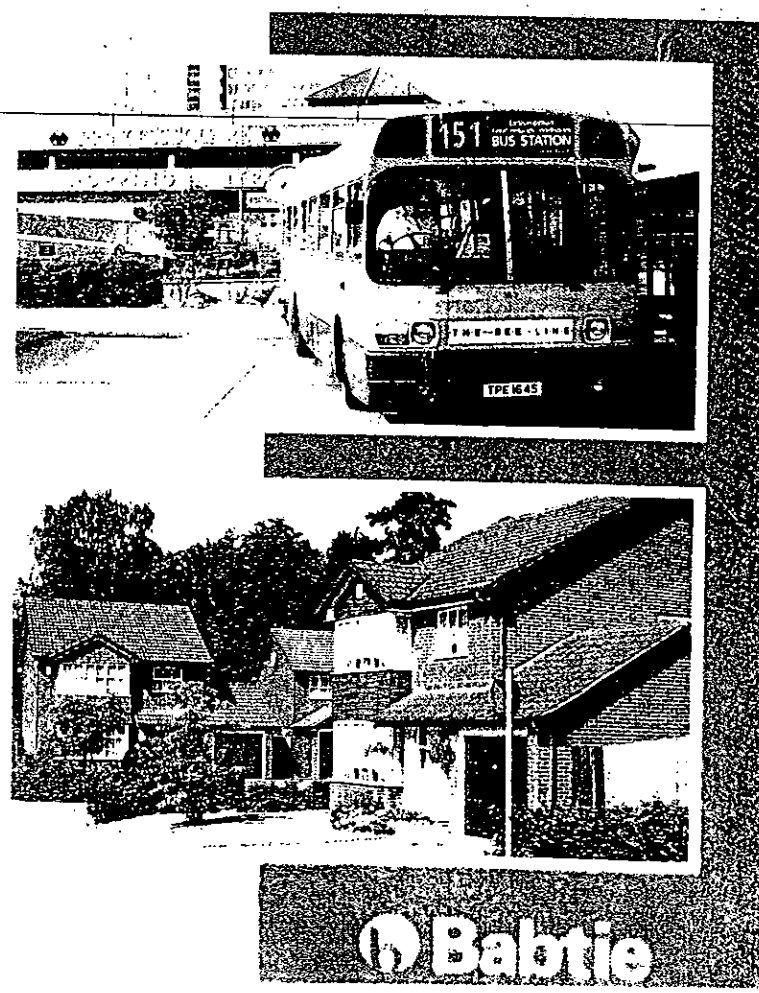
~~**Approval:**~~ **Refusal: ✓**

Document 5



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997



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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.

Environment

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.

LODDON AREA LOCAL PLAN

Adopted 5 May 1995

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire

1.4 QUALITY AND CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT, REDEVELOPMENT AND REFURBISHMENT

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

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

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

❖ *LBE1 DESIGN OF NEW DEVELOPMENT*

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

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

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

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

❖ LBE2 INAPPROPRIATE DESIGN

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY VIRTUE OF ITS 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 also 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, district and local shopping centres in particular, where large scale 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.

❖ LBE3 REFURBISHMENT AND REDEVELOPMENT

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

❖ LBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

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

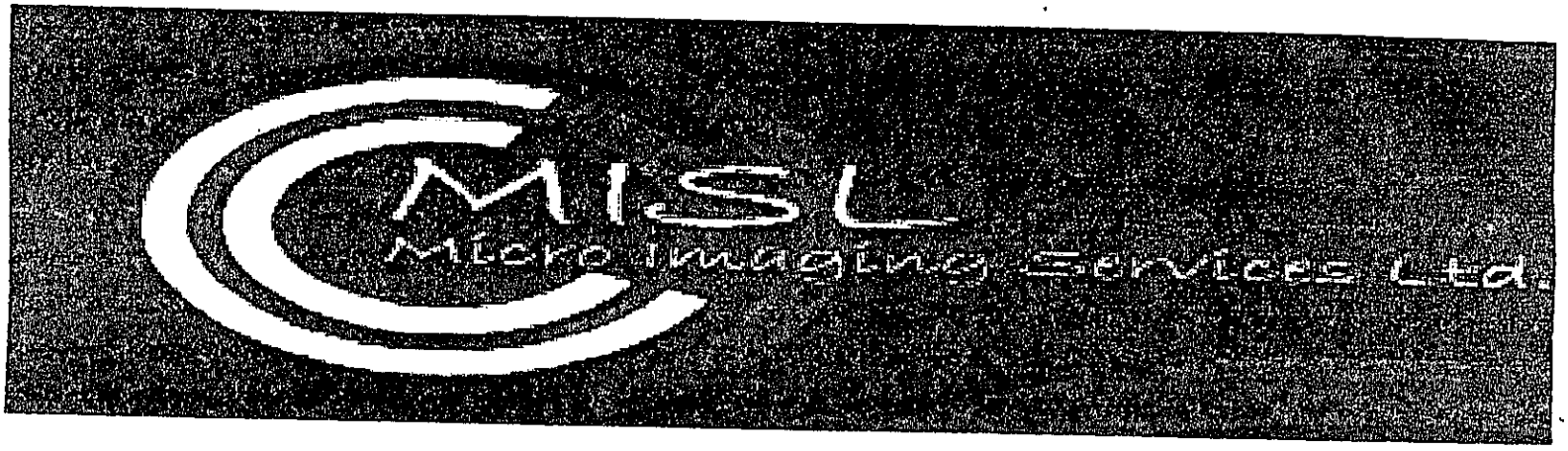
SUNLIGHT, DAYLIGHT AND NOISE

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

❖ LBE5 SUNLIGHT AND DAYLIGHT

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

THE FOLLOWING SCANNED IMAGES
ARE DOCUMENTS OF BAD QUALITY
OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY
APPEAR UNREADABLE ON SCREEN

which the land is demarcated by rural as opposed to urban characteristics.

1.1.10 Settlement edges are extremely sensitive areas of the landscape. Development occurring on or near the settlement edge can impinge unsatisfactorily on the countryside and prejudice the maintenance of a clear physical and visual separation between settlements. The need to consider the effect of proposals for limited housing and employment development on the rural areas is dealt with in policies LC1, LC2 and LC16.

1.1.11 As a complement to the latter and in line with the spirit of policies EN4 and EN5 of the Replacement Structure Plan, there is a need to ensure that natural features such as trees and hedgerows which soften or screen the edge of the [illegible] are retained where they [illegible] the boundaries of the defined [illegible] Where there is a need for [illegible] development which [illegible] the boundaries of the defined settlements, the planting of landscaping will be encouraged. The background work for this plan has involved carrying out a landscape survey which has included an assessment of the quality of boundaries to defined settlements.

❖ LTV4 ENHANCING SETTLEMENT BOUNDARIES

THE DISTRICT COUNCIL WILL SEEK TO RETAIN NATURAL BOUNDARY FEATURES WHICH EXIST AROUND 'IDENTIFIED' SETTLEMENTS AND ENCOURAGE THE STRENGTHENING OF BOUNDARIES BY NEW TREES AND HEDGEROW PLANTING WHERE NATURAL FEATURES ARE WEAK OR ABSENT AND DEVELOPMENT IMPINGES ON THE COUNTRYSIDE. WHERE SUCH BOUNDARIES ARE FORMED BY WOODLAND OR TREES THE PROTECTION MAY TAKE THE FORM OF TREE PRESERVATION ORDERS.

1.1.12 Although there is a general presumption in favour of development within identified settlements, it is felt that there is a need to consider particularly carefully proposals for development within, but adjacent to the boundary of, the identified settlement where the settlement edge is fairly exposed due to land levels or limited natural screening and existing development is of a fairly low density. An intensification of the level of development through infilling, redevelopment or the additions of substantial extensions could result in the introduction of a hard urban edge close to the rural area.

❖ LTV5 TRANSITIONAL AREAS

IN VISUALLY SENSITIVE TRANSITIONAL AREAS, AS DEFINED ON THE PROPOSALS MAP, THE DISTRICT COUNCIL WILL RESTRICT ADDITIONAL DEVELOPMENT IN THE FORM OF INFILLING, REDEVELOPMENT AND EXTENSIONS TO A LEVEL APPROPRIATE TO PREVENT THE FORMATION OF A HARD URBAN EDGE TO SETTLEMENTS.

IMPORTANT OPEN AREAS WITHIN SETTLEMENTS

1.1.13 In addition to the visually sensitive [illegible] areas defined in Part 2 of the Local Plan, certain parts of some settlements have a distinctive character derived from the amount of open space and space about buildings. Often these spaces have a profuse amount of vegetation within them which is important in softening the urban environment. Whilst some settlements have isolated areas of this form of development the degree of concentration of development in older settlements tends to decrease with distance from the centre and there are open areas close to the boundaries which it is important to retain. Many of the important open areas within settlements are by their nature small and the local plan does not therefore, define the areas to which the following policy relates. The application of the policy will be through the consideration of individual areas in the light of specific proposals.



❖ LTV6 PROTECTION OF IMPORTANT OPEN AREAS WITHIN SETTLEMENTS

WITHIN THE IDENTIFIED SETTLEMENTS, DEVELOPMENT OF AREAS OF OPEN LAND INCLUDING GAPS IN ROAD FRONTAGES AND GARDEN AREAS WHICH SIGNIFICANTLY CONTRIBUTE TO THE CHARACTER OF SETTLEMENTS WILL NOT NORMALLY BE PERMITTED. ANY NEW DEVELOPMENT, INCLUDING INFILL DEVELOPMENT WILL ONLY BE PERMITTED IF IT IS SYMPATHETIC IN SCALE AND CHARACTER TO THE ENVIRONS OF THE SITE.

ENVIRONMENTAL ENHANCEMENT

1.1.14 The District Council is keen to see enhancement of the environment throughout the plan area. Priorities for action are established in the following chapters but other opportunities will also be taken as they arise subject to the availability of funding and other resources where appropriate.



Wokingham District Local Plan
Deposit Draft

With Proposed Amendments Highlighted

February 2000

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

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

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

A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WHICH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHOUT DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

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

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

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

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

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

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

3 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.

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.

POLICIES

5.12 Only part of the District's housing requirement is met through the allocation of specific areas of land for development. Housing will continue to be built on unidentified sites. In accordance with Berkshire Structure Plan Policies (C1 and H5), these sites will be within the boundaries of identified settlements.

POLICY WH1: HOUSING DEVELOPMENT - UNIDENTIFIED SITES

WITHIN THE IDENTIFIED SETTLEMENTS, ON SITES THAT ARE NOT IDENTIFIED IN THE PLAN FOR RESIDENTIAL USE, DEVELOPMENT IN THE FORM OF INFILLING, REDEVELOPMENT AND CHANGE OF USE TO RESIDENTIAL USE WILL BE CONSIDERED FAVOURABLY, SUBJECT TO LOCAL ENVIRONMENTAL AND AMENITY CONSIDERATIONS AND ALL OTHER RELEVANT POLICIES AND PROVISIONS OF THIS PLAN, IN ORDER TO MAKE THE BEST USE OF LAND IN BUILT-UP AREAS.

IN PARTICULAR, THE COUNCIL WILL SEEK TO ENSURE THAT THE FOLLOWING CRITERIA ARE COMPLIED WITH:

a) OPEN AND WOODED AREAS, AND GAPS AND GARDEN AREAS, THAT ARE IMPORTANT TO THE CHARACTER OF THE SETTLEMENT, ARE PROTECTED FROM *INAPPROPRIATE* **(PA 5/3)** DEVELOPMENT

b) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON THE CHARACTER OF THE AREA, INCLUDING ON ANY CONSERVATION AREA

c) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON ANY RESIDENTIAL PROPERTY OR LISTED BUILDING

d) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON THE SETTLEMENT BOUNDARY OR ON THE ADJOINING COUNTRYSIDE

e) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON ANY INTEREST OF NATURE CONSERVATION IMPORTANCE

f) THERE IS NO LOSS OF RECREATIONAL FACILITIES OR PUBLIC OPEN SPACE

g) THERE IS ADEQUATE LOCAL HIGHWAY AND INFRASTRUCTURE CAPACITY TO CATER FOR TRAFFIC AND OTHER DEMANDS GENERATED BY THE DEVELOPMENT, WITH, WHERE SEEN AS NECESSARY, THE PROVISION OF ROAD SAFETY MEASURES. IT WILL BE NECESSARY TO CONSIDER THE CUMULATIVE EFFECT ON ROADS AND INFRASTRUCTURE OF PROPOSED DEVELOPMENTS IN THE SAME AREA, TO DETERMINE THEIR ACCEPTABILITY UNDER THIS CRITERION

Cont.

h) ~~AN ELEMENT OF AFFORDABLE HOUSING IS PROVIDED IN SCHEMES OF 25 OR MORE DWELLINGS IN SETTLEMENTS OF UNDER 3,000, AND IN SCHEMES OF 40 OR MORE DWELLINGS ELSEWHERE. FOR THE AVOIDANCE OF DOUBT, THE SETTLEMENTS WHERE THE 40 DWELLINGS REQUIREMENT APPLIES COMPRISE EARLEY, NORTH FINCHAMPSTEAD, TWYFORD, WARGRAVE, WINNERSH, WOKINGHAM, CROWTHORNE (PINEWOOD) AND WOODLEY. NEW DEVELOPMENT WILL BE EXPECTED TO COMPLY WITH THE COUNCIL'S SERVICE, AMENITY, AND INFRASTRUCTURE REQUIREMENT (S.A.I.R.).~~

h) *AN ELEMENT OF AFFORDABLE HOUSING IS PROVIDED IN RESIDENTIAL SCHEMES OF 15 OR MORE DWELLINGS OR OF 0.5 HECTARE OR MORE IN SETTLEMENTS OF 3,000 OR FEWER, AND OF 25 OR MORE DWELLINGS OR OF 1 HECTARE OR MORE ELSEWHERE. THE SETTLEMENTS WHERE THE 25 DWELLINGS REQUIREMENT APPLIES COMPRISE CROWTHORNE (PINEWOOD), EARLEY, NORTH FINCHAMPSTEAD, TWYFORD, WARGRAVE, WINNERSH, WOKINGHAM AND WOODLEY. NEW DEVELOPMENT WILL BE EXPECTED TO COMPLY WITH THE COUNCIL'S SERVICE, AMENITY, AND INFRASTRUCTURE REQUIREMENT (S.A.I.R.).*

(PA 5/4)

PROPOSALS FOR RESIDENTIAL DEVELOPMENT WILL BE JUDGED AGAINST THE COUNCIL'S PLANNING GUIDELINES FOR THEIR ACCEPTABILITY UNDER DESIGN AND PARKING CRITERIA.

Implementation: Planning permissions to private and public sector housebuilders, having regard to Planning Guidelines.

Monitoring: Planning applications.

~~***POLICY WH1A: HOUSING DEVELOPMENT - INFILLING GAPS WITHIN GROUPS AND MINOR EXTENSIONS TO GROUPS OUTSIDE SETTLEMENTS***~~

~~*SENSITIVE INFILLING OF SMALL GAPS WITHIN SMALL GROUPS OF HOUSES AND MINOR EXTENSIONS TO GROUPS OUTSIDE DESIGNATED GREEN GAPS (POLICY WCC 2) FOR RESIDENTIAL USE WILL BE ACCEPTABLE SUBJECT TO LOCAL ENVIRONMENTAL AND AMENITY CONSIDERATIONS AND ALL OTHER RELEVANT POLICIES AND PROVISIONS OF THIS PLAN.*~~

~~*IN PARTICULAR, THE COUNCIL WILL REQUIRE COMPLIANCE WITH THE FOLLOWING CRITERIA:*~~

~~a) *OPEN AND WOODED AREAS, AND GAPS AND GARDEN AREAS, THAT ARE IMPORTANT TO THE CHARACTER OF THE AREA, ARE PROTECTED FROM INAPPROPRIATE DEVELOPMENT*~~

~~b) *THERE IS NO ADVERSE EFFECT ON THE CHARACTER OF THE AREA, INCLUDING ON ANY CONSERVATION AREA OR AREA OF SPECIAL CHARACTER*~~

~~c) *THERE IS NO ADVERSE EFFECT ON ANY RESIDENTIAL PROPERTY OR LISTED BUILDING*~~

~~d) *THERE IS NO ADVERSE EFFECT ON THE ADJOINING COUNTRYSIDE*~~

~~e) *THERE IS NO ADVERSE EFFECT ON ANY INTEREST OF NATURE CONSERVATION IMPORTANCE*~~

~~f) *THERE IS NO LOSS OF RECREATIONAL FACILITIES OR PUBLIC OPEN SPACE*~~

~~g) THERE IS ADEQUATE LOCAL HIGHWAY AND INFRASTRUCTURE CAPACITY TO CATER FOR TRAFFIC AND OTHER DEMANDS GENERATED BY THE DEVELOPMENT, WITH, WHERE SEEN AS NECESSARY, THE PROVISION OF ROAD SAFETY MEASURES. IT WILL BE NECESSARY TO CONSIDER THE CUMULATIVE EFFECT ON ROADS AND INFRASTRUCTURE OF PROPOSED DEVELOPMENTS IN THE SAME AREA, TO DETERMINE THEIR ACCEPTABILITY UNDER THIS CRITERION~~

~~PROPOSALS FOR RESIDENTIAL DEVELOPMENT WILL BE JUDGED AGAINST THE COUNCIL'S PLANNING GUIDELINES FOR THEIR ACCEPTABILITY UNDER DESIGN AND PARKING CRITERIA.~~

~~Implementation: Planning permissions to private and public sector housebuilders, having regard to Planning Guidelines.~~

~~Monitoring: Planning applications.~~ **(PA 5/5)**

5.13 Assuming that ~~2,500~~ *1,850* **(PA 5/6)** dwellings are provided on the major site south of the M4 at Grazeley *BY 2006,* **(PA 5/6)** it is necessary to ensure that sufficient land is identified for the development of small sites. The sites that have been identified in Policy WH2 have been selected on the basis of their performance against a number of environmental criteria.

POLICY WH2: HOUSING DEVELOPMENT - IDENTIFIED SITES

IN ADDITION TO THE ~~2,500~~ *1,850* **(PA 5/6** DWELLINGS TO BE BUILT AT GRAZELEY (SEE PROPOSAL WSM1), THE COUNCIL WILL MAKE PROVISION FOR THE DEVELOPMENT OF APPROXIMATELY ~~240~~ *867* **(PA 5/6)** DWELLINGS IN THE PERIOD 1 APRIL 1996 TO 31 MARCH 2006 ON THE FOLLOWING SITES, SUBJECT TO THE PROVISION OF INFRASTRUCTURE AND PUBLIC AND COMMUNITY SERVICES NECESSARY TO SUPPORT THE DEVELOPMENT. THESE SITES WILL BE SAFEGUARDED FROM OTHER TYPES OF DEVELOPMENT. IN BRINGING FORWARD THE SITES FOR DEVELOPMENT, A DEVELOPMENT BRIEF WILL BE REQUIRED. *DEVELOPMENTS AT OR NEAR WINNERSH WILL BE REQUIRED TO CONTRIBUTE TOWARDS SCHEMES PUT FORWARD IN THE WINNERSH TRANSPORT STUDY.***(PA 5/7)**

~~a) PRIORITY SITES:~~
~~i CH03 CHARVIL FARM, BATH ROAD, CHARVIL~~
~~ii SH09 LAND AT JUNCTION OF KILN LANE AND BEECH HILL ROAD, SPENCERS WOOD~~
~~iii WH12 LAND WEST OF MOLE ROAD, SINDLESHAM~~
~~iv WH17 FORMER GMU DEPOT, WATMORE LANE, WINNERSH~~
~~v WK06 KEEPHATCH FARM, NORTH OF KEEPHATCH HOUSE, WOKINGHAM~~
~~vi WK20 EASTHAMPSTEAD ROAD CAR PARK, WOKINGHAM~~
~~vii WK21 LAND AT NORTON ROAD, WOKINGHAM~~
~~viii WK35 WOKINGHAM FOOTBALL CLUB, WOKINGHAM.~~**(PA 5/6)**

Cont.

Document 6

the hearing before Harrison J. the main argument was that the authority had not given proper regard to Government's advice as to how the power should be used and had served the stop notice because the applicants had challenged the enforcement notice in the High Court. The court upheld the lawfulness of the decision to serve the stop notice. Harrison J. made the following points:

(i) The contents of the Circular are relevant if they relate to the expediency of serving a stop notice requiring the activity to cease before the expiry of the period for compliance with the notice.

(ii) The Circular is advisory and not binding on the authority.

(iii) There is no need to carry out a detailed cost/benefit analysis of the effect of serving a notice.

(iv) A stop notice can be served to prevent unauthorised use in an important and sensitive part of a Green Belt and the challenge in the High Court to the enforcement notice was relevant in that it extended the period of that unauthorised use.

(v) A decision to serve the notice would have been invalid if the purpose had been to stop the applicants from profiting from the unauthorised use.

(vi) The court should be slow to interfere with a decision under section 183 and should only interfere if it is clear that the decision has been reached in an unlawful way.

The present judgment did not go into these issues in any detail but was mainly concerned about whether there should be leave to appeal against Harrison J.'s decision. This was granted and in the meantime the stop notice continued to have no effect. However, since then the Court of Appeal has held that there is no right to challenge refusal of leave of appeal by the High Court against a decision in an enforcement notice appeal.

Agricultural occupancy condition—dwelling allegedly built pursuant to planning permission—siting of dwelling different to submitted plans—whether dwelling built without planning permission—Kerrier District Council v. Secretary of State for the Environment (1981) P. & C.R. 284 wrongly decided.

Handoll and Suddick v. Messrs Warner Goodman and Streat, Cook and East Lindsey District Council (Court of Appeal, McCowan and Peter Gibson L.JJ. and Sir John May, December 9, 1994)[1]

The appellants own land at Stickney in Lincolnshire having acquired the property from the respondents in 1984. When they purchased the property the appellants, it was alleged, were unaware of an agricultural occupancy condition allegedly imposed by East Lindsey District Council. The matter came before Mervyn Davies J. on October 21, 1992 (1992) 66 P. & C.R. 78.

The Paddocks was built by the Cooks in 1978. On May 31, 1977 Mr Cook, acting by his architect, submitted an application for planning permission. Outline planning permission was granted by the District Council, dated October 22, 1977. It gave as particulars and location of the development submitted:

> "Outline application for permission to erect a dwelling and garage in connection with agriculture and for the vehicular/pedestrian access at West End Lane, Stickney. Location of development: OS Sheet No. 90.6, Field No. 10pt. Grid Reference No. 534450 358580."

On November 30, 1977 an application was submitted to the District Council as respects the matters which had been reserved in the outline planning permission. In that application the location of the land was simply referred to as "West Fen Lane, Stickney, Boston, Lincs, Grid Reference. . . ."

The application was accompanied by drawing 770/5/77/C—Enclosure SJC3. The drawing showed the plans and elevations of the proposed bungalow and as well, in the bottom half of SJC3 (i) a block

[1] *Mr J. Howell Q.C.* and *Miss J. Hicks* (Roythorne & Co. Lincolnshire). *Mr G. Machin* (Browne Jacobson, Nottingham).

plan showing the bungalow located on enclosure 9 of the OS plan and to the west of enclosure 10 and (ii) at the top of SJC3, a sketch which appeared to show the land the subject of the application as being in part on enclosure 9, in enclosure 10 and in part in enclosure 11. Approval of the reserved matters was given on December 2, 1977. The "location of development" was stated to be (as in the outline planning permission) "OS Sheet No. 90.6, Field No. 10pt, Grid Reference. . . ."

The restriction as to agricultural occupancy was repeated. With that December approval received the building of the Paddocks went ahead. The bungalow was not placed on the location suggested in the application plan or by the application form or on the locations shown in SJC3. Evidence given by a chartered surveyor, Mr Christopher Job, to the High Court drew attention by the use of transparent overlays to some features referred to in the application plan and the undercover planning documents. Mervyn Davies J. said:

> "It is clear from the overlay and from Mr Job's cross-examination that the bungalow is about 90 feet somewhat westerly of the location as approved by the District Council; and it is plain that as the bungalow now stands, it is wholly within Enclosure 9."

He continued:

> "Mr Mitchell appeared for the plaintiffs. He submitted that the agricultural occupancy restriction is not binding on The Paddocks. The restriction would affect, he said, a bungalow built on land for which planning permission was given. But The Paddocks is not a bungalow built pursuant to any planning permission. It has been built on land away from that in respect of which the planning permission was to operate. He accepted, as I understand, that that meant that The Paddocks was built in breach of planning control. Since the limitation period for enforcing planning control has passed the bungalow may remain in being; but as such it is not, he said, affected by the occupancy restriction because that restriction is a term of a planning permission that has no relevance to The Paddocks as being a building put up without planning permission."

Mr Machin, who had appeared for the respondent in the High Court had placed reliance on the case of *Kerrier District Council v. Secretary of State for the Environment.*[2] In that case planning permission had been given for the erection of a bungalow, but it was not built in accordance with the approved plan in that a basement, not shown on the plan, was included within the bungalow. The planning permission included an agricultural occupancy restriction. The Divisional Court consisted of Lord Lane, Lord Chief Justice, and Lloyd J. as he then was. It held:

> "Allowing the appeal that the fact that something is done without planning permission in the sense that it did not comply with a permission that had been granted did not mean that the permission that had been granted had to be treated as a nullity; that, if it was not a nullity, there was no reason why any condition subject to which it had been granted should not bite; that nothing in Section 87 of the Town and Country Planning Act 1971 obliged a local planning authority to serve an enforcement notice if it did not wish to do so, nor, if there were two several breaches, *i.e.* a development without planning permission and a breach of a condition subject to which the permission had been granted, was it obliged to enforce both, and that in the present case, the enforcement notice having been clear and unambiguous in its terms as to the breach alleged and as to the steps required to be taken to remedy it, there had been no justification for quashing it."

Lord Lane said at p. 288:

[2] (1980) 41 P. & C.R. 284.

"The matter is put well in an affidavit filed on behalf of the council on their application for an extension of time for leave to appeal as follows:

> 'It is a matter of considerable concern for the applicant, and no doubt other local planning authorities would share that concern, that where an agricultural occupancy condition is attached to a planning permission for a dwelling, and that permission would not have been granted without such a condition, the developer may be able to avoid the operation of the condition by constructing a building which does not conform with the submitted plans. In some cases, the departure from the plans may not be immediately apparent upon inspection of the building. After the lapse of four years from the date of completion of the building the local planning authority has no power to require its demolition or alteration.'

We approach the question first as a matter of principle. The reasoning of the Secretary of State comprises four steps: (1) the dwelling-house actually built differed materially from that shown on the approved plan; (2) therefore, it was built without planning permission; (3) therefore, the planning permission was never implemented; (4) therefore, the condition never applied.

Step (1) involves a finding of fact that does not appear anywhere in the Inspector's report. It is the starting point of the allegation of breach of natural justice, to which we shall return briefly later. Step (2) is well established law. Steps (3) and (4) involved, as it seems to us, a *non sequitur*. When one speaks of something being done without permission, it may mean one of two things. It may mean that no permission had ever been granted at all, or it may mean that permission has been granted but that which has been done has not complied with that permission. The fact that something is done without permission in the latter sense does not mean that the permission must be treated as a nullity, and if it is not a nullity, we see no reason why any condition the subject of which permission has been given should not bite. The error in the Secretary of State's reasoning may lie in his reference to the planning permission never having been implemented. Implementation is not, as we understand it, a term of art in this connection. In one sense, the planning permission plainly was implemented since without the planning permission the house would never have been built at all. Having relied on the permission to build a house, it would seem strange that the occupiers should not be bound by the condition, particularly if it was by reason of their own default that the plans were not complied with. If the house had complied with the plans, the occupiers would have been bound by the condition. They can hardly be in a better position because the house did not comply with the plans. Two blacks do not make a white in this or any other branch of the law."

In the instant case Mervyn Davies J., having referred to the above passage then concluded:

> "I accept that The Paddocks was built without permission. It was built without permission in the sense that a permission was granted but that what was then done did not comply with that permission. In that situation I respectfully agree with Lord Lane that the permission ought not to be treated as a nullity. That being so there is no reason why the occupancy restriction should not be enforceable. Accordingly; I answer the preliminary issue in the affirmative."

The appellants appealed to the Court of Appeal. The question raised by the appeal was whether and (if so) in what circumstances a condition restricting occupancy imposed on a planning permission for the erection of a building may apply to a building which is not authorised by that permission.

McCowan J. said that in the court below the argument for the appellant in reply to the *Kerrier* authority was that *Kerrier* was distinguishable because there the departure from the terms of the planning permission was simply a matter affecting the interior parts of a building built on the very site for which

planning permission was given, while in the instant case the building had, on the judge's finding, been built (as Mr Mitchell put it) "as much as 90 feet away". Mervyn-Davies J., while accepting the departure was of greater degree, had not accepted that there was a distinction in the principle.

Mr Howell had referred to a number of provisions of the Town and Country Planning Act 1971.

> "In this Act, except where the context otherwise requires, 'development', subject to the following provisions of the section, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings of other land."

Section 23(1) read:

> "Subject to the provisions of this section, planning permission is required for the carrying out of any development of land."

Section 33(2) read:

> "Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed."

Mr Howell pointed out that that latter provision was important in the context of the case because if the permission did not cover the building, the use of the building would also not be permitted. He then referred to section 23(9)(1):

> "Subject to the provisions of sections 26 to 28 of this Act, and to the following provisions of this Act, where an application is made to a local planning authority for planning permission that authority, in dealing with the application, shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations and—
>
> (a) subject to sections 41, 42, 70 and 77 to 80 of this Act, may grant planning permission either unconditionally or subject to such conditions as they think fit."

Section 25 reads:

> "Any application to a local Planning Authority for planning permission shall be made in such manner as may be prescribed by regulations under this Act, and shall include such particulars and be verified by such evidence, as may be required by the regulations or by directions given by the local planning authority thereunder."

Mr Howell then diverted to the Town and Country Planning (General Development) Order 1977, art. 5(2):

> "Where an applicant so desires, an application may be made for outline planning permission for the erection of a building and, where such permission is granted, the subsequent approval of the local planning authority shall be required to such matters (being reserved matters as defined) as may be reserved by condition. The application shall be made on a form, as required by the preceding paragraph, shall describe the development to which it relates, shall be accompanied by a plan sufficient to identify the land to which it relates (together with such additional copies, not exceeding three, of the form and plan as may be required by the local planning authority) and may contain such further information (if any) as to the proposal as the applicant desires."

He stressed the words there "sufficient to identify the land". He then referred back to the Town and Country Planning Act 1971 and in particular to section 27(1).

> "Without prejudice to section 26 of this Act a local planning authority shall not entertain any application for planning permission unless it is accompanied by any one or other of the following certificates. . . ."
>
> (b)
>
> "A certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to them respectively, and the date of service of each such notice."

Mr Howell said that illustrated the importance of identifying the land.

He then went on to argue that the second reason for knowing the land to for which the permission related was to be found in section 33(1).

> "Without prejudice to the provisions of this Part of this Act as to the duration, revocation or modification of planning permission, any grant of planning permission to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested therein."

"Enure for the benefit of the land"—Mr Howell's point was that the permission ran with the land. Because of that feature, one looks to see not the intention of the parties but the effect of the permission. Hence, he said under section 34(1) and (2)(a) a register was required to be kept. That was:

> ". . . a register containing such information as may be so prescribed with respect to applications for planning permission made to that authority, including information as to the manner in which such applications have been dealt with."

Finally he referred to section 87(2), which read:

> "There is a breach of planning control if development has been carried out, whether before or after the commencement of this Act, without the grant of planning permission required in that behalf in accordance with part III of the Act of 1962 or limitations subject to which planning permission was granted have not been complied with."

In his skeleton argument, he said:

> "That the learned judge was right to hold that a building constructed otherwise than in accordance with the terms of a planning permission (including any details properly approved pursuant to a condition imposed on that permission) is not authorised by it and, therefore that The Paddocks was built without permission. The planning permission granted did not authorise the building constructed and accordingly the works involved were not permitted and were unlawful."

That was what the judge had found and he (McCowan L.J.) agreed. Mr Machin, for the respondents, specifically conceded that the paragraph was accurate.

Mr Howell then said:

> "If a permission does not apply, then the condition subject to which it was granted has no application. In this case, therefore, the agricultural occupancy condition did not apply to the Paddocks as the permission on which the condition was imposed did not apply to it."

However, Mr Machin said that it did apply to it because it was built sufficiently close for there to be a nexus. For his (McCowan L.J.'s) part, Mr Machin having made the concession that he had done, it was incomprehensible that one could go on to submit that further point.

Mr Howell then devoted his attention to criticising the decision in *Kerrier District Council v. Secretary of State for the Environment*. He submitted that one of the troubles there was that, so far as one could see, the court was not referred to two important and relevant previous decisions. He was unable to say with certainty that they were not cited to the court. All that he could say was that they were not referred to in the judgment.

The first of those cases was *Noble v. Armitage*[3] a decision of the Divisional Court.

Parker L.C.J. said that:

> "The short point here is really whether that enforcement notice is a good and sufficient notice. The point that is taken is that it is nowhere recited or alleged that the development for which permission was given was ever carried out, and accordingly there can be no breach of a condition attached to a development until the development is carried out. For my part, I think it is necessary and it certainly follows the cases to which I need not refer, that in an enforcement notice alleging a breach of condition the development in question must be recited and referred to. Here it is to be observed that what is recited is merely that planning permission was granted for the storage of coal and parking of lorries. It does not go on to say that coal has been stored and lorries parked, but that the conditions have not been complied with. On that short ground, and that alone, I would allow this appeal and send the case back to the justices with a direction that they should acquit."

The other decision was *Sheppard v. Secretary of State for the Environment and Another*,[4] a decision of Willis J. said at p. 848:

> "It is clear from a number of cases dealing with enforcement notices that a planning authority cannot succeed for breach of condition unless the development to which it was attached by the planning permission has actually been carried out."

In his (McCowan L.J.'s) judgment, in the light of those previous decisions, there was force in Mr Howell's contention that the reasoning of the Divisional Court in *Kerrier* was flawed.

Mr Howell had a further point to make:

> "works which do not comply with the permission and any conditions to which it is subject do not constitute the implementation or commencement or a planning permission."

He continued:

> "A permission is not implemented in any sense when something is done which the permission does not authorise merely because it would not have been done if permission had not been granted."

[3] (1962) 182 E.G. 209.
[4] (1974) 233 E.G. 1167.

He relied on the decision of the Court of Appeal in *F. G. Whitley & Sons Ltd v. Secretary of State for the Environment*.[5]

Woolf L.J. said at p. 80:

> "As I understand the effect of the authorities to which I am about to refer, it is only necessary to ask the single question: are the operations (in other situations the question would refer to the development) permitted by the planning permission read together with its conditions? The permission is controlled by and subject to the conditions. If the operations contravene the conditions they cannot be properly described as commencing the development authorised by the permission. If they do not comply with the permission they constitute a breach of planning control and for planning purposes will be unauthorised and thus unlawful. This is the principle which has not been clearly established by the authorities. It is a principle which I would have thought made good sense since I cannot conceive that when section 41(1) of the 1971 Act made the planning permission deemed subject to a condition requiring the development to be begun by a specified date, it could have been referring to development other than that which is authorised by the permission."

That authority fully supported Mr Howell's contention.

Mr Howell then made the point that what underlay the decision in the *Kerrier* case was the fear that if it went the other way, the wrong-doer would get a benefit. There was some sympathy with that contention. But, Mr Howell said that on a correct analysis of the situation, the wrong-doer was actually worse off because he had no permission to use the building, and the local planning authority could serve an enforcement notice to prevent any use of the building by alleging that there had been an unpermitted change of user. He (McCowan L.J.) would accept that contention.

Lastly, Mr Howell submitted that *Kerrier* was in any event distinguishable. He said:

> "The building constructed was on the approved site: it merely included an unapproved basement. In this case The Paddocks was constructed outside the application site and not in the position which the local planning authority subsequently purported to approve. An outline application was required to 'be accompanied by a plan sufficient to identify the land to which it relates'. The identification of that land is of significance as 'any grant of planning permission to develop the land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested therein.' Similarly, a planning condition is a local land charge which is to be registered by reference to the land affected by it."

He drew attention to section 5(3) of the Local Land Charges Act 1975. If it were necessary, therefore, he (McCowan L.J.) agreed with that point also that *Kerrier* was in any event distinguishable. It followed that he accepted the contentions of Mr Howell. In his judgment the *Kerrier* case was wrongly decided, and he would answer the question raised in the present case in the negative. Appeal allowed.

Peter Gibson L.J. and Sir John May agreed.

Comment. In my comment on the *Kerrier* case in 1981 I argued that where a developer purported to carry out development in accordance with the terms of the grant of planning permission, but the development was not exactly in accordance with those terms, it was more appropriate to treat this as a failure to comply with the limitation subject to which the permission was granted rather than a totally unauthorised development. Section 171A of the 1990 Act still defines a breach of planning control as including a failure to comply "with any condition or *limitation*". Unfortunately the courts have always taken the reference to limitations to only apply to limitations in a grant of permitted development in the General Development Order.

[5] [1992] 3 P.L.R. 72.

In *Kerrier* the court therefore adopted the equitable approach that even if a development was technically totally unauthorised, the purported implementation was sufficient to ensure that the conditions attached to the permission were still enforceable. The courts have always been generally against introducing private law equitable principles into planning law and in *Pioneer Aggregates (U.K.) v. Secretary of State for the Environment*[6] Lord Scarman said that the planning control was a creature of statute and the courts should not introduce principles or rules derived from private law unless expressly authorised to do so by Parliament or unless it was necessary in order to give effect to the purpose of the legislation. The repudiation of *Kerrier* by the Court of Appeal does mean that the fact that the local planning have failed to detect one kind of breach of planning control (unauthorised development) means that they cannot take action with respect of another kind of breach (breach of a condition). As Lord Lane in *Kerrier* pointed out two blacks should not make a white in this or any other branch of law. On the other hand it was equally pointed out by counsel for the applicant that even if it is too late to take enforcement action against the erection of the building, the 10-year rule means that usually it will be possible to take action against the material change of use. What he did not point out is that, where it is impossible to require the building to be demolished, in planning policy terms it will usually be inappropriate to refuse to allow the building to be used in the way authorised by the grant of permission. In planning policy terms it is much more desirable result to ensure that the conditions are enforced. The law if at all possible should strive towards such an outcome.

Change of use—static caravans for holiday purposes to permanent residential use—whether occupation of caravans as residences rather than for the purposes of holidays constitutes a material change of use—matter of fact and degree—permission not subject to any conditions but limited to holiday caravans by the description of the development—difference in terms of enforcement—with a limitation by description material change of use was important—relevance of off-site effects on amenity—Inspector in error—the effects of a use on neighbouring land were not to be ignored—decision quashed.

Forest of Dean District Council v. Secretary of State for the Environment and Howells (Queen's Bench Division, Mr David Widdicombe Q.C. sitting as a Deputy Judge, July 15, 1994)[1]

An appeal was made under section 289 of the Town and Country Planning Act 1990 against a decision of an Inspector acting on behalf of the Secretary of State for the Environment quashing an enforcement notice issued by the appellant, the Forest of Dean District Council ("the Council"), in respect of the change of use of land at Clanna Caravan Park, Alvington, Lydney in Gloucestershire from use as a caravan park for holiday purposes to permanent residential use.

The enforcement notice was issued on March 4, 1993. An appeal was heard at a local inquiry and the Inspector gave his decision by letter dated November 25, 1993.

The appeal to the Secretary of State was on grounds (a) and (c) of section 174(2) of the Act of 1990, that in respect of any breach of planning control, planning permission ought to be granted, and that the matters alleged did not constitute a breach of planning control. The Inspector quashed the notice on ground (c), so ground (a) did not arise.

The enforcement notice site had been used for "static" holiday caravans (*i.e.* caravans which were not towed to and from the site) pursuant to a planning permission granted in 1984, but before the issue of the enforcement notice caravans were sited on the land which were used as the permanent homes of the occupants.

The application for planning permission in 1984 was for change of use of land including the enforcement notice site "from rough amenity land to use for camping and siting of caravans". The enforcement notice site was identified on a plan and a covering letter stated that it "is proposed to site 10

[6] [1985] A.C. 132.

[1] *Mr R. Fookes* (Mr L. J. Harding, Forest of Dean District Council). *Mr R. Price-Lewis* (Treasury Solicitor). *Mr C. Joseph* (Messrs Tozers, Exeter, Devon).

TOWN AND COUNTRY PLANNING
[1976] 2 EGLR 131

Copeland Borough Council v Secretary of State for the Environment and others

QUEEN'S BENCH DIVISIONAL COURT

January 26 1976
(Before Lord WIDGERY CJ, Mr Justice KILNER BROWN and Mr Justice WATKINS) Estates Gazette August 14 1976
(1976) 239 EG 503

Enforcement notice—Roof of new house in Lake District to be covered with specified tiles, not in fact so covered—Notice describes development complained of as 'Construction of roof of dwelling in . . . tiles of a buff colour—Removal of tiles required—Secretary of State right to hold notice in such terms invalid—Breach of control was construction of a house in defiance of the condition, not just of a roof—Planning authority may 'under-enforce,' but must get their notice right first—Amendment could not have been made without injustice—Authority's appeal dismissed—Respondents who took no substantial part in hearing of appeal nevertheless awarded costs

This was an appeal by a local planning authority, Copeland Borough Council, against a decision of the first respondent, the Secretary of State for the Environment, quashing an enforcement notice served by the appellants on the second and third respondents, Mr David William Ross and Mr Matthew James Ross, requiring removal of certain tiles fixed to the roof of a newly-constructed dwelling-house on a site at The Hill, Millom, Cumbria.

Mr J Sullivan (instructed by Blyth, Dutton, Robins, Hay, agents for H F T Gough & Co, of Whitehaven) appeared for the appellants, and Mr H K Woolf (instructed by the Treasury Solicitor) for the first respondent. Mr J Mitchell (instructed by Gregory, Rowcliffe & Co, agents for Milburn & Co, of Whitehaven) held a watching brief on behalf of the second and third respondents.

Giving judgment LORD WIDGERY said: This is an appeal under section 246 of the Town and Country Planning Act 1971 brought by the Copeland Borough Council, who are the relevant planning authority, against a decision of the first respondent, the Secretary of State for the Environment, who, following upon the holding of a public inquiry, quashed an enforcement notice served by the council in respect of development consisting of the building of a dwelling-house at The Hill, Millom, Cumbria. This was a piece of development on virgin land, and it contemplated that three houses should be erected in a part of the Lake District where visual amenities are serious matters. The application for planning permission for these three houses was granted on outline application on May 22 1972. We have before us the actual grant of the outline application, and it describes the develop- 132 ment as being in accordance with the plans and drawings attached. Shortly afterwards the matters reserved in the outline application were satisfactorily dealt with, and we have the final planning permission before us, dated June 25 1973, which expresses satisfaction with the reserved matters and deals with one or two questions affecting amenity, such as the construction of a carriage-way for the class 1 road and other matters of that kind. Attached to these consents were plans, and on the plans there was an indication of the nature of the roofing which was to be applied to these three houses in this sensitive area, as I have described it. The Secretary of State's decision letter, which incidentally is dated May 19 1975, deals sufficiently for my purposes with the provisions contained in the planning documents in regard to the roofing. A plan was submitted to the planning authority in April of 1973 as part of the submission of reserved details, and this showed that the roof would be constructed of Redland Stonewald slates, colour grey, with matching ridge. When I say 'roof' I might properly say 'roofs,' because there were three houses involved, although we are dealing today with only one. There was a Redland catalogue which showed Stonewald slates to be of certain size, and it is quite

evident that there was a requirement in this planning permission that the roof should be treated specially in a manner involving these particular roofing tiles.

It was not so treated. Again it is not necessary for us to go into the detail of what went wrong, but the requirement of the planning permission so far as it dealt with the roofing tiles was not property complied with, and so the planning authority proceeded to take action under their powers in regard to the service of an enforcement notice. The notice in question is dated May 21 1974. It is in common form. It is addressed to the developers who were building these houses and who, at the relevant time, had substantially completed one house but not begun the others, and who, as I have already said, in substantially completing one house had used a combination of roofing tiles not in accordance with those prescribed by the permission. The planning authority addressed their enforcement notice to Mr David William Ross and Mr Matthew James Ross. They recited that 'it appears to the council that there has been a breach of planning control in that the property has been developed by the carrying out on it of the building operations specified in the second schedule hereto without the grant of planning permission required in that behalf in accordance with Part III of the Town and Country Planning Act 1971.' It goes on to require the persons upon whom it is served to take the steps specified in the third schedule to remedy the said breach within a period of 14 days.

Everything therefore depended on the contents of the second and third schedules, and I pass on now to consider them. It will be remembered that the second schedule contained the planning authority's description of the development alleged to constitute a breach of planning control, and the actual language used in that schedule is, 'Construction of roof of dwelling in Redland Stonewald and Redland Delta tiles of a buff colour.' I confess that that phrase meant very little to me when I first read it, but again there is no dispute that it does refer to an irregularity in the choice of the tiles to be used on the roof of this house. The third schedule, which specifies the action required consequent upon the breach of planning control previously referred to, is, 'Remove the tiles referred to in the second schedule hereto from the said dwelling.' There was, as I have said, an appeal to the Secretary of State, and we are told, although we have not been burdened with details of it, that a considerable argument and discussion went on at the public inquiry about the colour of the tiles and questions of that kind. But it is not disputed that the tiles were wrong. The Secretary of State's decision in regard to this incorrect use of tiles not in accordance with the specification is that the enforcement notice had wrongly identified the breach of planning control complained of and that in consequence of that misidentification of the breach of planning control complained of the Secretary of State had no option but to quash the enforcement notice. That is his decision, and that is a decision the validity of which we must now examine.

The first question, quite the most interesting one in the case, is whether in the circumstances which I have outlined the breach of planning control consisted of building a house which was not in accordance with the plans or building a house which had a roof not in accordance with the plans. In other words, was the breach of planning control relied upon a building of the entire house — a single operation — or as it a multitude of operations, a brick here, a brick there, the installation of a sink or a gas heater there? Which is the correct approach? It is not disputed that the planning authority in their enforcement notice have sought to point to the wrong tiles as being the breach of planning control in this instance. But it is contended by Mr Woolf that that is wrong as a matter of law, and that the breach of planning control here consisted of the building of a house which did not comply with the appropriate planning permission. For my part, and in the absence of authority, I would have had no hesitation in saying that in a case of this kind, where there is to be new development on land previously undeveloped, one ought, subject to any special provisions in the planning permission itself, to treat the operation as a single one; and I test it for myself in this way. The purpose of all town and country planning is to preserve amenities and the sensible and attractive layout of properties, and if the borough council are right in this case, and the grant of permission of this kind is really the grant of multiple permissions to install brick by brick, it would mean that an eccentric land developer could produce most extraordinary results upon his land, results which might perfectly well redound to the disadvantage of others, without in any way falling foul of this legislation. He could leave holes in the walls of his house; he could leave half the roof off; he could do all sorts of eccentric things of that kind, and when he was tackled about it by the planning authority he could say, 'But every brick is in accordance with the plans; at no point have I done anything which the plans did not authorise.' It might be said, 'What about all the vacant spaces which the plans intended to be filled?' Then the answer would be 'There is no breach of planning control there: there is nothing done there, and if you do nothing you cannot be wrong.'

I do not think that that would be a very satisfactory solution to this type of problem in the planning field, and happily I do not feel in the least bit tempted to apply it, or anything like it, because I think there is sufficient authority, if contrary authority were needed, in the case of Garland v Minister of Housing and Local Government (1968) 20 P & CR 93. That was a case of a gentleman who extended his house by adding a back addition. The general development order current at the time allowed him to extend the size of his house without planning permission as long as he did not exceed 20 per cent. He exceeded 20 per cent and went to something like 25 per cent of the permitted quantity without authority. When the local authority came to serve him with an enforcement notice to make him remove it, the question arose in a very live form as to whether the authority could make him remove the entire addition or only that part of the addition which exceeded the authorised 20 per cent. It was held in the Court of Appeal that the planning authority could properly require him to remove the whole addition. That is in my judgment quite sufficient authority for a similar conclusion in this case that any planning enforcement which the local authority contemplated against the present developers in the present instance should have begun on the basis that the breach of planning control was the building of the house not in accordance with the plans which had been approved.

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That being so, Mr Sullivan nevertheless says that it is open to a planning authority when taking enforcement proceedings to require the landowner to undo, as it were, or unravel such part of the unauthorised development as the planning authority think should be unravelled. In other words, he says that there is no obligation on a planning authority to enforce to the absolute limit. They are not bound to require the undoing of everything which has been done which is wrong, and if they think some things are an asset and need not be removed, then they can adjust their enforcement procedure accordingly. In support of that we have been referred to the rather interesting case of Iddenden and others v Secretary of State for the Environment [1972] 1 WLR 1433. The decision in the Court of Appeal comes a little further on at p 1438. That was a case in which there was a piece of land upon which some old sheds existed, and the landowners, without any planning permission, pulled down the old sheds and built new sheds. There was undoubtedly there something against which enforcement action could be taken, and the planning authority took the view that their enforcement action should require the removal of the new sheds, but they did not attempt to require the owner to rebuild the old ones which had formerly been there. It was held in this court, after reference to the requirements of an enforcement notice as set out in section 87 of the Town and Country Planning Act 1971, that it was not necessary for a planning authority necessarily to enforce in respect of every facet which theoretically could be treated as an enforcement matter. In the Court of Appeal Lord Denning MR based his conclusion on the rather special ground that there had been no development involved in the demolition of the old sheds. Of course if that was right, then there could be no question of there being an obligation to restore the old sheds, and the case, if it is decided on that point only, is not of very great importance as an authority. But Lord Denning nevertheless went on to say this at page 1439:

Mr Henry submits that the new section in 1968 is not different from the old ones in 1947 and 1962. It says that the enforcement notice shall specify 'the steps required by the authority to be taken. . . .' Those words give a discretion to the planning authority. They are the people to say what they require to be done. They need only require such steps as they think necessary. They need not do more. Indeed they must not do more.

That is cited as an authority for the proposition that in the present instance the planning authority may have deliberately chosen not to enforce to the limit, and that the reference to the tiles only instead of the house as a whole is explained in that way. The relevant provisions today on the requirements of an enforcement notice are in section 87 (6) of the Act:

An enforcement notice shall specify (a) the matters alleged to constitute a breach of planning control; (b) the steps required by the authority to be taken in order to remedy the breach, that is to say steps for the purpose of restoring the land to its condition before the development took place or (according to the particular circumstances of the breach) of securing compliance with the conditions or limitations subject to which planning permission was granted; and (c) the period for compliance with the notice, that is to say the period (beginning with the date when the notice takes effect) within which those steps are required to be taken.

I would leave for another day a more detailed consideration of the extent to which a

planning authority can appropriately under-enforce, as it were, by not going to the limit in the drafting of its enforcement notices. I think it would be a great pity if it ever became accepted as the law that there was no tolerance or latitude on this point, because commonsense tells us that there will be many cases in which it is perfectly good sense for the planning authority not to take its full pound of flesh. On the other hand, I am not inclined to think that this case is explicable or justifiable upon that basis, because there is nothing whatever in the enforcement notice to suggest that the planning authority thought they were under-enforcing or had deliberately chosen to take less than they need have taken. I think that an essential preliminary to an argument that the planning authority have deliberately under-enforced is that they correctly state a breach of planning control in the first instance. If the enforcement notice indicates correctly what the breach of planning control is, then I think one should be quick and ready to recognise and accept a case of under-enforcement where the planning authority restrict their demands. But unless they get the description of the breach of planning control right in the first instance, it seems to me that the enforcement notice is so groggy, if I may use that phrase, right from the outset that it would not be right readily to assume that the planning authority had decided to enforce to a lower standard than was strictly within their powers. Accordingly I do not feel disposed to follow Mr Sullivan's argument that this was a valid enforcement notice on the basis that the planning authority were restricting the extent of the relief which they claimed.

That only leaves one more point, and again this is a very interesting point. The Secretary of State considered whether he could not amend this notice so as to remove the feature of invalidity which it contained, and for that purpose of course he had to look at section 88 (4) of the Act, which says: 'On an appeal under this section (a) the Secretary of State may correct any informality, defect or error in the enforcement notice if he is satisfied that the informality, defect or error is not material. . . .' It is suggested that in this case the Secretary of State could have looked at this enforcement notice and said that the defect in it was not material, and if he then had thought it right to do so he might have amended the notice and in effect turned it from a notice requiring the removal of tiles into a notice requiring the demolition of the entire house. I am bound to say that coming back to look at these principles afresh under Mr Woolf's guidance I find it awfully hard to describe the error in this enforcement notice as being not material. If you get such a gross error in the description of the breach of planning control and say that that is not material, one begins to wonder what is material. However, there is of course the very well-known case of Miller-Mead v Minister of Housing and Local Government [1963] 2 QB 196, which has been the stand-by of lawyers involved in this branch of the law ever since it was decided. This is the classic passage on p 221 in the judgment of Lord Denning dealing with the meaning of the subsection which I have just read:

Finally, an enforcement notice is no longer to be defeated on technical grounds. The Minister has power under section 33 (5) to correct any informality, defect or error in the enforcement notice if he is satisfied that the informality, defect or error is not a material one. This seems to me to be wider than the 'slip rule.' I think that it gives the Minister a power to amend, which is similar to the power of the court to amend an indictment. He can correct errors so long as, having regard to the merits of the case, the correction can be made without injustice. No informality, defect or error is a material one unless it is such as to produce injustice.

Applying that to this case, I find it extremely hard to say that an amendment so fundamental as is contemplated here can take place without its being material and without giving rise to injustice. Mr Woolf has confirmed that up to now there is no authority in this court where an enforcement notice has been saved and made effective when it failed correctly to describe the breach of planning control relied upon. The most common error in the past has been where there has been confusion in the draftsman's mind between a breach of planning control involved in building without permission as compared with one involving building in breach of a condition. It is still the law, as I understand it, that if a draftsman is wrong on that point in drafting his enforcement notice, the notice is bad and cannot be saved by amendment. If that has been consistently held to be the law since Miller-Mead, I think it would be wrong in this court to adopt any different approach. It seems to me, therefore, that following authority the correct answer in this case is that the Secretary of State was entirely right in not amending the enforcement notice, the enforcement notice did contain a fundamental invalidity from the start, that none of the arguments sought to bolster it up can stand today, and that in the end the only conclusion one can properly express is that the Secretary of State was entirely right in regarding this notice as a defective notice and in quashing it. I would therefore dismiss the appeal.

KILNER BROWN J: I agree.

WATKINS J: I agree.

Mr Woolf: I would therefore ask that the appeal be dismissed with costs.

Lord Widgery: That follows, Mr Sullivan.

Mr Sullivan: I would say it follows in respect of the Secretary of State's costs.

Lord Widgery: That is all you have to meet at the moment. Mr Mitchell, what was your position? Had you got a watching brief?

Mr Mitchell: Yes, I had, my Lord.

Lord Widgery: Because surely if all you have is a watching brief you had no right to address us. He with a watching brief sits.

Mr Mitchell: I was described as a watching brief but also to make an application for costs.

Lord Widgery: I remember Lord Goddard being very short on an occasion in this court when a similar application was made to him. Why, if you are only here with a watching brief, should somebody else pay your costs?

Mr Mitchell: I am a party to the action on behalf of the second and third respondents. It calls itself a watching brief, but my instructions are also to make an application for costs.

Lord Widgery: We will see what Mr Sullivan says about it.

Mr Sullivan: The second and third respondents of course have to be served with a copy of the notice of appeal. Essentially this issue is one between the planning authority and the Secretary of State. I would quite accept that where the appellant (that is the landowner) and the Secretary of State are taking divergent paths, and the landowner might wish to take some point that the Secretary of State has not taken, then it is perfectly right that the planning authority ought to pay his costs as well. But where the landowner comes along either just to watch or just to say, 'I support the Secretary of State's submissions,' then in my respectful submission the planning authority ought not to be saddled with two lots of costs.

Lord Widgery: There is a question on quantum in this to some extent. If someone in the position of Mr Mitchell's client goes in for this in a very extravagant way with two silks, then I can quite understand the argument. Are they not entitled to be represented, without extravagance?

Mr Sullivan: If they apprehend that they might wish to take a different line, if I may put it that way, from the Secretary of State, they certainly ought, but not merely to watch and simply identify themselves with the Secretary of State's submissions. I agree, certainly, if they wish to assist the court by raising new issues or dealing with new material by all means. That is all I wish to say on the matter of costs. I apply for leave to appeal to the Court of Appeal, and your Lordship has said on more than than one occasion that the issues raised in this case are interesting matters. Although it is a unanimous judgment against me, I think I may say that the arguments ranged to and fro during the course of the hearing, and certainly there are matters in Miller-Mead and in Iddenden that it may be desirable, quite apart from my clients' point of view but from the point of view of the Secretary of State as well, to have determined finally by the Court of Appeal. It is plainly a case of wider consequence simply than the instant facts of this case. It goes to the basis of the Secretary of State's power to amend enforcement notices, and also to this vexed question raised in the Garland case of whether the whole or only a part is without permission.

Lord Widgery: Do you say anything about this, Mr Woolf?

Mr Woolf: No, my Lord.

(Their Lordships conferred)

Lord Widgery: Mr Mitchell's clients will have their costs to be taxed, and Mr Sullivan will have leave to appeal to the Court of Appeal.

Document 7

Appendix 7

PARKING STANDARDS

PARKING STANDARDS

The following standards have been prepared and published by Berkshire County Council as a part of its Design Guide *Highway Aspects of Development Control* and have been adopted for use in the plan area by Wokingham District Council. In interpreting and assessing proposals against the standards, the District Council will normally consult the Highway Authority.

INTRODUCTION

1.1 These standards indicate the maximum amount of parking space that the Highway Authority considers necessary to accommodate vehicles parked at places of residence, business, or leisure, at peak times.

1.2 The lack of provision of parking space can result in parking on the highway, which adversely affects the flow of vehicles and the safety of all road users.

1.3 Where planning applications are made for new development, extensions to existing development, and changes of use, the proposed parking facilities will be considered on their merits, using these standards for guidance.

GENERAL INFORMATION

Town Centres

2.1 Within the centres of Wokingham, Woodley, Earley and Twyford as defined on the inset maps on-site parking will be restricted to that required for operational purposes only in accordance with policy WT6.

Operational Parking

2.2 Where, as part of parking policy, employees' parking can be accommodated within public car parks, provision for visitors' cars and service vehicles only, will be required on site at a level determined in a local plan.

Parking for Pedal Cycles

2.3 Sufficient secure facilities for parking pedal cycles should be provided within any sizeable development. For industrial, commercial and shopping developments the standard is one space per 250 square metres gross floor area. The facilities should be placed in a clearly visible area with convenient, direct access to buildings for both employees and visitors.

Parking for the Mobility Handicapped

2.4 Specific guidance on the provision and location of parking for the mobility handicapped has been incorporated in the standards.

Multiple Uses

2.5 Where a site has more than one existing and/or proposed use, the requirement for each use will be assessed separately. In cases where there is little likelihood of uses being carried out concurrently, shared use of parking areas will be permitted.

Development not Specifically Included in List of Uses

2.6 Where a type of development is proposed that is not included in these standards, the parking requirement will be assessed, taking into account the information submitted with the application, characteristics of the site and locality, public transport accessibility, and relevant experience of similar developments.

2.7 **Minimum Size of Parking Spaces**

(a) Car space 4.8m x 2.4m.
(b) Garage space 5m x 2.5m (internal).
(c) Where the space is a garage drive, the distance from the face of the garage to the highway boundary shall be a minimum 6m, or a minimum 7m from the face of the garage to the carriageway edge on accessways.
(d) Lorry space 16m x 3.5m. This may be relaxed where the unit of development is unlikely to attract long vehicles.

Layout of Parking Spaces

2.8 The layout of car parking spaces will comply with the *Housing Development Note VII, Parking in New Housing Schemes parts 1 and 2* published by the Department of the Environment HMSO in 1977.

2.9 Manoeuvring space for lorries will be considered for each site individually, account being taken of operational requirements and the class of development applied for. Design geometry should have regard to the advice contained in *Designing for Deliveries* (Freight Transport Association Ltd 1978).

Review of Standards

2.10 The assessment of space required for the parking of vehicles at home and places of business and leisure are continually reviewed in the light of the findings of parking studies, and to meet changing circumstances.

DEFINITIONS

A) Gross Floor Area (gfa): The total floor area calculated from the external dimensions of all the buildings on the site.

B) Public Floor Area (pfa): The area to which the general public normally has access but excluding toilets and washrooms

Appeal against Enforcement Notice

TOWN AND COUNTRY PLANNING ACT

SECTION 78 APPEAL

APPELLANT: Mr I. Rivers

APPEAL SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield

REASON FOR APPEAL: Appeal against Enforcement Notice

LOCAL PLANNING AUTHORITY REFERENCE: 00211/e

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE: APP/X0360/C/02/1103995

1.00 LOCATION AND SITE DESCRIPTION

1.01 The site is located within the identified settlement of Swallowfield and is located within a row of houses varying in style and design. The appeal site is located on the external radius of a bend.

1.02 See appendix 1 for 1:1250 site plan.

2.00 RELEVANT PLANNING HISTORY

2.01 There have been several applications relating to the application site, which are outlined in the table below:

Application Number	Development	Decision	Decision Date
96/63695/F	Erection of detached cottage	Conditional Approval	11.06.96
F/2001/3725	Erection of detached dwelling & garage	Conditional Approval	27.07.01
F/2001/3937	Renewal of consent 96/63695/F	Conditional Approval	05.07.01
F/2001/5044	Following the approval of a detached dwelling (3725) this application was submitted to add dormer windows to the roof space in all elevations	Refused	21.02.02
F/2001/5502	Amendment to consent F/2001/3725, including addition of dormer widows and re-siting of dwelling (Retrospective)	Refused	28.02.02

2.02 On 12.09.02 retrospective application F/2002/6056 (the subject of this appeal) was refused for the following reason:

"By virtue of its siting on the external radius of a bend, together with its forward projection, the dwelling creates a visually intrusive and incongruous feature to the detriment of the character of the street scene. As such, the development is contrary to policy EN1 of the Berkshire Structure Plan, policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft) and to policies LBE1 and LBE2 of the Loddon Area Local Plan."

3.00 POLICY BACKGROUND

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

3.02 Berkshire Structure Plan

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

The relevant polices are (see appendix 2):

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

3.03 Loddon Area Local Plan

The Loddon Area Local Plan was adopted on 5th May 1995 and is the statutory local plan for the area in which the site is situated. The Planning and Transportation Committee at their meeting on 21st November 1996 resolved to "re-affirm the decisions of this Committee and the Council in relation to the current adopted local plans and to note that they will continue to carry weight as the most up to date adopted policies, except in relation to housing provision".

The relevant polices are (see appendix 3):

LBE1 – Design of New Development

LBE2 – Inappropriate Design

3.04 Draft Wokingham District Local Plan

The Draft Wokingham District Local Plan was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for development control decisions since 21st October 1997. The County Council issued a statement of general conformity with the structure plan in May 1997. The public local inquiry into the plan commenced on 6th October 1998. The

Inspector's report on the local plan inquiry (with the exception of policy WSM1), was published by the Council on 22 November 2001. However, the Council has not yet formally considered these Inspectors recommendations.

The relevant polices are (see appendix 4):
WOS3 – Development Control Principles
WBE1 – Development in its Local Context

4 THE CASE FOR THE LOCAL AUTHORITY

4.1 GROUND A

4.1.1 The Council considers that planning permission should not have been granted, due to the impact of the dwelling upon the character of the street scene and the development being contrary to planning policy:

4.1.2 Policy EN1 of the Berkshire Structure Plan says that development must be appropriate in terms of scale, form, impact, character and siting to its location.

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

4.1.4 Policy LBE1 of the Loddon Area Local Plan says that development shall be appropriate to the character of the area in which it is to be situated and make a positive contribution to its setting and the character of the area. Policy LBE2 says that if development "would adversely affect the character of the area, by virtue of its siting, scale, form, massing, materials, colour or texture will not normally be permitted."

4.1.5 The Council considers the main issue to be the impact of the dwelling upon the character of the streetscene:

4.1.6 The existing dwelling was built forward of that approved under application F/2001/3725, by some 950mm, forward of that originally approved.

4.1.7 In projecting further forward than that approved by application 3725, a significant amount of the front gable (garage and bed 2) is visible from the east as well as being noticeable from the west. This makes the dwelling more visually prominent within the streetscene and as such is contrary to the local plan polices outlined above.

4.1.8 Furthermore, the dwelling is located on the external radius of a bend. This accentuates the fact that the dwelling is located further forward than other dwellings, and coupled with the fact that the dwelling is some 950mm forward of that approved creates a visually intrusive and incongruous feature within the street scene.

4.2 GROUND F

4.2.1 The steps required by the notice are not considered to be excessive to remedy the breach. Loss of amenity has occurred as a result of the breach and the steps specified will reasonably overcome any injury to amenity.

4.3 GROUND G

4.3.1 Three months is adequate time to demolish the front 950mm of the building and remove the waste material from the site. The Council therefore considers that the compliance period is reasonable.

5.0 COMMENTS ON THE APPELLANTS STATEMENT

5.1 PPG18, paragraph 5 (3) states that in considering enforcement action, *"the decisive issue for the Local Planning Authority is whether the breach of planning control would unacceptably affect public amenity....."*

In this case, there has been a breach of planning control which is considered to be causing unacceptable harm to the character of the area. Therefore, contrary to what the appellant states in para 12 of their statement, there are planning reasons for refusal of the development, therefore it was expedient to issue the enforcement notice.

5.2 The part of the building which is visually intrusive and is causing serious harm to the street scene is the 950mm which has been constructed forward of the approved building line. If this element is removed the building will be acceptable in the streetscene.

5.3 Paras 13 and 14 If it is considered that the whole building is unauthorised and therefore the conditions placed on the permission do not apply the Local Planning Authority accept that the appellant would not have to comply with their requirements. It is considered that the potential adverse impact of the appellant implementing any permitted development rights is far less than the 950mm projecting into the streetscene. The Local Planning Authority may however consider it expedient to issue a further enforcement notice requiring the whole of the building to be removed.

5.4 Para 15 The building would technically not comply with the approved drawings however it would have deemed consent by virtue of Section 173(11) of the Town and Country Planning Act 1990.

5.5 Para 16 A Local Planning Authority can choose to under enforce and in this case it is felt that the detrimental effect on the streetscene will be overcome if the front elevation is set back 950mm rather than requiring the whole building to be removed. It was felt that this approach would be beneficial to the appellant.

5.6 It is not accepted that the appellant's position would be prejudiced if the Local Planning Authority did not require the front elevation to be removed. The appellant would be in the same position as he was when he obtained planning permission and believed that he was implementing that permission. However the front elevation is built forward of the approved

building line and the appellant would be required to comply with the requirements of the notice.

5.7 An enforcement notice may be amended where there is no injustice to the appellant. It is accepted by the appellant that the building has been constructed 950 mm forward of the approved position. The Local Planning Authority would not object to the appellant demolishing the whole building if they so desired rather than the front 950mm.

5.9 Paras 17 and 18 The internal configuration could be altered to make the space more useable. Internal walls could be moved even if this involves some structural alterations. If the study is to be enlarged then the dividing wall between the kitchen and study could be moved. Similarly the garage wall could be moved to achieve the 5 metre internal length required by the design guide in Appendix 7 of the Wokingham District Local Plan (Deposit Draft). If the appellant did not wish to do this there are already 2 parking spaces indicated on the front drive which satisfies the Highway Authority's car parking standards. The dimensions for bedrooms 2 and 3 would be reduced, however they are useable. If the appellant wishes to increase the size of bedroom 3 then the partition wall between this and the bathroom could be moved. The whole house would not need to be demolished to achieve the internal alterations. Structural steelwork could be employed to support any load bearing walls that the appellant feels it necessary to move.

5.9 Para 19 The Council feels that the breach is unacceptable. The costs of remedying the breach are proportionate to the breach and the owner was informed in December 2001 that any unauthorised works were undertaken at his own risk and expense.

5.10 Para 20 Decisions are made with due regard to the Human Rights Act 1998. The Local Planning Authority takes into account private rights and public interest in determining both planning applications and the expediency of taking formal enforcement action. In this case there has been a balancing exercise between the private rights of the applicant and the public interest in the form of development plan policies together with all other material considerations.

5.11 Para 21 The part of the building which is visually intrusive and is causing serious harm to the street scene is the 950mm which has been constructed forward of the approved building line. If this element is removed the building will be acceptable in the streetscene. The requirement is therefore reasonable and proportionate.

5.12 Para 22 The Council have no objection to the enforcement notice being amended to require the front elevation to be constructed 950 mm behind its existing position.

6.0 CONCLUSION

6.1 It is considered that the dwelling as built creates a more visually intrusive and incongruous feature within the streetscene (compared to that originally approval), to the detriment of its character.

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

APPENDICES

1. 1:1250 Site Plan
2. Berkshire Structure Plan Extracts
3. Loddon Area Local Plan Extracts
4. Wokingham District Local Plan (Deposit Draft) Extracts
5. Extracts from Part 2 of the Local Plan Inspectors Report

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4. Wokingham District Local Plan (Deposit Draft) Extracts
5. Extracts from Part 2 of the Local Plan Inspectors Report

APPENDIX 1

APPENDIX 2

BERKSHIRE STRUCTURE PLAN 1991-2006

Adopted by Berkshire County Council 4 November 1995

December 1995
Price: £15.00

ISBN 1 85163 059 7

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.

APPENDIX 3

LODDON AREA LOCAL PLAN

Adopted 5 May 1995

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR
Telephone: (01734) 778798
Fax: (01734) 778735

1.4 QUALITY AND CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT, REDEVELOPMENT AND REFURBISHMENT

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

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

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

❖ *LBE1 DESIGN OF NEW DEVELOPMENT*

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

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

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

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

❖ LBE2 INAPPROPRIATE DESIGN

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY VIRTUE OF ITS 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 also 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, district and local shopping centres in particular, where large scale redevelopment has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.

❖ LBE3 REFURBISHMENT AND REDEVELOPMENT

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

❖ LBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

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

SUNLIGHT, DAYLIGHT AND NOISE

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

❖ LBE5 SUNLIGHT AND DAYLIGHT

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

APPENDIX 4



WOKINGHAM DISTRICT LOCAL PLAN
DEPOSIT DRAFT

WITH PROPOSED AMENDMENTS HIGHLIGHTED

INCLUDING:

Proposals Maps x 2;
Appendices;

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

reprint 1200
£30.00

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.

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

POLICY FRAMEWORK

National Policy

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

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

Strategic Policy

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

Supplementary Planning Guidance

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

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

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

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

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

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

WDLP: Consolidated Document Highlighting Proposed Amendments: February 2000

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

e) THE LOCAL TOWNSCAPE

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

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

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

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

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

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

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

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

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

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

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

Cont.

APPENDIX 5



WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

CHAPTERS OTHER THAN HOUSING

Mr D Hollis
October 2001

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

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

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

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

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

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

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

NEW PARAGRAPH 1.12A

(Proposed Amendment 1/5)

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

POLICY WOS3

(Proposed Amendment 1/6)

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

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

PARAGRAPH 1.13

REPRESENTATIONS

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

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

POLICY WOS4

REPRESENTATIONS

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

OBJECTION ISSUES

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

RECOMMENDATION

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

PARAGRAPH 4.4

REPRESENTATIONS

1775 Hicks Persimmon Limited (O)

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

4.8 That no changes are made to paragraph 4.4.

POLICY WBE1

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

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

RECOMMENDATION

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

4.13 That Policy WBE1 is deleted and replaced as follows:

'Policy WBE1: Design and new development

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

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

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

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

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

POLICY WBE2

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

4.16 That Policy WBE2 is deleted.

POLICY WBE3

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

4.19 That Policy WBE3 is deleted.

POLICY WBE4

(Proposed Amendments 4/1, 4/2)

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

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

Refusal of Planning Permission

TOWN AND COUNTRY PLANNING ACT

SECTION 78 APPEAL

APPELLANT: Mr I. Rivers

APPEAL SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield

REASON FOR APPEAL: Refusal of application F/2002/6056

LOCAL PLANNING AUTHORITY REFERENCE: F/2002/6056

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE: APP/X0360/A/02/1100256

1.00 LOCATION AND SITE DESCRIPTION

1.01 The site is located within the identified settlement of Swallowfield and is located within a row of houses varying in style and design. The appeal site is located on the external radius of a bend.

1.02 See appendix 1 for 1:1250 site plan.

2.00 RELEVANT PLANNING HISTORY

2.01 There have been several applications relating to the application site, which are outlined in the table below:

Application Number	Development	Decision	Decision Date
96/63695/F	Erection of detached cottage	Conditional Approval	11.06.96
F/2001/3725	Erection of detached dwelling & garage	Conditional Approval	27.07.01
F/2001/3937	Renewal of consent 96/63695/F	Conditional Approval	05.07.01
F/2001/5044	Following the approval of a detached dwelling (3725) this application was submitted to add dormer windows to the roof space in all elevations	Refused	21.02.02
F/2001/5502	Amendment to consent F/2001/3725, including addition of dormer widows and re-siting of dwelling (Retrospective)	Refused	28.02.02

2.02 On 12.09.02 retrospective application F/2002/6056 (the subject of this appeal) was refused for the following reason:

"By virtue of its siting on the external radius of a bend, together with its forward projection, the dwelling creates a visually intrusive and incongruous feature to the detriment of the character of the street scene. As such, the development is contrary to policy EN1 of the Berkshire Structure Plan, policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft) and to policies LBE1 and LBE2 of the Loddon Area Local Plan."

3.00 POLICY BACKGROUND

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

3.02 Berkshire Structure Plan

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

The relevant polices are (see appendix 2):

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

3.03 Loddon Area Local Plan

The Loddon Area Local Plan was adopted on 5th May 1995 and is the statutory local plan for the area in which the site is situated. The Planning and Transportation Committee at their meeting on 21st November 1996 resolved to "re-affirm the decisions of this Committee and the Council in relation to the current adopted local plans and to note that they will continue to carry weight as the most up to date adopted policies, except in relation to housing provision".

The relevant polices are (see appendix 3):

LBE1 – Design of New Development

LBE2 – Inappropriate Design

3.04 Draft Wokingham District Local Plan

The Draft Wokingham District Local Plan was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for development control decisions since 21st October 1997. The County Council issued a statement of general conformity with the structure plan in May 1997. The public local inquiry into the plan commenced on 6th October 1998. The

Inspector's report on the local plan inquiry (with the exception of policy WSM1), was published by the Council on 22 November 2001. However, the Council has not yet formally considered these Inspectors recommendations.

The relevant polices are (see appendix 4):
WOS3 – Development Control Principles
WBE1 – Development in its Local Context

4.00 THE CASE FOR THE LOCAL AUTHORITY

4.01 Policy EN1 of the Berkshire Structure Plan says that development must be appropriate in terms of scale, form, impact, character and siting to its location.

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

4.03 Policy LBE1 of the Loddon Area Local Plan says that development shall be appropriate to the character of the area in which it is to be situated and make a positive contribution to its setting and the character of the area. Policy LBE2 says that if development "would adversely affect the character of the area, by virtue of its siting, scale, form, massing, materials, colour or texture will not normally be permitted."

4.04 The Council considers the main issue to be the impact of the dwelling upon the character of the streetscene:

4.05 The existing dwelling was built forward of that approved under application F/2001/3725. A theodolite survey was undertaken by the applicants to show the dwelling in its accurate (existing) position in relation to the two neighbouring properties. This identified the existing dwelling is located some 900mm forward of that originally approved.

4.06 In projecting further forward than that approved by application 3725, a significant amount of the front gable (garage and bed 2) is visible from the east as well as being noticeable from the west. This makes the dwelling more visually prominent within the streetscene and as such is contrary to the local plan polices outlined above.

4.07 Furthermore, the dwelling is located on the external radius of a bend. This accentuates the fact that the dwelling is located further forward than other dwellings, and coupled with the fact that the dwelling is some 900mm forward of that approved creates a visually intrusive and incongruous feature within the street scene.

5.00 CONCLUSION

5.01 It is therefore considered that the dwelling as built creates a more visually intrusive and incongruous feature within the streetscene (compared to that originally approval), to the detriment of its character.

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

6.00 CONDITIONS IN THE EVENT PLANNING PERMISSION IS GRANTED

1. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.

   In the interests of visual amenity.

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

   In the interests of visual amenity.

3. The vehicle parking and turning space as shown on plan 2324/01/B shall be permanently maintained and shall be used for no other use

   In the interests of highway safety and convenience.

4. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.

   To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.

Natalie Brown

APPENDICES

1. 1:1250 Site Plan
2. Berkshire Structure Plan Extracts
3. Loddon Area Local Plan Extracts
4. Wokingham District Local Plan (Deposit Draft) Extracts
5. Extracts from Part 2 of the Local Plan Inspectors Report

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APPENDIX 1

APPENDIX 2

BERKSHIRE STRUCTURE PLAN 1991 - 2006

Adopted by Berkshire County Council 4 November 1995

December 1995
Price: £15.00

ISBN 1 85163 059 7

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.

APPENDIX 3

LODDON AREA LOCAL PLAN

Adopted 5 May 1995



Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR
Telephone: (01734) 778798
Fax: (01734) 778735

1.4 QUALITY AND CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT, REDEVELOPMENT AND REFURBISHMENT

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

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

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

❖ *LBE1 DESIGN OF NEW DEVELOPMENT*

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

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

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

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

❖ LBE2 INAPPROPRIATE DESIGN

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY VIRTUE OF ITS 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 also 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, district and local shopping centres in particular, where large scale redevelopment has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.

❖ LBE3 REFURBISHMENT AND REDEVELOPMENT

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

❖ LBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

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

SUNLIGHT, DAYLIGHT AND NOISE

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

❖ LBE5 SUNLIGHT AND DAYLIGHT

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

APPENDIX 4



WOKINGHAM DISTRICT LOCAL PLAN
DEPOSIT DRAFT

WITH PROPOSED AMENDMENTS HIGHLIGHTED

INCLUDING:

Proposals Maps x 2;
Appendices;

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

reprint 1200
£30.00

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

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

A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WHICH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHOUT DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

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

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

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

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

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

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

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

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

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

Cont.

POLICY FRAMEWORK

National Policy

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

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

Strategic Policy

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

Supplementary Planning Guidance

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

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

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

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

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

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

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

e) THE LOCAL TOWNSCAPE

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

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

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

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

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

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

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

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

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

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

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

Cont.

APPENDIX 5

WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

CHAPTERS OTHER THAN HOUSING

Mr D Hollis
October 2001

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

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

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

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

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

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

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

NEW PARAGRAPH 1.12A

(Proposed Amendment 1/5)

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

POLICY WOS3

(Proposed Amendment 1/6)

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

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

PARAGRAPH 1.13

REPRESENTATIONS

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

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

POLICY WOS4

REPRESENTATIONS

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

OBJECTION ISSUES

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

RECOMMENDATION

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

PARAGRAPH 4.4

REPRESENTATIONS

1775 Hicks Persimmon Limited (O)

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

4.8 That no changes are made to paragraph 4.4.

POLICY WBE1

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

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

RECOMMENDATION

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

4.13 That Policy WBE1 is deleted and replaced as follows:

"Policy WBE1: Design and new development

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

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

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

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

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

POLICY WBE2

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

4.16 That Policy WBE2 is deleted.

POLICY WBE3

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

4.19 That Policy WBE3 is deleted.

POLICY WBE4

(Proposed Amendments 4/1, 4/2)

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

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

Tel. (0118) 974 6448 (Direct Line)
Date: May 2, 2003
My ref: 00211/e
Your ref: APP/X0360/C/02/1103995

Mr R Marsden
The Planning Inspectorate
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BRISTOL
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Environmental Services Department
Planning Services
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Berkshire RG40 1WR
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DX: 33506 – Wokingham

Dear Mr Marsden

APPEALS BY: Mr I Rivers
SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield

With reference to this appeal, I enclose 2 copies of further letters sent to neighbours & interested parties as per the attached list.

You will see I have given a time limit of 21 days as it is less than eight weeks to the Hearing.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr I Rivers
SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield
APPLICATION NO.: 6056
PROPOSAL: Proposed erection of detached dwelling. Amendment of consent 3725 (Retrospective)

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Swallowfield

Mrs D Beatty

Clerk(s) of Parish / Town Council of Swallowfield

Mrs C Adams, Penton Cottage, The Street, Swallowfield, Reading, RG7 1QX

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

Environmental Design, WDC

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: 08 October 2002
My ref: **F/2002/6056**

WOKINGHAM UNITARY
Aiming for Excellence

The Owner/Occupier
29
Foxborough
Swallowfield
Berkshire
RG7 1RW

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/2002/6056
APPEAL BY: Mr I Rivers
SITE: Land Adjoining 4 Wyvols Cottages The Street Swallowfield Reading
PROPOSAL: Proposed erection of detached dwelling. Amendment of consent F/2001/3725. (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/02/1100256**. Comments received after **13/11/2002** 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

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr I Rivers
SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield
APPLICATION NO.: 6056
PROPOSAL: Proposed erection of detached dwelling. Amendment of consent 3725 (Retrospective)

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Swallowfield

Mrs D Beatty

Clerk(s) of Parish / Town Council of Swallowfield

Mrs C Adams, Penton Cottage, The Street, Swallowfield, Reading, RG7 1QX

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

Environmental Design, WDC

The Owner / Occupiers of the following addresses in The Street Swallowfield:

Beaver Cottage; Bowyers Farm House; Brierley House; Broadfields House; Coppins; Maypool; Bowyer Farm Cottage; Alltdearg; 4 Wyvols Cottages; St Leonards; Windyridge ; Delphi Swallowfield St.

The Owner / Occupier, Farley Hill Place Gardens, Swallowfield

The Owner / Occupier, 29 Foxborough, Swallowfield

and

Mr K Hussey & Petitioners, Swallowfield Local History Society, Kimberley, Swallowfield

Mr & Mrs Payne, Wessex House, Basingstoke Rd, Swallowfield

Mrs G M Burnett, Langstone, Riseley

PTO

MR RIVERS 2. Hoddan Ct Farm Cottages Hankshare Spencers Wood.

The owner/occupiers :-

The Mead House, Church Rd, Swallowfield

Village Farmhouse The Street "

Nutbeam Farm, Nutbeam Lane "

Gate Cottage, Church Rd, Farley Hill

Honeywood, Springhaven, Swallowfield

Tel. 0118 974 6448 (Direct Line)
Date. 4 December, 2002
My ref. 00211/e
Your ref.

COPY

WOKINGHAM UNITARY
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COUNCILLOR BEATTY

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) 977 8909
DX: 33506 – Wokingham

Dear Councillor

TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF INFORMAL HEARING
APPEAL BY: **MR RIVERS**
SITE: **Beaver Cottage, The Street, Swallowfield**

I am writing to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the regions, will attend at the Civic Offices, Shute End Wokingham, on a date to be advised, to hold an Informal Hearing in relation to the decision of the Council to issue an Enforcement Notice relating to:

The Breach of Planning Control alleged: Without planning permission, the erection of a section of a dwelling house shown hatched in black on the attached plan.

Reasons for issuing the notice: It appears to the Council that the above breach of planning control has occurred within the last four years. The said section of the dwelling house by reason of its size & position close to the boundary with the road creates a virtually intrusive & incongruous feature with the streetscene , to the serious detriment of its character. As a result, it does not comply with Policy EN1 of the Berkshire Structure Plan, Policies LBE1, LBE2 & LTV6 of the Loddon Area Local Plan & Policies WOS3, WBE2 & WH1 of the Wokingham Area Local Plan Deposit Draft.

It is contrary to development plan policies & harmful to the visual amenities of the area. The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

Grounds on which the appellant is appealing against the notice: Grounds A, F & G.

Any representations must be sent to Mr R Marsden, The Planning Inspectorate, Room 3/06b, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN quoting reference APP/X0360/C/02/1103995, no later than 30th ~~November~~ DECEMBER 2002.

The Enforcement notice and statement of reasons for serving the notice, together with the appellant's grounds of appeal are attached.

Yours faithfully

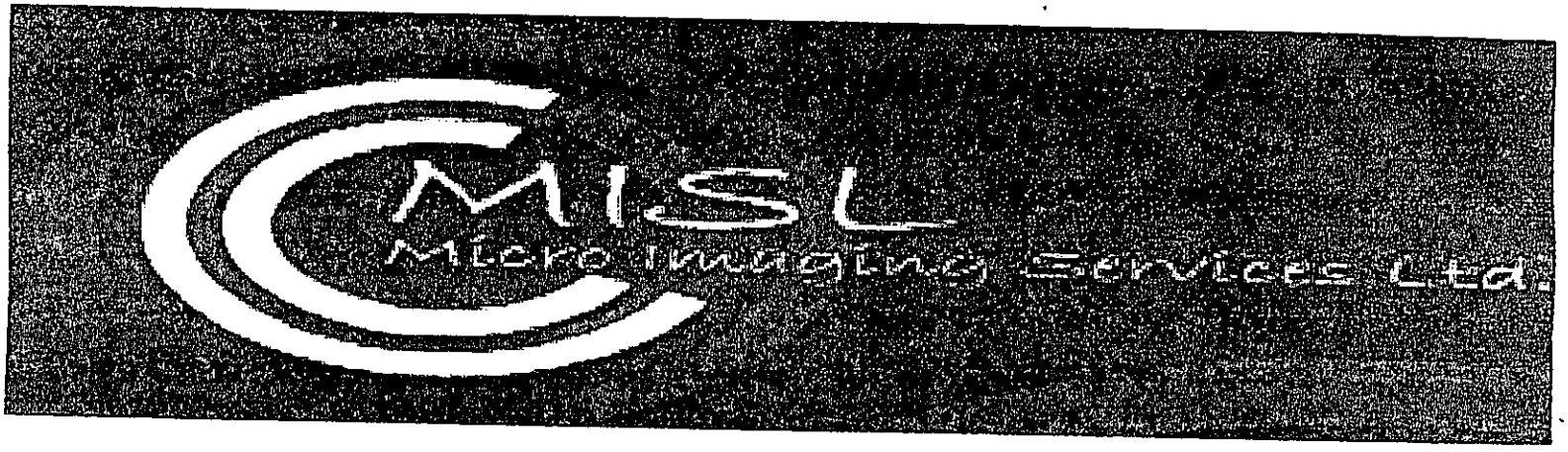
Denise Gumbrell

Appeals Assistant

Enc

WOKINGHAM UNITARY
Aiming for Excellence

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

The Planning Inspectorate

For offical use only
Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP /X0360/A/02/1100256 **GRID REF:** _____

APPEAL BY: MR I Rivers

SITE: land adjoining 4 Wyrds Cottages, The Street Swallowfield

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;	1	
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?	13/11/02
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	12
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 09/10/02 our ref: F/2002/6056

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

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The Planning Inspectorate

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Date received

QUESTIONNAIRE

ENFORCEMENT AND LISTED BUILDING/CONSERVATION AREA ENFORCEMENT

APPEAL REF: APP/X0360/C/02/1103995 **GRID REF:** _____

APPEAL BY: MR I. RIVERS

SITE: BEAVER COTTAGE, THE STREET, SWALLOWFIELD.

You must ensure that a copy of the completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks of the 'starting date' given in our letter. 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
If NO,		
Do you wish to be heard by an Inspector at:	(a) a local inquiry? or	☐ YES ☐ NO
	(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.)		

(b) From your knowledge of the issues, would our Inspector need to enter the site for any reason, e.g. to view/measure any dimensions from within it?

☑ YES ☐ NO

(c) Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself?

☐ YES ☑ NO

If YES please state where.

3. Please provide the name and telephone number of the officer we can contact to make arrangements for the visit, hearing or inquiry.

DEN GUMBRELL

Name

0118 9746448

telephone number

4. Does the enforcement notice relate to a listed building/conservation area?

☐ YES ☑ NO

If NO go on to question 10.

Questions 5-9 relate to Listed Building/Conservation Area only

5. Please enclose a copy of the Listing of the building or premises specified in the enforcement notice to which this appeal relates.

Please tick ☐

Listing enclosed

6. Has payment been made of a grant for this building under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?

☐ YES ☐ NO

If YES please give details

7. Has any listed building consent been granted previously in respect of the development?

☐ YES ☐ NO

If YES please submit a copy of that consent and any documents necessary for its interpretation, eg plans accompanying the application or any other relevant correspondence about the application.

Number of documents enclosed _____

8. Is the appeal site in a Conservation Area?

☐ YES ☐ NO

If YES please give the name of the Area and provide a plan and indicate when the Conservation Area was designated.

9. Are there any related appeals currently before the Secretary of State, eg under s78 or s174 of the Town & Country Planning Act 1990, or s23 of the Listed Building Act 1990.

☐ YES ☐ NO

Ref No _____

Ref No _____

Ref No _____

The Listed Building/Conservation Area section is now finished
Please go on to question 27.

10. (a) If the notice relates to building, engineering or mining operations, please state the area of the **site** shown in the notice plan, in hectares.

(a) 0.027 (hectares)

(b) Please state the area of the **alleged breach,** if different from the above, in hectares.

(b) _____ (hectares)

(c) Please state, if applicable, the amount of **gross floor space** created by the alleged breach, in square metres.

(c) _____ (sq. metres)

11. Does the enforcement notice relate to a change of use of land to a use for:-

(a) the disposal of refuse or waste materials?

☐ YES ☑ NO

Please turn over

(b) the deposit of materials remaining after mineral extraction?	☐ YES ☑ NO
(c) the storage of minerals in the open?	☐ YES ☑ NO
If answering YES to any of these questions please state **site area** and, if different, **area of the alleged breach.**	_____ (hectares)
12. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))?	☐ YES ☑ NO
13. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwelling house, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989?	☑ YES ☐ NO
14. Has any planning permission been granted previously in respect of the development?	☑ YES ☐ NO
If YES, please submit a copy of the permission and any documents necessary for its interpretation eg the plans accompanying the application, or any other relevant correspondence about the application.	Number of documents enclosed 2
15. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?	☑ YES ☐ NO
If YES, please provide	
(a) the date of the relevant application	05/03/02 (date of application)
(b) the date of the Council's decision (if any)	12/09/02 (date of decision)
(c) a copy of the decision	Please tick ☑ copy enclosed
(d) the reference number	Ref No F/2002/6056

16. Has a planning contravention notice been served? If YES, please provide a copy of the PCN and the reply.	☑ YES ☐ NO
17. Please state whether:-	
(a) the appeal site is within 67 METRES OF A TRUNK ROAD? If YES, please state which one.	☐ YES ☑ NO
(b) the appeal site is CROWN LAND (as defined in s293 of the Act)? If YES, please provide a copy of the consent form.	☐ YES ☑ NO
(c) the appeal site is situated within a CONSERVATION AREA (as defined in s336(1) of the Act? If YES, please provide a plan of the Conservation Area.	☐ YES ☑ NO
(d) a STOP NOTICE has been served in addition to the enforcement notice? If YES, please provide a copy.	☐ YES ☑ NO
(e) the appeal site is in or adjacent to or likely to affect a SSSI? If YES, please attach English Nature's comments.	☐ YES ☑ NO
(f) any protected species are likely to be affected by the alleged development? If YES, please attach details.	☐ YES ☑ NO
(g) Is the appeal site in a Green Belt or AONB? If YES, please state which (name).	☐ YES ☑ NO
(h) Is the appeal site within 400m of an area of underground or surface mineral interest? If YES, please provide a plan showing the location of the interest and appeal site.	☐ YES ☑ NO

Please turn over

(i) Is the appeal site within 250m of a waste landfill site? If YES, please provide a plan showing the location of the interest and appeal site.	☐ YES ☑ NO
(j) Does the development affect the setting of a listed building or ancient monument?	☐ YES ☑ NO
(k) Has importation of waste materials been involved in the development?	☐ YES ☑ NO
18. Please provide a plan of any public rights of way affected by the site.	Please tick ☐ Plan enclosed
19. Please state DOE reference numbers for any related cases (eg appeals under s78 or orders under s102 of the Town and Country Planning Act 1990) currently before the Secretary of State	Ref No APP/X0360/A/02/ Ref No 1100256
20. Is the appeal site subject to an ARTICLE 4 Direction? If YES, please attach relevant Article 4 Direction. What permitted development rights are affected by the Direction?	☐ YES ☑ NO _____ _____ (rights affected)
21. Have any development rights been restricted by means of a planning condition? If YES, please attach relevant permission.	☑ YES ☐ NO See decision notice for F/2001/3725
22. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948? If YES, please state which schedule and section.	☐ YES ☑ NO _____

23. (a) Is the alleged development within Schedule 1 or Column 1 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999?

☐ YES ☑ NO

(b) Is the alleged development within a 'sensitive area' as defined by Regulation 2?

☐ YES ☑ NO

(c) Has a screening opinion been adopted and made available for public inspection? in accordance with Regulations 25(2) and 20(2)?

If YES, please send a copy to the Inspectorate.

☐ YES ☑ NO

24. Will any consultations be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid?

If YES, please state the name(s) and address(es) of any consultees.

☐ YES ☑ NO

25. What is the Development Plan for the appeal site?

WOKINGHAM DISTRICT LOCAL PLAN
BERKSHIRE STRUCTURE PLAN
LONDON AREA LOCAL PLAN

WOS3, WBE1 & WH1
ENI
LBE1, LBE2 & LT6

Please provide:

(a) the date of adoption BSP - 4/11/95
LALP - 5/5/95

Please turn over

(b) an extract from the Proposals Map (with key) Please tick ☐ Map enclosed

(c) in cases of emerging plans, please state what stage the plans have reached
WOKINGHAM DISTRICT LOCAL PLAN - DEPOSIT DRAFT
INSPECTOR'S RECOMMENDATIONS BEING CONSIDERED

(d) copies of any Supplementary Planning Guidance (SPG) which you wish to rely on, together with an explanation of the status of such SPG

Number of SPG's enclosed _____

26. Please confirm the Account Number or Department to which the Council's portion of the appellant's fee (if one is payable) should be addressed, so that we may advise the appellant accordingly.

27. Council's reference 00211/E

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

Signature _____ on behalf of WOKINGHAM UNITARY ~~Council~~ AUTHORITY.

Date of despatch 27/11/02

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire

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Tel. (0118) 974 6448 (Direct Line)
Date. December 30, 2002
My ref: 00211/e
Your ref:

F/2002/6056/A

WOKINGHAM UNITARY
Aiming for Excellence

Ms J Busby
Christopher Strang Associates
36 Donnington Square
Newbury
RG14 1PP

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 Ms Busby

APPEAL BY: **Mr I Rivers**
SITE: **Beaver Cottage, The Street, Swallowfield**

I have been passed your letter received December 24, 2002 which was addressed to Natalie Brown.

The Informal Hearing is planned for Thursday June 19, 2003. Representations should be sent to the Case Officer, Richard Marsden, at 3/06b, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN to arrive no later than 14 days before the date of the Hearing. You should quote the Planning Inspectorate references.

Yours faithfully

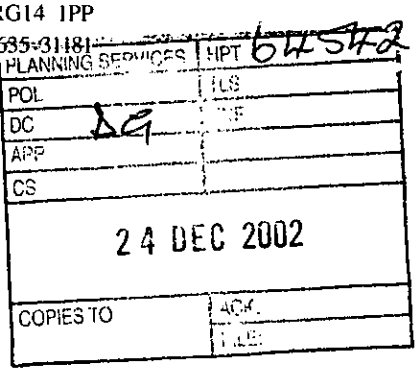
Denise Gumbrell

Appeals Assistant

Christopher Strang Associates

TOWN & COUNTRY PLANNING CONSULTANTS

36 Donnington Square, Newbury, Berkshire RG14 1PP
Telephone: Newbury (01635) 580092 Fax: 01635-31181
Email: crwstrang@aol.com



23 December 2002

Ms Natalie Brown
Planning Officer
Wokingham District Council
Shoot End
Wokingham
RG40 1BN

Dear Miss Brown

Town & Country Planning at 1990
The Appeal by Mr R Rivers
Site at land adjacent to 4 Wyvols Cottage The Street Swallowfield
APP/X0360/A/02/1100256

I refer to the above appeal and to my letter dated 3 December 2002. As you know we are instructed by Swallowfield Parish Council, to submit their observation and representations in connection with the above appeal.

We have been advised by the Planning Inspectorate, that the above appeal has now been linked to an enforcement appeal, Ref. No. APP/X360/C/02/1103995 and that it will now follow the enforcement procedure. We understand that these appeals will be heard at an informal hearing next year.

The Parish Council have asked us to assist them with the enforcement appeal, and I would be grateful if you could let me know the timetable for the submission of documents, as I wish to ensure that the Parish Council are given a full opportunity to submit their comments.

I look forward to hearing from you shortly.

Yours sincerely

P. Busby

JANET BUSBY

Cc Mr Max Bowker

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

63978

PLA WIC DC
P:
I DG SI

05 DEC 2002

ENFORCEMENT

MOH

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

Your Ref: F/2002/6056

Our Ref: APP/X0360/A/02/1100256

Date: 4 December 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR I RIVERS
SITE AT BEAVER COTTAGE, THE STREET, SWALLOWFIELD

We have decided to link the planning appeal to an enforcement appeal on the same site. They will now follow the enforcement appeals procedure and timetable for the exchange of documents.

We will contact you about the arrangements for the joint appeals.

Please send any letters or statements about these appeals to Mr R Marsden, Room 3/06b, Kite Wing Tel no 0117 372 8430 at the above address. He is now the case officer for your appeals.

Yours faithfully

Mrs M Pocock

ENF2

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

63995
DC
05 DEC 2002

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

Your Ref: F/2002/6056

Our Ref: APP/X0360/A/02/1100256

Date: 4 December 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR I RIVERS
SITE AT BEAVER COTTAGE, THE STREET, SWALLOWFIELD

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

Yours faithfully

Mrs M Pocock

217L(BPR)

The Planning Inspectorate

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

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

63980

89

06 DEC 2002

ACK FILE

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

Your Ref: 00211/e

Our Ref: APP/X0360/C/02/1103995

Date: 4 December 2002

CR2

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR I RIVERS
SITE AT BEAVER COTTAGE, THE STREET, SWALLOWFIELD

I am writing to tell you that we propose to hold a hearing into this appeal at 10:00 on Wednesday 23 April 2003 at a venue to be arranged.

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

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

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

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

Yours faithfully

Miss Kate Hallett

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

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 63571
BOL TLS
DC DG ENF
APP
CS
25 NOV 2002
COPIES TO FILE

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

Your Ref: F/2002/6056

Our Ref: APP/X0360/A/02/1100256

Date: 22 November 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR I RIVERS
SITE AT BEAVER COTTAGE, THE STREET, SWALLOWFIELD

I am writing to let you know that Mr R Bradbeer, who is acting as agent for the appellant on the above appeal, from time to time works as a fee paid Planning Inspector for the Inspectorate.

If you have any queries regarding this please send your comments to me within 7 days of the date of this letter.

Yours faithfully

Mrs M Pocock

211B(BPR)

The Planning Inspectorate

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

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

Christopher Strang Associates
36 Donnington Square
Newbury
Berkshire
RG14 1PP

Your Ref:

Our Ref: APP/X0360/A/02/1100256

Date: 15 November 2002

Dear Sir

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR I RIVERS
SITE AT BEAVER COTTAGE, THE STREET, SWALLOWFIELD

Thank you for your letter on behalf of Swallowfield Parish Council asking to attend the site visit.

The Inspector will be accompanied at the site visit by the local planning authority and the appellant or their representative. You may also attend and we will send you details of the visit as soon as they are made. Access to the appeal site itself, however, will be possible only with the agreement of the owner.

The purpose of the site visit is to allow our inspector to see the site before deciding the appeal. The inspector can be asked to note particular physical features of the site, or of the proposed development itself, but will not be able to discuss the merits of the case with anyone during the visit.

The local planning authority will hold a mirror copy of the Inspectorate file, which is a public document, may I suggest you contact them to make an appointment to view their file. You have requested Swallowfield Parish Council be given the opportunity to comment on the appellant's statement should there be one. I have to inform you there is no provision in the Regulation for comment by interested parties after the six week deadline on any representation by the main parties. The legislation on which this is based, available in the reference library or The Stationary Office, is:

(1) DETR Circular 05/2000 "Planning Appeals : Procedures
(2) The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations-SI2000 No. 1628.

I am sending copies of your letter and this reply to the appellant and the local planning authority.

Yours faithfully

Mrs M Pocock
106

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 HQ 63304
TLS
ENF
18 NOV 2002
CORRESPD
PLE

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

Your Ref: F/2002/6056

Our Ref: APP/X0360/A/02/1100256

Date: 15 November 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR I RIVERS
SITE AT BEAVER COTTAGE, THE STREET, SWALLOWFIELD

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

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter. 04/12/02

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)

Robin Bradbeer Limited
Planning & Development Consultancy

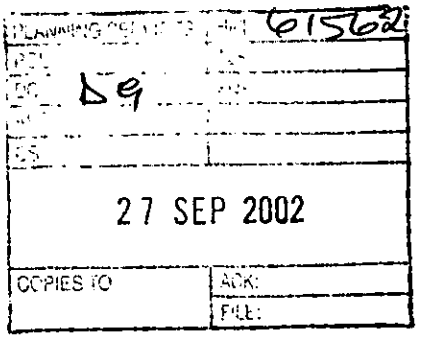
Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Telephone
01453 889102

Fax
01453 889103

E-Mail
planning@bradbeer.co.uk

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



Our ref. RWB/417
26 September 2002

Dear Sirs

APPEAL BY MR I RIVERS
SITE : BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE RG7 1RH

I attach a copy of the appeal, grounds of appeal and list of documents which has been submitted toThe Planning Inspectorate.

Yours faithfully

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

414bc.wdc.1.

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78
APPELLANT : MR I RIVERS
SITE : BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE RG7 1RH
PROPOSAL : ERECTION OF DETACHED DWELLING VARIATION TO F/2001/3725 (RETROSPECTIVE)

ESSENTIAL SUPPORTING DOCUMENTS SUBMITTED WITH THE APPEAL FORM

---

1. Planning application form dated 05/03/02.

2. Ownership certificate dated 05/03/02.

3. LPA decision notice F/2002/6056 dated 12/09/02.

4. Location plan 1:50,000 scale.

5. The following drawings sent to the LPA as part of the application.

   A. Drawings submitted 05/03/02:

   - OS location plan 1:1250 scale
   - OS site plan 1:500
   - 2324/01/A proposed scheme
   - 2324/02 proposed site plan

   B. Revised additional drawings submitted 25/04/02

   - 0219-01 "as built" site layout
   - 2324/01/B proposed scheme
   - 2324/200 revised site layout
   - 2324/02A revised site plan

NOTE: The set of drawings submitted on 25/04/02 supersede drawings 2324/01/A and 2324/02.

6. The following correspondence with the LPA including enclosures where applicable.

- Letter to LPA 05/03/02 together with drawing 2324/SK100, proposed landscaping specification and letter from WM Graham Associates with attachments.
- Letter to LPA 25/03/02
- Letter to LPA 29/03/02
- Letter from LPA 11/04/02
- Letter to LPA 18/04/02
- Fax transmission to LPA 22/04/02
- Letter to LPA 23/04/02
- Letter to LPA 25/04/02 with note from WM Graham Associates and photographs
- Letter from LPA 02/05/02 with internal memo
- Letter to LPA 08/05/02
- Letter from LPA 20/05/02
- Letter to LPA 06/06/02
- Letter to LPA 11/07/02
- Letter from LPA 25/07/02

Robin Bradbeer Limited
Planning & Development Consultancy
Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire GL6 7LS
Tel: 01453 889102
Fax: 01453 889103
email : planning@bradbeer.co.uk

Our Ref. : RWB/414
26 September 2002

Tel. (0118) 974 6448 (Direct Line)
Date: April 29, 2003
My refs: F/2002/6056 & 00211/e
Your refs: APP/X0360/A/02/1100256 & APP/X0360/C/02/1103995

Mr R Marsden
The Planning Inspectorate
Room 3/06b 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 Mr Marsden

APPEALS BY: Mr Rivers
SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield

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

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. April 29, 2003
My refs: F/2002/6056 & 00211/e
Your ref:

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

The Owner / Occupier
Honeywood
Spring Lane
Swallowfield
Reading

Dear Sir / Madam

NOTICE OF INFORMAL HEARING

APPEALS BY: Mr I Rivers
SITE: Land Adjoining 4 Wyvols Cottages The Street Swallowfield Reading

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into these Appeals at the Civic Offices, Shute End, Wokingham commencing at 10.00 on **19/06/2003**

If you wish, you may attend the Hearing and, at the Inspector's discretion, take part in the discussion.

Documents relating to the appeals may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (8:30 –17:00 Mondays to Thursdays & 8:30 – 16:00 on Fridays).

Anyone with a disability who wishes to attend the Hearing is advised to contact the Council to check that suitable provisions are available.

If you wish to be notified of the decisions, you should write to Mr R Marsden, The Planning Inspectorate, Room 3/06b Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference numbers **APP/X0360/A/02/1100256 and APP/X0360/C/02/1103995.**

Yours faithfully

Denise Gumbrell

Appeals Assistant

Tel. (0118) 974 6448 (Direct Line)
Date: November 6, 2002
My ref: F/2002/6056
Your ref: APP/X0360/A/02/1100256

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 I Rivers
SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield

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

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

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 I RIVERS

Address C/O AGENT

Daytime phone no

Fax no

Postcode

E-mail address

B. AGENT DETAILS FOR THE APPEAL (if any)

Name ROBIN BRADBEER LIMITED

Address STEEPWAYS FARM
NETHER LYPIATT
STROUD GLOS.

Postcode GL6 7LS

Your reference 414

Daytime phone no 01453 889102

Fax no 01453 889103

E-mail address planning@bradbeer.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM DISTRICT COUNCIL

LPA's application reference no F/2002/6056

Date of the planning application 05/03/02

Date of LPA's decision notice (if issued) 12/09/02

D. APPEAL SITE ADDRESS

Address BEAVER COTTAGE (NAMED BY THE LPA AS LAND ADJOINING 4 WYVOLS COTTAGES THE STREET SWALLOWFIELD READING)

THE STREET

SWALLOWFIELD BERKSHIRE

Postcode RG7 1RH

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)

ERECTION OF DETACHED DWELLING VARIATION TO F/2001/3725 (RETROSPECTIVE)

Size of the whole appeal site (in hectares): 0·03

Area of floor space of proposed development (in square metres): 85

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

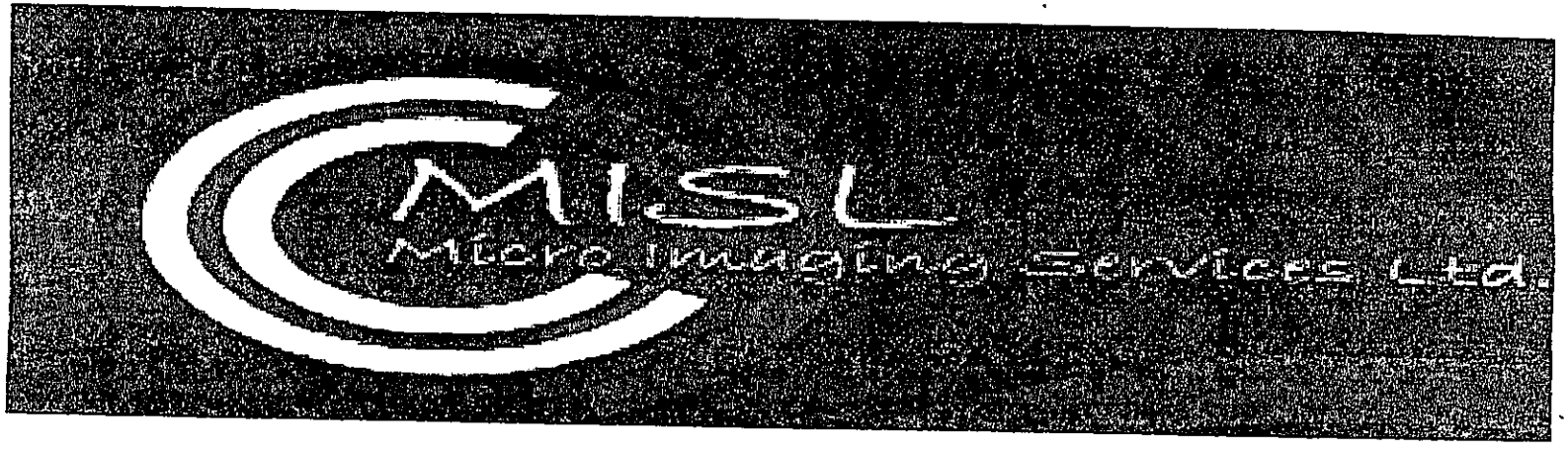
*Please tick **one** box only* ✔

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. ☐

THE FOLLOWING SCANNED IMAGES
ARE DOCUMENTS OF BAD QUALITY
OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY
APPEAR UNREADABLE ON SCREEN

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.

REFER TO ATTACHMENT

H. GROUNDS OF APPEAL (continued)

Please turn over

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box only* ✔

CERTIFICATE A ☑

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B ☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

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

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

✔

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

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

J. ESSENTIAL SUPPORTING DOCUMENTS

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

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

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

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

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 _____ (on behalf of) MR I RIVERS

Name (in capitals) ROBIN BRADBEER Date 26th SEPTEMBER 2002

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

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

Tel. (0118) 974 6448 (Direct Line)
Date: October 9, 2002
My ref: F/2002/6056
Your ref: APP/X0360/A/02/1100256

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 I Rivers
SITE: Land adjacent to 4 Wyvols Cottages, Swallowfield

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. October 9, 2002
My ref: F/2002/6056
Your ref: 414

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

Robin Bradbeer Ltd
Steepways Farm
Nether Lypiatt
Stroud
Glos
GL6 7LS

Dear Sirs

APPEAL BY: **Mr I Rivers**
SITE: **Land adjacent to 4 Wyvols Cottages, Swallowfield**

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

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

16/10

3/03 Kite Wing
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Wokingham District Council
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Your Ref: F/2002/6056

Our Ref: APP/X0360/A/02/1100256

Date: 2 October 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR I RIVERS
SITE AT BEAVER COTTAGE, THE STREET, SWALLOWFIELD

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.

The following documents must be **submitted** 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.

Yours faithfully

Mrs Margaret Pocock

102(BPR)

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78
APPELLANT : MR I RIVERS
SITE : BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE RG7 1RH
PROPOSAL : ERECTION OF DETACHED DWELLING VARIATION TO F/2001/3725 (RETROSPECTIVE)
GROUNDS OF APPEAL

---

1. Planning permission has been granted for the erection of a detached dwelling on this site. The appeal proposal sought permission retrospectively for the erection of the dwelling approved by the Council in 2001 (F/2001/3725) resited to a position approximately 900mm further forward on the plot and more than 12m back from the edge of the carriageway. Housing development in The Street in characterised by its diversity. This is evidenced by the wide range of design, type, scale and period and also by the varied set back which ranges between 10-20m. Having regard to those facts, and in particular the fall-back position defined by permission F/2001/3725, the development is appropriate to its location and has no significant detrimental impact upon the character of the street scene. Therefore the development does not breach SP policy EN1, LP policies LTV1, LBE1 and LBE2 or Deposit Draft LP policies WOS2, WOS3 and WBE1.

2. The footprint of the dwelling is as permitted by the LPA under permission F/2001/3725 and the only difference is the siting approximately 900mm forward. The erroneous siting was accidental and has not benefited the appellant. The incorrect plotting of adjoining dwellings on the drawings was a contributory factor as accepted in the Planning Officer's report.

3. The design of the dwelling and external materials used in its construction have been approved by the LPA and are considered in keeping with the character of the area.

4. By reason of the fenestration details and separating distances, and having regard to the fall back position described above, the development has no unacceptable impact on the amenities of neighbouring dwellings. The Planning Officer's report reached

the same conclusion. Therefore the development does not breach SP policy LD3 or Deposit Draft LP policy WBE1.

5. The erroneous siting has made no difference whatsoever to the provision of on site car parking. The situation as existing provides exactly the same car parking that was permitted by planning permission F/2001/3725. In this respect the development complies with the Highway Authority's standards and accords with LP policy LT6 and Deposit Draft LP Policy WT6.

6. The development is not incompatible with the surroundings and the circumstances of this development are not sufficiently exceptional to justify the LPA's design based refusal having regard to the advise on "Design" expressed in PPG1.

7. The proposal is therefore in accordance with both the development plan and national planning guidance in terms of both its principle and detail. Furthermore there are no material considerations which dictate that the appeal should not be allowed in accordance with s54A and s70 of the Town and County Planning Act 1990.

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Our Ref. : RWB/414
26 September 2002

TOWN & COUNTRY PLANNING ACT 1990

APPELLANT : MR I RIVERS

SITE : BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE

STATEMENT ON BEHALF OF THE APPELLANT

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PINS ref. : APP/X0360/A/02/1100256
LPA ref. : F/2002/6056
Our Ref. : RWB/414
4 November 2002

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Professional qualifications and experience of ROBIN WYATT BRADBEER

I am a Member of the Royal Town Planning Institute and hold a Bachelor of Arts Degree with First Class Honours in Urban and Regional Planning.

My professional experience since graduating in 1978 has been in both the public and private sector. I have operated my own consultancy practice since January 1994 based in Gloucestershire. Prior to that time I was in private practice for 10 years with a firm of Chartered Surveyors in Wokingham, latterly as partner in charge of planning consultancy. I advise both private and public sector clients upon a wide range of planning matters. I am familiar with the site and with the prevailing planning policy framework.

1.0 INTRODUCTION

1.1 This statement relates to an appeal by Mr Rivers under Section 78 of the Town and Country Planning Act relating to development at Beaver Cottage, The Street, Swallowfield, Berkshire RG7 1RH.

1.2 The application made to the LPA sought retrospective permission for the erection of a detached dwelling. The application represented an amendment to permission F/2001/3725 which related to the erection of the same dwelling sited approximately 900mm deeper on the plot.

1.3 The revised/additional drawings upon which the LPA determined the application were as follows:

- OS location plan 1:1250 scale
- 0219-01 "as built" site layout
- 2324/01/B proposed scheme
- 2324/200 revised site layout
- 2324/02A revised site plan

1.4 The application was submitted to the LPA on 5 March 2002 and determined under delegated powers by decision notice F/2002/6056 dated 12 September 2002 which gave the following reason for refusal **Document 1**.

"By virtue of its siting on the external radius of a bend, together with its forward projection, the dwelling creates a visually intrusive and incongruous feature to the detriment of the character of the street scene . As such, the development is contrary to policy EN1 of the Berkshire Structure Plan, polices WOS3 andWBE1 of the Wokingham District Local Plan (Deposit Draft) and to polices LBE1 and LBE2 of the Loddon Area Local Plan"

1.5 This statement adds to the full details of the appellant's case made in the grounds of appeal and will demonstrate that the proposal does not breach the development plan, does not present a visually intrusive and incongruous feature to the detriment of the character of the street scene and therefore should be allowed having regard to s.54 and s.70 of the Town and Country Planning Act.

2.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDINGS

2.1 The village of Swallowfield lies on low land between the Rivers Blackwater and Loddon and is located 2 miles south of M4 junction 11 and is ½ mile to the east of the A33 "Swallowfield by-pass".

2.2 Swallowfield has a population of about 2000 persons and supports a range of community facilities which include a shop and post office, doctors surgery, public house and parish hall. There are a number of employment uses in and around the village.

2.3 The village has a relatively compact form and the historic core, located at the eastern end of The Street and some 220m to the east of the appeal site, was designated a Conservation Area in 1992. Beaver Cottage is not with the Conservation Area. Built form occurs along and between the main radial roads in the village. Within the past 10 years the village has grown by the construction of new estate housing between Trowes Lane and Part Lane in the southern part of the village.

2.4 The appeal site is located along the western section of The Street on the north side of the road between two existing properties. Those properties are:

to the west,

No. 4 Wyvols Cottages, a two storey victorian semi-detached dwelling constructed of brick and tile, built at a set back of 12.3m. The property has recently been extended to within approximately 300mm of the flank boundary of the appeal site.

to the east,

Alltdeare, a modern infill 2 storey detached dwelling built in the late 1970's and later extended in the 1980's, constructed of brick and tile, built at a set back of 16.3m.

The dwelling is located within approximately 800m of the flank boundary of the appeal site.

2.5 A detailed contextual analysis of the appeal site and its setting in terms of urban design is set out in the report prepared by Mr Adrian James **Document 2**.

3.0 PLANNING HISTORY

3.1 The relevant application history of the appeal site is shown on the table provided at **Document 3**.

3.2 It is to be noted that the LPA first accepted the principle of developing this infill plot in 1996 (96/63695).

3.3 The LPA granted planning permission in 2001 (F/2001/3725) for the dwelling as built but in a position set back a further 900mm approximately.

3.4 A copy of the plans approved under F/2001/3725 together with the Planning Officer's Report and Decision Notice are provided at **Document 4**.

3.5 The Planning Officer's Report on F/2001/3725 included the following appraisal in terms of impact on the street scene:

> ***"Impact upon the Street scene***
>
> *The revisions that have been made to increase the size of the proposed dwelling result in a design different to that, which was originally approved. Rather than the blocky appearance of the original design* ***the amended scheme now has a front section which projects slightly forward of the rest of the dwelling thus breaking up the development.*** *The proposed dwelling is approximately 1.5m higher than the original scheme.* ***However, given the set back of the development from the highway it is not considered that the dwelling would appear obtrusive in the street scene.*** *It is also considered that the design of the proposed dwelling is more in keeping with the character of the area. Therefore the proposed scheme is*

not considered to have a negative impact upon the street scene." (My emphasis).

3.6 Application F/2001/5044 sought permission to add to the dwelling approved under F/20013725 dormer windows on all elevations to form additional accommodation within the roofspace.

3.7 During the LPA's consideration of F/2001/5044 it was discovered that the dwelling had been mis-sited. The appellant's Architect was alerted to the mis-siting by the LPA Planning Enforcement Officer on 12 December 2001. Consequently a further application was submitted to the LPA on 14 December 2001. This application (F/2001/5502) combined with the dormer proposal a retrospective application to remedy the mis-siting.

3.8 Applications F/2001/5044 and F/2001/5502 were both refused in February 2002. The refusal reasons stated that the forward projection/addition of dormer windows would create an intrusive, incongruous feature in the street scene to the detriment of its character.

4.0 THE PLANNING APPLICATION AND ITS CONSIDERATION BY THE LPA

THE APPLICATION

4.1 During the LPA's consideration of the application it became apparent that there was a lack of clarity regarding the extent of the mis-siting. Whereas the applicant claimed the difference to be approximately 900mm, the LPA claimed that the difference was approximately 1250mm (LPA letter 11/04/02 - refer to essential supporting documents which accompanied the appeal form).

4.2 In order to establish the facts beyond any reasonable doubt the applicant's Architect commissioned a theodolite survey which was undertaken in April 2002. The following revised/additional drawings were submitted to the LPA on 25 April 2002. It was upon these drawings that the LPA determined the application.

- 0219-01 "as built" site layout
- 2324/01/B proposed scheme
- 2324/200 revised site layout
- 2324/02A revised site plan

4.3 Drawing no. 0219-01 comprised a copy of the theodolite survey showing the "as-built" site layout and the edge of the adjoining dwellings on either side. The solid line shows the buildings as surveyed and the broken lines show the buildings as shown on drawing no. 2324/01 which was approved under F/2001/3725. The survey revealed the following differences:

(i) Both no. 4 Wyvols Cottages and Alltdeare are aligned slightly differently than shown on F/2001/37725. The differences are minimal. However the difference in the rotation of no. 4 Wyvols Cottages alters the "strike point" by about 200mm when the frontage is produced towards the appeal property. The "tag" on the survey drawing refers.

(ii) In relation to no. 4 Wyvols Cottages the mis-siting is further forward by some 939mm.

(iii) In relation to Alltdeare measurement is more straightforward since Beaver Cottage is perpendicular to it. The mis-siting in that case is further forward by 839mm.

(iv) The survey shows, incidentally, that the plot fans out slightly towards the road to a width of 11.0m rather than 9.0m as shown on drawing no. 2323/01.

Measuring details were described in the Architect's note appended to the agent's letter to the LPA dated 25/04/02 (- refer to essential supporting documents which accompanied the appeal form). Taking into account the surveyed as-built measurements on either side of Beaver Cottage relative to the adjoining dwellings (+939mm and +893mm) the average between the two is 916mm. Hence the extent of the mis-siting is fairly described as approximately 900mm.

4.4 Drawing nos. 2324/02/B, 2324/200 and 2324/02A provided updated site layout information based upon the theodolite survey.

4.5 In terms of on-site car parking provision drawing no. 2324/01B showed three spaces, (1 garage space plus 2 driveway spaces). By comparison drawing no. 2324/01 approved under F/2001/3725 provided 2 spaces (1 garage space plus 1 driveway space).

CONSIDERATION BY THE LPA

4.6 The LPA took six months to determine the application. It is unclear why such delay occurred.

4.7 The Planning Officer's delegated report included an appraisal of the application in which the impact of the mis-siting was considered in terms of neighbouring properties;

the character of the street scene; and highway safety (parking provision) **Document 5.**

4.8 *Impact upon neighbouring properties*

The first paragraph referred erroneously to dormer window proposals which were not part of the application.

The second paragraph stated as follows:

> *"With regard to the positioning of the dwelling, it is not considered that this would have significant adverse effect to Alltdeare, which has its garage along the boundary with the application site, nor that it would have any significant adverse effects upon 4 Wyvols Cottages, compared to the previously approved application".*

4.9 *Impact upon the character of the streetscene*

> *"In projecting further than that approved by application 3725, a significant amount of the front gable (garage and bed 2) is visible from the east as well as being noticeable from the west. Furthermore, as the dwelling is located on the external radius of a bend, the dwelling (sic), in its incorrect (current) position, the dwelling is more visually prominent".*

4.10 *Impact upon highway safety (parking provision)*

> *"In the event of an approval, the Highways Officer would have no objection to the proposed development subject to inclusion of conditions as per application 3725, which relating to parking, turning and visibility splays".*

4.11 Therefore the Planning Officer found no harmful impacts regarding either effect on neighbouring properties or highway safety (parking provision).

4.12 In considering impact upon the character of the street scene the appraisal is limited to the simple assertion that because of the (more) forward siting and the location on the external radius of a bend the dwelling is more visually prominent. Visual prominence may in some circumstances be harmful or negative but it is clearly nonsense to imply that visual prominence amounts to unacceptable impact. No harm as a consequence of visual prominence was identified in the report.

4.13 By contrast the Planning Officer's report upon F/2001/3725 (**Document 4**) noted that the visual prominence of that scheme had certain attributes by comparison with the earlier permission in terms of increased height and forward siting which had the benefit of "*breaking up the development*". In that report the forward siting was not considered to be negative "*given the set back of the development from the highway*".

4.14 The LPA received the following responses on the application:

Consultees

• *Highways*	- recommend approval with conditions
• *EHO*	- no objections
• *Landscape Architect*	- the native hedge mix is acceptable; further details on trees and shrubs to be provided.
• Swallowfield PC	- strongly object to mis-siting, elevational changes, choice of materials - visual impact of mis-siting - mis-siting will compromise on site car parking spaces

Third Parties

10 letters plus petition	- objections raising similar points to Swallowfield PC.

5.0 PLANNING POLICY FRAMEWORK

5.1 Planning policy has been analysed with reference to the development plan, the emerging district local plan and national planning guidance.

THE DEVELOPMENT PLAN

5.2 There are two components:

(i) The statutorily approved Berkshire Structure Plan (SP) adopted on 4 November 1995 (policy EN1)

(ii) The statutorily approved Loddon Area Local Plan (LP) adopted on 5 May 1995 which had an end date of March 1996 but continues in use for development control purposes (policies LTV1, LBE1, LBE2).

THE EMERGING DISTRICT LOCAL PLAN

5.3 The emerging Wokingham District Local Plan (LP/D) was placed on deposit on 21 October 1997 and has been used for development control purposes since that time (policies WOS2, WOS3, WBE1). Proposed amendments to the deposit draft plan were published in April and September 1999.

Berkshire Structure Plan 1991-2000 (SP)

5.4 This is the most up to date statutorily approved element of the development plan. The Key Diagram shows Swallowfield as a built-up area. The relevant extracts are provided at **Document 6**.

5.5 *Policy EN1 Protection and enhancement of the environment of built up area*

The policy requires development within built-up areas to be appropriate in scale, form, impact, character and siting to its location. The supporting text at paragraph

6.3 places the onus on local plans, through appropriate guidelines, to secure improvements in the environment of built-up areas.

Loddon Area Local Plan (LP)

5.6 The plan was prepared in conformity with the Replacement Structure Plan for Berkshire which was adopted in 1988. Both plans had an end date on 31 March 1996. The proposals map shows the site within the *identified settlement* at Swallowfield. The relevant extracts are provided at **Document 7**.

5.7 *Policy LTV1 Identified Settlements*

Applies a favourable presumption to development proposals coming forward within the listed identified settlements which include Swallowfield.

5.8 *Policy LBE1 Design of New Development*

Requires new development to have a high standard of design appropriate to the character of the area, to make a positive contribution to the setting and character, to create a safe and attractive environment and to retain important features of the site compatible with good design.

5.9 *Policy LBE2 Inappropriate Design*

This policy is a negative version of LBE1 which prohibits development which adversely affects the character of an area.

Deposit Draft Wokingham District Local Plan (LP/D)

5.10 The proposals map shows the site within the *identified settlement* at Swallowfield. The relevant extracts are provided at **Document 8**.

5.11 *Policy WOS2 General Development Principles*

Carries forward the favourable presumption under LP Policy LTV1 in relation to the identified settlements.

5.12 *Policy WOS3 Development Control Principles*

The policy sets out a range of considerations to be applied to proposals which are deemed acceptable in principle by the plan. The most relevant in this case are A, D and F:

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".*

D. *"Have no significant effect on road safety or cause highway, traffic generation or traffic related environmental problems".*

F. *"Be of high quality design that respects the local context by virtue of siting, layout, massing, materials, colour and texture".*

5.13 *Policy WBE1 Development in its local context*

This policy encourages good contemporary design which respects its local context and has regard to a range of design considerations including, h), *the privacy and amenity of the existing environment.*

5.14 The Inspector's report following the Local Plan Inquiry was made public in November 2001. Whilst the recommendations have not yet been formally considered the LPA acknowledge that the Report is a material consideration which should where relevant be taken into account in considering planning applications **Document 9**.

5.15 The Inspector's report makes the following recommendations upon each of the relevant polices **Document 10:**

WOS2 No substantive changes for the purposes of this appeal. The Inspector recommended identification of a settlement hierarchy in order to apply the policy sequentially. Swallowfield is defined within category B

"*Category B - Those settlements which have a reasonable amount of development in a compact form and may be physically and socially cohesive, but possess a lower range of basic services. In these settlements only limited infilling and small windfall development will be permitted*":

WOS3 No substantive changes.

WBE1 Recommended rewording to give clear guidance on what is expected in terms of design and sustainability.

"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".

NATIONAL PLANNING GUIDANCE

5.16 PPG1 includes advice on design (paragraphs 13-20) and states that both the design of buildings and urban design are material considerations.

5.17 The guidance defines urban design as, *"the relationship between different buildings; the relationship between buildings and the streets, squares, parks, waterways and other spaces which make up the public domain itself; the relationship of one part of a village, town or city with other parts; and the patterns of movement and activity which are thereby established; in short; the complex relationships between all the elements of the built and unbuilt space"* (paragraph 14).

5.18 The guidance states that where the design is consistent with relevant policies planning permission should not be refused on design grounds unless there are exceptional circumstances.

5.19 The guidance clearly states the role of the planning system viz-a-viz private interests (paragraph 64)

> *"The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest".*

6.0 PLANNING CONSIDERATIONS AND MERITS OF THE PROPOSAL

6.1 The main issue in this appeal is the impact of the mis-siting upon the character of the street scene. This issue relates to urban design.

6.2 The design of the building itself is clearly not an issue since it has been approved by the LPA under F/2001/3725.

6.3 In order to examine the main issue in depth Mr Adrian James, who is a specialist in urban design, has been commissioned to analyse the mis-siting of Beaver Cottage. His report, which was introduced at paragraph 2.5 above, is provided at **Document 2**.

6.4 The report prepared by Mr James presents a contextual study of the appeal property which is set out in two parts.

6.5 The first part of the report presents a paper analysis of the context by considering the planometric survey of the street using four different methods:

- Figure ground analysis
- Set back dimensions
- Facade zone
- Visible flanks.

This part of the report reaches the following conclusion.

PAPER ANALYSIS CONCLUSION

"The location of Beaver Cottage on plan, when viewed in context, is unexceptional and perfectly acceptable.

The houses on this part of the Street vary considerably in their set-back from the road. Beaver Cottage falls within any perceived pattern of set-backs, while other houses stray further from any apparent pattern.

There is a lot of variety in positioning, massing and twist of the neighbouring buildings. This means it is not possible or correct to ascribe a precise building line to the houses. To the extent that any zone can be established within which facades fall, Beaver Cottage does comply.

Beaver Cottage does present some of its flank elevations to the road on both sides. But this is entirely unexceptional and modest, given how much of how many other houses' flanks are visible from both directions".

6.6 The second part of the report presents a site analysis with the aid of photographs, to describe an empirical assessment of the actual context. The following topics are assessed:

- architecture
- landscaping
- visibility

The second part of the report reaches the following overall conclusion.

CONCLUSION

"The conclusions of the paper analysis are vindicated in reality.

The visible flanks of many houses serve to normalise the visible flanks of Beaver Cottage and, while they might be intrusive elsewhere, in this context they are unimportant.

The generous front gardens of all the neighbouring houses provide considerable long-term screening with mature vegetation and this obscures and down plays any architectural impact.

The variety of style and quality in the village architecture, and the prominence of one or two poor buildings, means there is a lack of consistency and a level of distraction which again diminish any possible intrusion.

The houses in this section of the Street in Swallowfield are arranged without precise organising principles and the existing architecture and landscaping

serve to diminish the effect of any siting decisions. There is not the consistency to enable guidance on siting beyond general principles about being a reasonable approximate distance back from the road. Beaver Cottage fits within any such guidance and there can be no possible justification for enforcing any demolition".

6.7 On the basis of this detailed specialist contextual analysis it is clear that the mis-siting, whilst causing some further visibility of the flanks of Beaver Cottage, is unexceptional, modest and unimportant and therefore causes no harm in urban design terms. This is due to the extent and number of other houses' flanks that are visible in both directions along this section of The Street and the arrangement of development here without precise organising principles.

6.8 Accordingly, the mis-siting does not breach any of the development plan policies raised by the LPA.

6.9 It is to be noted that the mis-siting has not diminished the amount of on-site car parking. In fact, arising from the theodolite survey the additional width at the front of the site has facilitated the provision of a total of 3 spaces on-site whereas the previously approved scheme provided 2 spaces on-site.

6.10 As noted by the Planning Officer in the delegated report the mis-siting has no adverse impact upon the amenities of the occupants of the neighbouring properties due to the layout and design details.

CONCLUSION

7.1 The detailed specialist report on urban design demonstrates that on the main issue the mis-siting has no harmful or unacceptable impact upon the character of the street scene.

7.2 As accepted by the LPA the mis-siting causes no harmful amenity impact upon either of the adjoining properties.

7.3 Further, the mis-siting does not cause any reduction in on-site car parking provision.

7.4 Accordingly it is concluded that the mis-siting does not breach any development policies are there are no material consideration which dictate that the appeal should not be allowed in accordance with s.54A and s.709 of the Town and Country Planning Act 1990.

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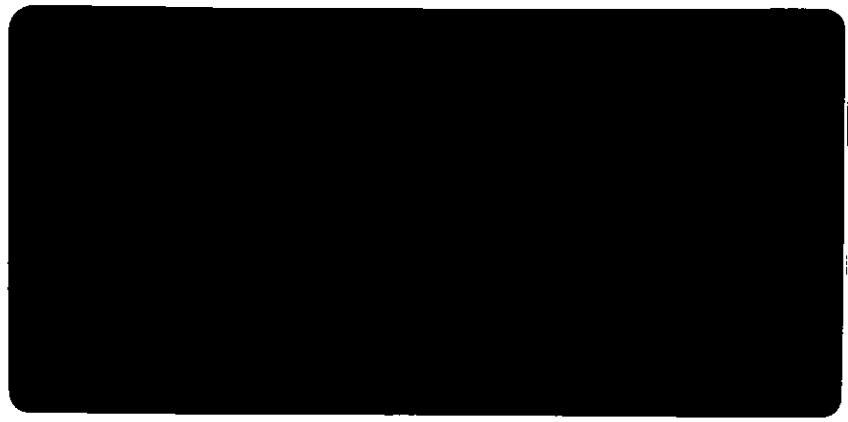

Robin Bradbeer Limited
Planning & Development Consultancy

TOWN & COUNTRY PLANNING ACT 1990

APPELLANT : MR I RIVERS

SITE : BEAVER COTTAGE THE STREET SWALLOWFIELD BERKSHIRE

SUPPORTING DOCUMENTS ON BEHALF OF THE APPELLANT

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PINS ref. : APP/X0360/A/02/1100256
LPA ref. : F/2002/6056
Our Ref. : RWB/414
4 November 2002

SUPPORTING DOCUMENTS

1. Refusal notice F/2002/6056.

2. Report on urban design prepared by Mr Adrian James MA Dip Arch Cantab ARB RIBA **(BOUND SEPARATELY).**

3. Table showing relevant application history of the appeal site.

4. Planning permission F/2001/3725 - approved plans, Planning Officer's Report and Decision Notice.

5. Planning Officer's Report on F/2002/6056.

6. Berkshire Structure Plan - extracts.

7. Loddon Area Local Plan - extracts.

8. Deposit Draft Wokingham District Local Plan - extracts.

9. LPA Statement on Wokingham District Local Plan Inspector's Report.

10. Wokingham District Local Plan - Inspector's Report October 2001 - extracts

1

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REGISTER A4 1-10

CODE 423644

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WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr I Rivers
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Nether Lypiatt
Stroud
Glos
GL6 7LS

Application Number: F/2002/6056

Parish: **SWALLOWFIELD**

Location: **Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.**

Proposal: **Proposed erection of detached dwelling. Amendment of consent F/2001/3725. (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. By virtue of its siting on the external radius of a bend, together with its forward projection, the dwelling creates a visually intrusive and incongruous feature to the detriment of the character of the street scene. As such, the development is contrary to policy EN1 of the Berkshire Structure Plan, policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft) and to policies LBE1 and LBE2 of the Loddon 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:

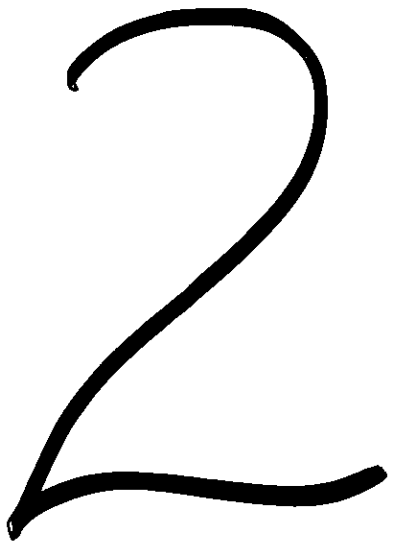
Berkshire Structure Plan Policies EN1 and LD3.
Loddon Area Local Plan Policies LTV1, LBE1 and LBE2.
Deposit Draft Wokingham District Local Plan Policies WOS2, WOS3 and WBE1.

T. G Watson

Trevor Watson
Development Control Manager
Date: 12/09/2002

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.



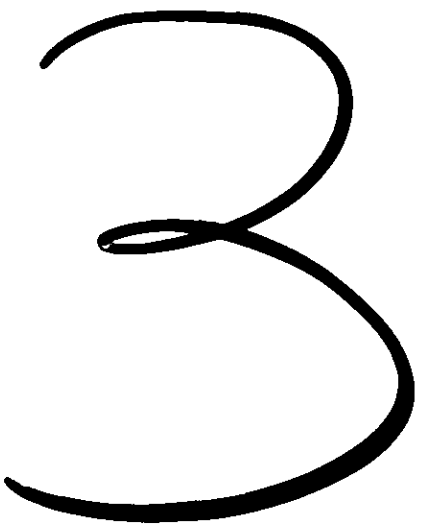
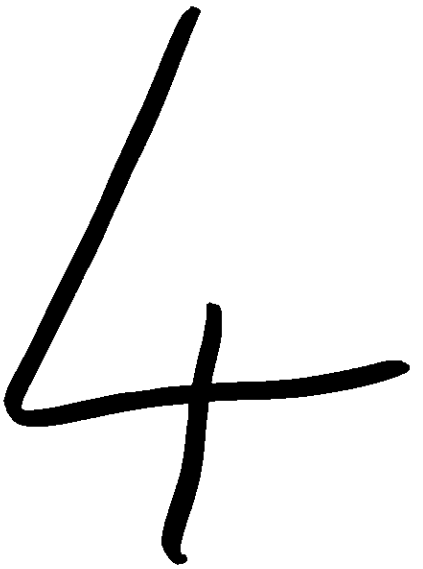


TABLE SHOWING RELEVANT PLANNING APPLICATION HISTORY OF THE APPEAL SITE

REFERENCE	DEVELOPMENT	DATE	DECISION
96/63695	detached dwelling	11/06/96	approved
F/2001/3725	detached dwelling	27/07/01	approved
F/2001/3937	detached dwelling (renewal 96/63695)	05/07/01	approved
F/2001/5044	dormer extensions	21/02/02	refused
F/2001/5502	detached dwelling (incorporating dormer extensions)	28/02/02	refused
F/2002/6056	detached dwelling -amendment to F/2001/3725 -retrospective	12/09/02	refused



(EC)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Approval of Permission

Mr I Rivers
C/O W M Graham and Associates
1 Rectory Road
Wokingham
Berkshire
RG40 1DJ

Application Number: F/2001/3725

Parish: **SWALLOWFIELD**

Location: **Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.**

Proposal: **Proposed erection of detached dwelling with garage.**

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

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

Condition
2. Prior to the commencement of the development details of the proposed materials shall be submitted to and approved by the Local Planning Authority.

Condition
3. Prior to the commencement of the development samples of the proposed materials shall be submitted to and approved by the Local Planning Authority.

Condition
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Condition
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Condition
6. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.

Condition
7. The ground floor w/c window and first floor bathroom/w/c and landing windows in both side elevations of the development hereby permitted shall not at any time be glazed other than with obscured glass, and be permanently so retained thereafter.

Condition
8. No building shall be occupied until vehicle parking and turning space has been provided in accordance with the approved plans. These spaces shall thereafter be kept available for parking and turning at all times.

Condition
9. No construction work of any sort within the area covered by the application shall take place between the hours of 7.00pm and 7.00am on Mondays to Saturdays and no construction work at all shall take place on Sundays or Bank Holidays.

Condition
10. No development shall take place until all the land required to provide a visibility splay shown on the application drawing has been secured by the applicant by legal covenants. The land shown on the drawing shall thereafter be kept free from all obstructions to visibility above a sightline height of 0.6m from the surface of the carriageway.

Reason
1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

Reason
2. Because inadequate details have been submitted with the application.

Reason
3. In order to ensure the satisfactory appearance of the proposal.

Reason
4. In the interests of visual amenity.

Reason
5. In the interests of visual amenity.

Reason
6. To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.

Reason
7. To safeguard the residential amenities of the occupiers of neighbouring properties.

Reason
8. In the interests of road safety.

Reason
9. In the interests of amenity and to prevent undue disturbance to existing residential properties.

Reason
10. In the interests of road safety.

Informative
1. The applicant is advised to contact the Council's Engineer regarding any issues relating to the drainage of the site.

John Mitchell
Development Control Manager
Date: 27/07/2001

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.

Application No. F/2001/3725

Appraisal

The application being considered proposes the erection of a detached dwelling at land adjoining Wyvol's Cottages, The Street, Swallowfield. In June 1996 planning permission was granted for a slightly smaller detached dwelling on the same site. This application was renewed on 7th July this year.

The current application proposes projecting a section of the property forward by approximately 0.9m from the front building line of the existing approved scheme and taking the building line further back than the approved scheme by approximately 3.5m adjacent to the north eastern boundary and approximately 2m along the south western boundary. The new section at the front of the dwelling will accommodate an integral garage. The proposed dwelling will be approximately 1m wider and 1.5m higher, resulting in a ridge height of approximately 9m.

Impact upon neighbouring dwellings

The application site is located between two existing dwellings, Alltdeare to the north east and no.4 Wyvols Cottages to the south east.

Alltdeare
The revised scheme proposes projection of a section of the front of the dwelling forward by approximately 0.9m. Given that the gap between the flank wall of the proposed dwelling and the flank wall of Alltdeare has not changed and remains to be 2m and the integral garage of Alltdeare is adjacent to the application site it is not considered that the increased projection forward will have an adverse impact upon the daylighting to this dwelling. Also the scheme proposes projection of the rear elevation of the approved scheme by approximately 3.5m adjacent to Alltdeare. Again given the location of the garage of Alltdeare and the distance proposed between the two dwellings it is not considered that the changes will be overbearing to this dwelling.

No.4 Wyvols Cottages
This dwelling lies to the south east of the application site and is orientated away from the proposed dwelling. Although the proposed dwelling will not be projected any further forward of no.4 than the existing approved scheme, the amendments propose a wider building. This will result in the whole development being 1m closer to no.4. Given that there will be a gap of 2m between the proposed dwelling and no.4 and the position of no.4 it is not considered that the increase in size will be overbearing upon no.4. The amended scheme will be projected approximately 2m beyond the rear building line of the existing scheme and will be only 1m away from the flank wall of no.4. It is not considered that the loss of light to any windows at the rear of no.4 will be detrimental.

It is therefore considered that the proposed amended scheme will not be overbearing upon either of the neighbouring dwellings.

Impact upon the Street scene

The revisions that have been made to increase the size of the proposed dwelling result in a design different to that, which was originally approved. Rather than the blocky appearance of the original design the amended scheme now has a front section which projects slightly forward of the rest of the dwelling thus breaking up the development. The proposed dwelling is approximately 1.5m higer than the original scheme. However, given the set back of the development from the highway it is not considered that the dwelling would appear obtrusive in the street scene. It is also considered that the design of the proposed dwelling is more in keeping with the character of the area. Therefore the proposed scheme is not considered to have a negative impact upon the street scene.

Recommendation: Conditional approval

5

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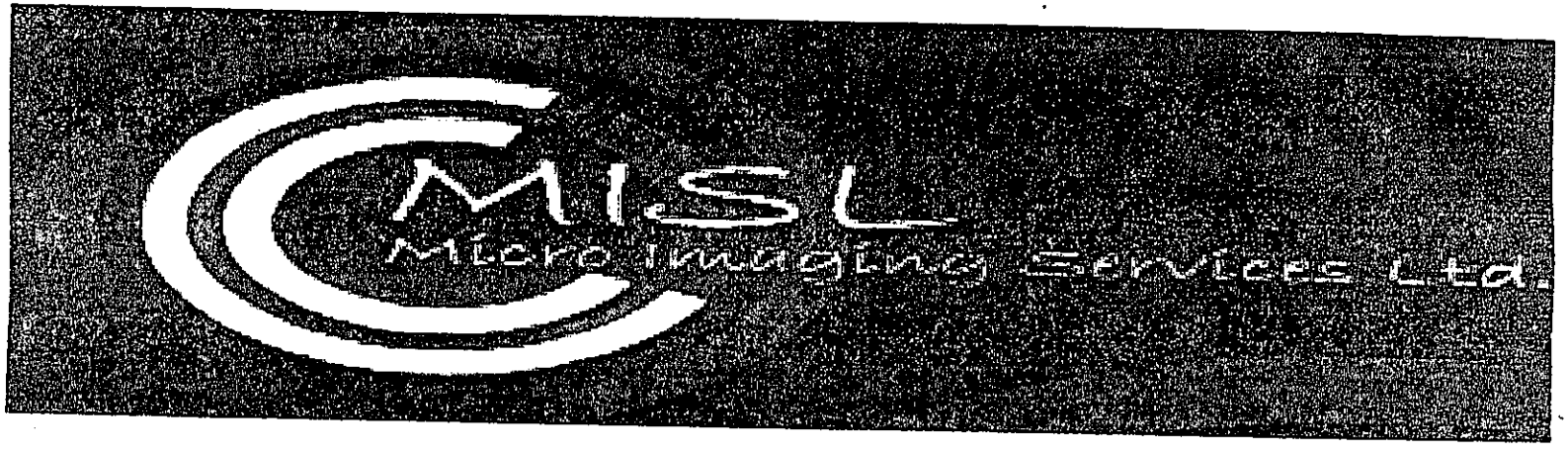

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Application Number: F/2002/6056 – adj 4 Wyvols Cottages

Appraisal:

Development
Proposed erection of two-storey detached dwelling. Amendment to consent F/2001/3725. This is a retrospective application, and seeks approval of the dwelling in the position as built. It was not built in the position as approved by application F/2001/3725. This application omits the dormer windows included on application F/2001/5502.

Relevant Policies
The site is located within the identified settlement of Swallowfield.
BSP: EN1, LD3
WDLP: WOS2, WOS3, WBE1
LALP: LTV1, LBE1, LBE2

Previous History

- Application 96/63695/F – Erection of detached cottage, approved
- Application F/2001/3725 – Erection of detached dwelling & garage, approved
- Application F/2001/3937 – Renewal of consent 96/63695/F, approved
- Application F/2001/5044: Following the approval of a detached dwelling (3725) this application was submitted to add dormer windows to the roof space in all elevations, refused
- Application F/2001/5502 – Amendment to consent F/2001/3725, including addition of dormer widows and resiting of dwelling, refused

1) Impact upon neighbouring properties
The side windows would be for toilet (facing No. 4 and hall facing Altdeare), with the rear being for a dressing room. This could be conditioned to be obscurely glazed to prevent overlooking of the neighbouring residential amenity area. It is not considered that the proposed front dormer window for a bedroom would cause any adverse effects.

With regard to the positioning of the dwelling, it is not considered that this would have significant adverse effect to Altdeare, which has its garage along the boundary with the application site, nor that its would have any significant adverse effects upon 4 Wyvols Cottages, compared to the previously approved application.

2) Impact upon the character of the streetscene
In projecting further forward than that approved by application 3725, a significant amount of the front gable (garage and bed 2) is visible from the east as well as being noticeable from the west. Furthermore, as the dwelling is located on the external radius of a bend, the dwelling, in its incorrect (current) position, the dwelling is more visually prominent.

It is therefore considered that the dwelling as built creates a more visually intrusive and incongruous feature within the streetscene (compare to the original approval), to the detriment of its character.

A theodolite survey submitted to the Council on 25 April 2002 shows the property in its correct position in relation to neighbouring properties. Neighbouring properties were previously shown incorrectly.

3) Impact upon highway safety (parking provision)
In the event of an approval, the Highways Officer would have no objection to the proposed development subject to inclusion of conditions as per application 3725, which relating to parking, turning and visibility splays.

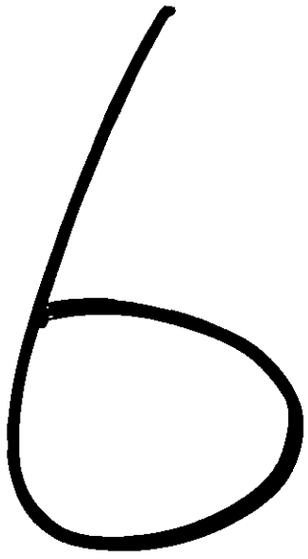
4) Letters of Representation
10 letters received on grounds of visual amenity, dwelling would affect sight lines of the road, insufficient off-road parking. These points have been addressed above.

5) Other Considerations
The agent makes reference to a property in Wokingham, 392 London Road and that this dwelling was built 1m forward of its approved position.
The case of 392 London Road is not directly comparable to this application for the following reasons:

- It does not front the main road as with this application. It is located along a lay-by style road, spurred off the main London Road
- It is set back from the main London Road by a substantial distance
- It is sited on the internal radius of a bend, not the external radius, as with this application
- Whilst 392 London Road is set forward of its approved position, there is a staggered building line. Even built forward by approx. 1m, 392 is not a prominent dwelling within the streetscene as it is still set behind the front of No. 9 Wainwright Close, Wokingham.

Consequently, it is considered that 392 London Road is not obtrusive within the streetscene, and is not comparable to this application.

~~Approval:~~ **Refusal: ✓**



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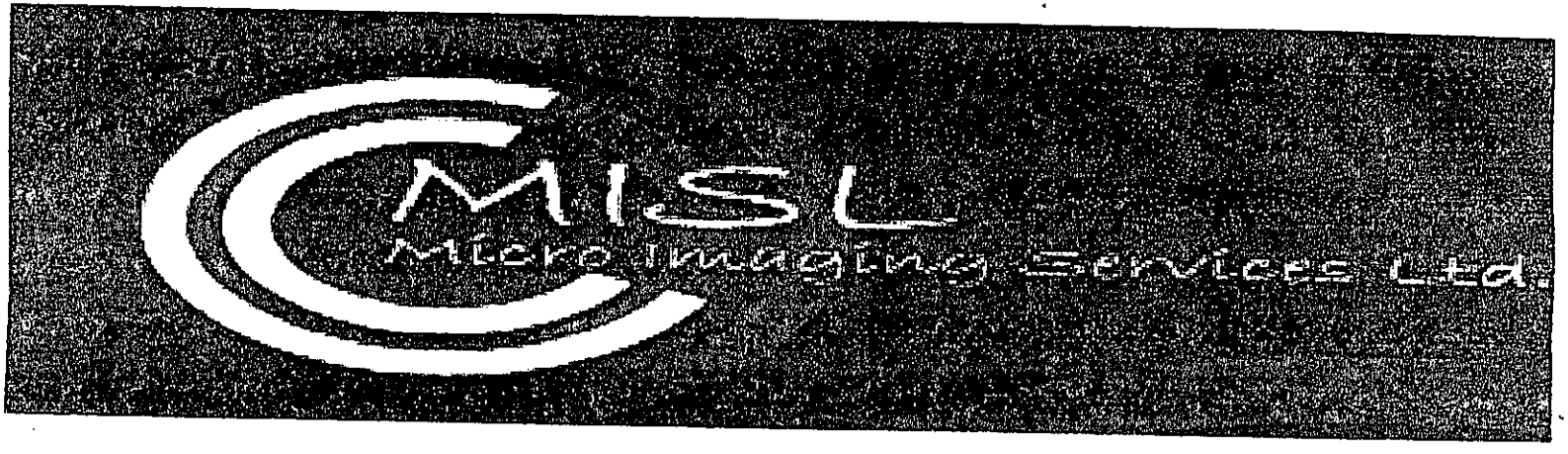

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BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





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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.

Environment

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.

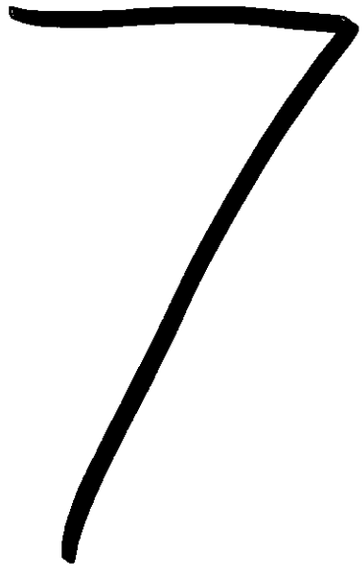
Protection from Environmental Nuisance

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.



LODDON AREA LOCAL PLAN

Adopted 5 May 1995

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire

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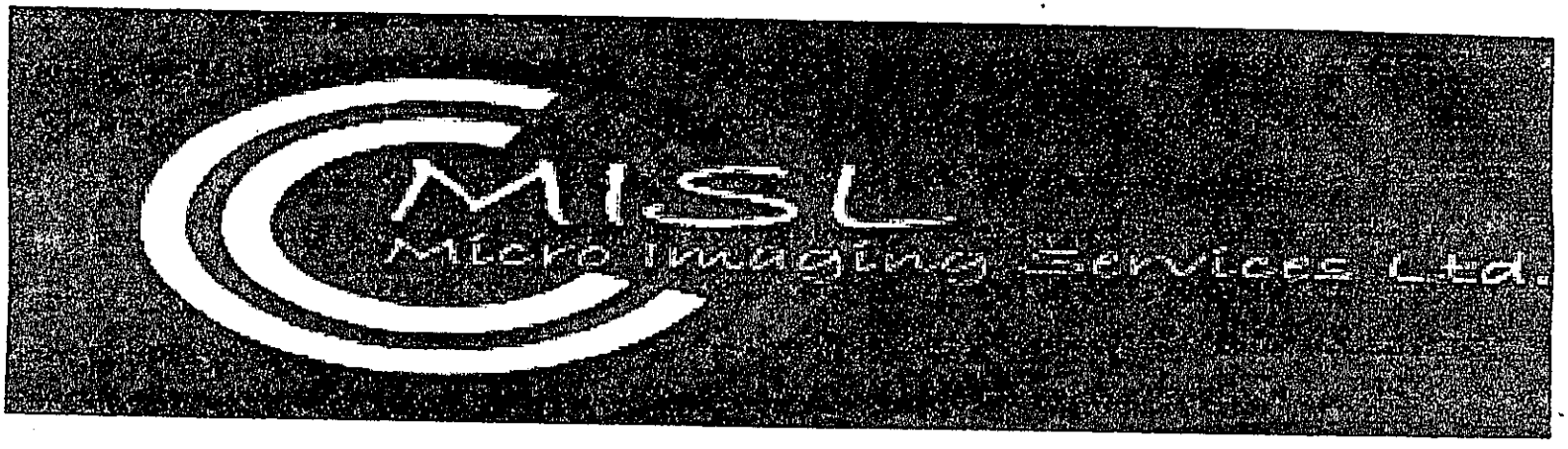

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plan, a village is not synonymous with an identified settlement, the latter being used to define an area where particular planning policies are appropriate. There will therefore be cases where parts of villages have been excluded from the identified settlement, for example, small groups of development on the far side of a road that marks the boundary of the main built up area of the village. In order to be consistent in the treatment of settlements of similar size, function and character, it has been necessary to draw up a definition for settlements warranting identification on the Proposals Map.

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

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

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

(iii) be physically and socially cohesive.

On this basis the following policy is put forward.

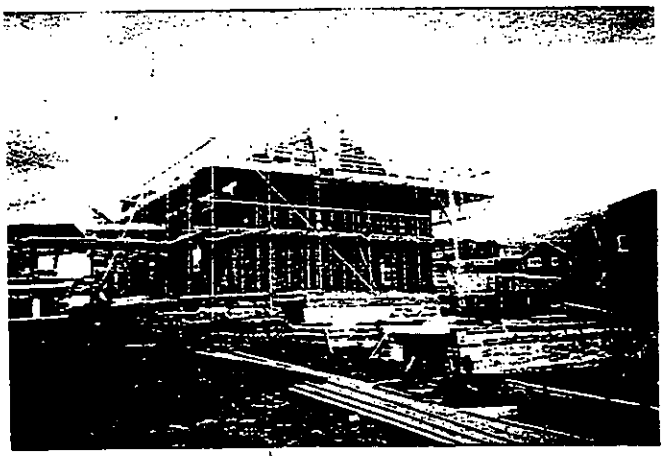
❖ LTV1 'IDENTIFIED SETTLEMENTS'

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

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

LIMITING THE SPREAD OF DEVELOPMENT

1.1.06 The District Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside the boundaries of identified settlements is retained. Accordingly it is intended to limit development outside identified settlements to that which is appropriate to the countryside or has a special reason to locate there. Although these uses are acceptable in principle, they must also be acceptable in practice. This is particularly important in the case of small scale housing and employment development on the edge of settlements which is dealt with in more detail in policies LH1 and LE2.



❖ LTV2 DEVELOPMENT IN RURAL AREAS

ALL LAND OUTSIDE THE IDENTIFIED SETTLEMENTS, AS SHOWN ON THE PROPOSALS MAP IS CONSIDERED TO BE RURAL AREA WITHIN WHICH DEVELOPMENT WILL NOT NORMALLY BE ALLOWED. IN ACCORDANCE WITH THE

1.4 QUALITY AND CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT, REDEVELOPMENT AND REFURBISHMENT

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

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

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

❖ *LBE1 DESIGN OF NEW DEVELOPMENT*

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

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

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

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

❖ LBE2 INAPPROPRIATE DESIGN

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY VIRTUE OF ITS 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 also to seek opportunities to enhance the quality of the built environment.

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

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

❖ LBE3 REFURBISHMENT AND REDEVELOPMENT

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

❖ LBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

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

SUNLIGHT, DAYLIGHT AND NOISE

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

❖ LBE5 SUNLIGHT AND DAYLIGHT

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

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which the land is demarcated by rural as opposed to urban characteristics.

1.1.10 Settlement edges are extremely sensitive areas of the landscape. Development occurring on or near the settlement edge can impinge unsatisfactorily on the countryside and prejudice the maintenance of a clear physical and visual separation between settlements. The need to consider the effect of proposals for limited housing and employment development on the rural areas is dealt with in policies LC1, LC2 and LC16.

1.1.11 As a complement to the latter and in line with the spirit of policies EN4 and EN5 of the Replacement Structure Plan, there is a need to ensure that natural features such as trees and hedgerows which soften or screen the edge of the [illegible] settlements are retained. [illegible] development includes the introduction of landscaping which is sensitively designed. The background work for this Local Plan has included a landscape survey which has included an assessment of the quality of boundaries to identified settlements.

❖ LTV4 ENHANCING SETTLEMENT BOUNDARIES

THE DISTRICT COUNCIL WILL SEEK TO RETAIN NATURAL BOUNDARY FEATURES WHICH EXIST AROUND 'IDENTIFIED' SETTLEMENTS AND ENCOURAGE THE STRENGTHENING OF BOUNDARIES BY NEW TREES AND HEDGEROW PLANTING WHERE NATURAL FEATURES ARE WEAK OR ABSENT AND DEVELOPMENT IMPINGES ON THE COUNTRYSIDE. WHERE SUCH BOUNDARIES ARE FORMED BY WOODLAND OR TREES THE PROTECTION MAY TAKE THE FORM OF TREE PRESERVATION ORDERS.

1.1.12 Although there is a general presumption in favour of development within identified settlements, it is felt that there is a need to consider particularly carefully proposals for development within, but adjacent to the boundary of, the identified settlement where the settlement edge is fairly exposed due to land levels or limited natural screening and existing development is of a fairly low density. An intensification of the level of development through infilling, redevelopment or the additions of substantial extensions could result in the introduction of a hard urban edge close to the rural area.

❖ LTV5 TRANSITIONAL AREAS

IN VISUALLY SENSITIVE TRANSITIONAL AREAS, AS DEFINED ON THE PROPOSALS MAP, THE DISTRICT COUNCIL WILL RESTRICT ADDITIONAL DEVELOPMENT IN THE FORM OF INFILLING, REDEVELOPMENT AND EXTENSIONS TO A LEVEL APPROPRIATE TO PREVENT THE FORMATION OF A HARD URBAN EDGE TO SETTLEMENTS.

IMPORTANT OPEN AREAS WITHIN SETTLEMENTS

1.1.13 In addition to the visually sensitive transitional areas and the more extensive open areas defined in Part 2 of the Local Plan, certain parts of some settlements have a distinctive character derived from the amount of open space and space about buildings. Often these spaces have a profuse amount of vegetation within them which is important in softening the urban environment. Whilst some settlements have isolated areas of this form of development the degree of concentration of development in older settlements tends to decrease with distance from the centre and there are open areas close to the boundaries which it is important to retain. Many of the important open areas within settlements are by their nature small and the local plan does not therefore, define the areas to which the following policy relates. The application of the policy will be through the consideration of individual areas in the light of specific proposals.

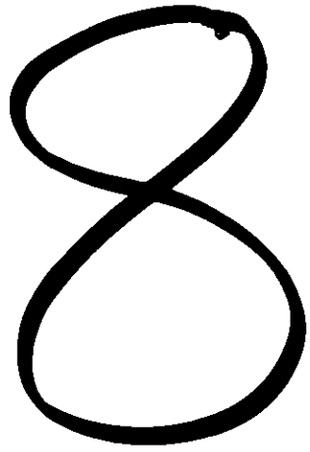


❖ LTV6 PROTECTION OF IMPORTANT OPEN AREAS WITHIN SETTLEMENTS

WITHIN THE IDENTIFIED SETTLEMENTS, DEVELOPMENT OF AREAS OF OPEN LAND INCLUDING GAPS IN ROAD FRONTAGES AND GARDEN AREAS WHICH SIGNIFICANTLY CONTRIBUTE TO THE CHARACTER OF SETTLEMENTS WILL NOT NORMALLY BE PERMITTED. ANY NEW DEVELOPMENT INCLUDING INFILL DEVELOPMENT WILL ONLY BE PERMITTED IF IT IS SYMPATHETIC IN SCALE AND CHARACTER TO THE ENVIRONS OF THE SITE.

ENVIRONMENTAL ENHANCEMENT

1.1.14 The District Council is keen to see enhancement of the environment throughout the plan area. Priorities for action are established in the following chapters but other opportunities will also be taken as they arise subject to the availability of funding and other resources where appropriate.





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**

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

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

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

POLICY WOS2: GENERAL DEVELOPMENT PRINCIPLES

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

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

Implementation: Through the development control process.

Monitoring: Planning applications determined.

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

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

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

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

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

A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WHICH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHOUT DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

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

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

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

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

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

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

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

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

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

Cont.

POLICY FRAMEWORK

National Policy

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

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

Strategic Policy

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

Supplementary Planning Guidance

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

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

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

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

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

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

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

e) THE LOCAL TOWNSCAPE

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

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

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

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

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

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

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

Implementation: Through the development control process.

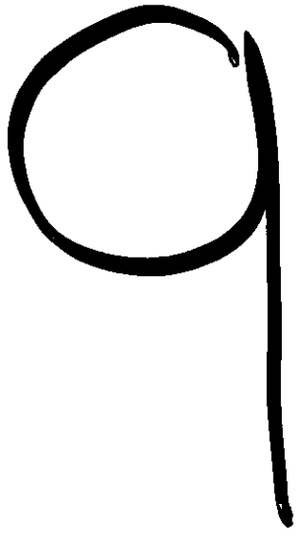
Monitoring: Check quality of development on the ground.

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

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

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

Cont.



STATEMENT ON THE WOKINGHAM DISTRICT LOCAL PLAN
PART TWO
INSPECTOR'S REPORT

The report of the Inspector into Part Two of the Wokingham District Local Plan (all policies apart from those relating to the proposed new settlement at Grazeley) has been received and was published by the Council on 22 November 2001.

The Inspector's Report is a material consideration which should where relevant be taken into account in the consideration of planning applications. In particular, policies which have been subject to scrutiny at the Local Plan inquiry, and which the Inspector recommends should remain unchanged, or where he endorses the pre-inquiry changes made by the Council, now have considerable weight.

In due course the Council will need to formally consider each of the Inspector's recommendations and decide whether to accept or reject them. It must give reasons for any rejections.

The Inspector's Report has been taken into account in preparing all reports to this Committee. Where necessary his recommendations are referred to in the body of the report and recommendations

10



WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

CHAPTERS OTHER THAN HOUSING

Mr D Hollis
October 2001

CONCLUSIONS

1.3 Given the lack of explanation for making the objection or not stating what is suggested as a remedy, I make no comment upon objections 1333, 1853 and 1854. I see no harm in making reference to Structure Plan Policy RE1 in paragraph 1.18 to show the basis for Policy WOS9, but there is no need to include it in the policy itself. In respect of the other points raised by this objector, they are generally matters that should be dealt with nationally or at strategic level. As far as sustainable development and PPG13 are concerned, I do advocate that the Council changes its methodology for housing site selection and base it on the advice in PPG3 and my recommendations in Chapter 5. The remaining matters raised by objectors have been dealt with in my conclusions and recommendations on individual policies.

RECOMMENDATION

1.4 That reference is made in paragraph 1.18 to Structure Plan Policy RE1 as the basis for Policy WOS9.

POLICY WOS1

(Proposed Amendments 1/1, 1/2, 1/3)

REPRESENTATIONS

82	Councillor R Eke (O)
283	Sonning Parish Council (O)
419	Mr & Mrs P Worrall (O)
716	M.A.F.F. (O)
1300	Beazer Strategic Land (O)
1476	St Nicholas Hurst Parish Council (O)
1587	Stratfield Saye Estates (O)
1599	Miss E Vincent (O)
2034	The House Builders Federation (O)
2058	University of Reading (O)
2330	David Wilson Homes Ltd (O)
2331	David Wilson Homes Ltd (O)
2332	David Wilson Homes Ltd (O)
6045	Swallowfield Parish Council (O)
6088	Hicks Persimmon Ltd (O)
78	Orange Personal Com Services Ltd (S)
166	Eversley Parish Council (S)
1034	English Nature (S)
1132	Joint Strategic Planning Unit (O)
1496	Beech Hill Parish Council (S)
1951	Mr C Young (S)
2265	Ruscombe Parish Council (S)
2382	Shinfield Association (S)
2435	Reading Borough Council (S)
6063	Earley Town Council (S)
6147	Shinfield Parish Council (S)
6239	University of Reading (S)

OBJECTION ISSUES

1.5 It was suggested that reference should be included in objective D) to ensure forms of transport for industry, shopping and services do not mix with integrated housing areas. Another objector asked that the words "where possible" should be deleted in the first line of the policy and the objectives re-ordered and revised. Objective G) should be first, with objectives A) and B) re-written to indicate any development must replace existing housing and business premises and not increase them; this would ensure the population does not increase and preferably

PARAGRAPH 0.9

REPRESENTATIONS

284	Sonning Parish Council (O)	1030	The Hurst Village Society (S)
1473	St Nicholas Hurst Parish Council (O)	2446	Environt Agency (Thames Reg) (S)
179	Miss E Burt (S)		

OBJECTION ISSUES

0.6 The strategy was said to be inappropriate for current circumstances; the only viable future lies in adopting and applying the principles of sustainable development. The draft Plan does not. The main aim should be to alter the structure and facilities of the District so that life in the long term is more sustainable. The conflicts would not be resolved by further housing and businesses or by increasing the road network. The amount of housing and business development should be reduced with an improvement in public transport, cycle/pedestrian facilities and making it more difficult to use the private car.

Another objector considered paragraph 0.9 to be so important that it should be a separate policy; developers would then be unable to seek support in other policies for further development.

CONCLUSIONS

0.8 The first sentence of the overall strategy is not only misleading, but it contradicts the implications of the second sentence. If such an approach were taken the Council would not meet its commitments under Structure Plan or national planning policies. It is necessary for the Council to meet the needs of its residents in providing adequate levels of housing and employment. While it is necessary of course to have polices that protect the environment and quality of life in the District, this part of the Plan should set out the broad approach of where and how housing, employment and the various services are to be located. For the same reasons, I disagree with the conclusions of the two objectors.

RECOMMENDATION

0.9 That paragraph 0.9 is deleted and replaced by the following wording:

"New development intended to meet local and strategic requirements will be expected to relate well to, and enhance, established communities. The capacity of existing towns and settlements to accommodate new development will be considered first before permitting development in the countryside. New development should provide for housing, employment, shopping and other services in locations that allow for the convenient use of public transport and minimise the use of the private car."

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

declines. Any development should make a major contribution to a more sustainable life style.

1.6 An objector stated there have been several announcements that development would not take place south of the M4; this policy is a tactical ploy of questionable context. Additional development would lead to further traffic congestion and pollution; infrastructure should be improved and more use made of brownfield land. It was asked that if the objections are successful whether they would be honoured or just put on hold until the next opportunity. The objector did not ask for a precise revision of this policy, but did refer to other policies in the Plan. Another objector suggested objective F) should be divided into F) – "to conserve natural resources" and G) – "to minimise pollution". Objective F) would then cover high quality agricultural land and accord with the approach taken in Policy OS1 of the Structure Plan.

1.7 It was said that the Council's objective of slowing down the rate of development in Wokingham District would be irrespective of the level of development required by the Structure Plan. PPG advice sets out the relationship between Structure and Local Plans and the latter should translate the broad policies of the former. Therefore the Council should remove the statement that they will "continue to slow down the rate of development within the Plan period" in order that the Local Plan conforms to Structure Plan policies. It is not a feature of sustainable development that the rate of development is reduced, merely that development is planned in the most sustainable form and location. Objective A) should be deleted.

1.8 Objective G) should contain the words "in consultation with the Parish Council", thus ensuring improvements have the support of the local community. One of the express objectives of the policy should be to encourage/sustain balanced rural communities. Such settlements should be allowed to continue to grow and evolve otherwise the population will decline and local facilities and services will continue to contract. An objector asked how the Council would implement if the development proposed at Grazeley does not proceed.

1.9 In the past the Council has sought improvements/contributions in respect of infrastructure, services and amenities that are not directly related to proposed development. Therefore, objective G) should be amended to make clear that such requirements are only sought where they are as a direct consequence of any development sought. Another objector suggested the policy is unnecessary and repeats other policies in the Plan; objectives E) and G) are unduly onerous. If the policy is to be retained, G) should reflect the wording of Policy WOS4 and in E) the words "or will not harm" should follow " a positive contribution to".

1.10 Objection was made to PA 1.1 as it could be interpreted by developers as a specific need for additional development if it could be shown a community was not balanced in any given respect. There is no legal definition of a "balanced rural community". The amended policy would not address the need to bring

forward for redevelopment contaminated sites beyond settlement boundaries. This could remove threats to health/safety and provide environmental enhancement. Bearing in mind Government advice, PA 1/2 would be unnecessary and should be deleted. A re-wording for the policy was suggested.

CONCLUSIONS

1.11 The Structure Plan does not use the expression 'to slow down development' and neither does the advice in national planning guidance. The District Council has a duty to ensure there is always sufficient housing and employment opportunities to serve the needs of local people. In addition, the Structure Plan requires the Council to find between 2-2,500 dwellings specifically to serve the needs of people seeking employment in the Reading locality. The use of the wording in paragraph 1.1 and objective A) of Policy WOS1 is quite contrary to that requirement. I suggest that paragraph 1.1 is deleted and replaced by the wording I have recommended for paragraph 0.9 of the Introduction Chapter. Objective A) should be deleted as it gives the wrong impression to people seeking homes and jobs in the District.

1.12 Furthermore, that requirement contradicts objective B, where the Council correctly seeks to widen the range of employment opportunities and to meet the needs of the District's economic and social needs. I suggest the deletion of the words 'within a)' and replacement of 'low-cost housing' with 'affordable housing'. In Chapter 5, I have recommended that because of the high cost of housing in the District, the Council should limit affordable housing to rented accommodation. In common with adjacent Authorities, people on low incomes are unlikely to be able to afford even the lower cost of 'low-cost' purchased housing. Until the discrepancy between the high housing costs in the area and the availability of truly low-cost accommodation is resolved, it would be better for the residents of the District to be able to rely upon rented accommodation to meet their demand for affordable housing.

1.13 Objective C) should be re-worded to reflect the approach now recommended in PPG3 to sustainable forms of development. It is necessary to emphasise the need to maximise the use of buildings and land and exploit the potential of previously developed land within identified settlements before using the sequential approach and building upon greenfield land in the countryside. Dealing with comments in respect of the Grazeley development, the Part 1 Report has recommended that it should not proceed and I am recommending in Chapter 5 an alternative strategy for housing supply allocations. I understand the comments regarding the enhancement of services/facilities in rural locations, but only very limited development is appropriate in many of the smaller settlements. If the Council were to allow large scale developments in communities that have inadequate facilities, particularly public transport services, then there would be an inevitable increase in the use of the private car to reach an adequate level of service in the larger settlements. In a District that already has experience of traffic congestion,

that strategy would be quite unfair on local people and contrary to Government advice.

The use of contaminated sites for new development that are beyond settlement boundaries should be determined upon their merits as exceptions to the Plan. Simply because a site is contaminated does not mean it should always be redeveloped, otherwise the principle of sustainable development and communities would be significantly harmed. I concur with PA 1/3 as it clarifies the Council's objectives. While I note PA 1/1, it does give the wrong impression if the Council is to adopt the strategy of identifying settlements where new housing would be allocated. Objective H) suggests that such development could take place anywhere in the District.

One objector was concerned at increasing traffic levels; the Council has agreed to assess the cumulative effects of any housing allocations and any associated traffic generation at Modification Stage of the Plan. I accept that the Council should consult with Parish Councils about improvements to services, amenities and infrastructure matters; but that commitment should be within the supporting text and not in the Policy wording. Also PA 0/4 confirms the Council's willingness to consultations in implementing policies and proposals of the Plan. I do not read objective G) as suggesting those improvements would take place regardless of circumstances. The intention is to set out a principle that is then refined in Policy WOS4. In view of my suggestions for objective C), PA 1/2 is superfluous.

1.16 I do not consider there is a need to segregate forms of transport serving different types of development. Both residents and employees should have the opportunity to use public transport. I do accept that the words "where possible" should be deleted from the first line of the policy wording as all acceptable development should be both sustainable and help in some way to improve the quality of life for local people. There is no need for objective G) to follow the precise wording of Policy WOS4 as all policies of the Plan should be read as a whole. However, I do accept that the addition of the words "or make no significant harm" should follow "a positive contribution" in objective E). This would clarify the status of new development.

RECOMMENDATION

1.17 That paragraph 1.1 is deleted and the following wording substituted:

"New development intended to meet local and strategic requirements will be expected to relate well to, and enhance, established communities. The capacity of existing towns and settlements to accommodate new development will be considered first before permitting development in the countryside. New development should provide for housing, employment, shopping and other services in locations that allow for the convenient use of public transport and minimise the need to use the private car."

1.18 That the words "where possible" are deleted from the first line of Policy WOS1 and the objectives are re-lettered in accordance with the following recommendations.

1.19 That objective A) is deleted.

1.20 That objective B) is amended by the deletion of the words 'within a)' and replacement of the words 'low-cost housing' by 'affordable housing'.

1.21 That objective C) is deleted and replaced by the following:

"maximising the use of existing land and buildings, and exploiting the potential of previously developed land within identified settlements before the countryside is built upon."

1.22 That in objective E) the words "or make no significant harm" are added after "a positive contribution".

1.23 That a new paragraph is inserted in the text elaborating upon the sustainable development principles advised in PPG3.

1.24 That the Plan is amended in accordance with PA 1/3.

1.25 That PA 1/1 is not adopted.

1.26 That PA 1/2 is not adopted.

1.27 That the text contains a commitment to deal with the cumulative effects of additional housing allocations and any associated traffic generation at the Modification Stage of the Plan.

1.28 That the text contains a commitment to consult with Parish Councils upon the question of improvements to services, facilities and infrastructure.

PARAGRAPHS 1.6-1.9

(Proposed Amendment 1/4)

REPRESENTATIONS

1477 St Nicholas Hurst Parish Church (O)
2169 Sonning Parish Council (O)
2521 Prudential Portfolio Managers Ltd (O)
2684 Hobden Estates Ltd (O)

ECTION ISSUES

1.29 An objector asked that the words "or has a special reason to locate here" be deleted from paragraph 1.6 as developers should not be given more latitude. Objection was made to the extent of the identified settlement for Earley/Sonning/Woodley. It is inappropriate, unacceptable and very bad planning to include Sonning with Woodley and Earley as a single identified settlement; such treatment has resulted in important features of Sonning being overlooked in the Plan. The maintenance of open space around the Conservation Area and that designation itself is not highlighted in the Plan. The highly attractive countryside along the Thames towpath and its function as an area for recreation is ignored.

30 One objector considered that the Reading Business Park should be identified as a settlement for the purposes of Policy WOS2; this would allow the Park to accommodate the development requirements of Wokingham. Crazies Hill should be regarded as a settlement.

CONCLUSIONS

1.31 Although the listing of Identified Settlements is a useful tool in the control of development, it is necessary for the Council to review the list following publication of PPG3. In the Housing Chapter I have mentioned a number of settlements where I have opposed the allocation of land for housing because those areas do not have a sufficient range of services or facilities. Such areas often have poor public transport services and the allocation of additional housing could lead to the greater use of private cars contrary to PPG advice. I suggest paragraphs 1.6-1.9 are replaced to list those localities where housing allocations may take place and those where only very limited infilling and small windfall sites would be permitted. PA 1/4 clarifies the Council's objectives in respect of development in those settlements and I have taken that suggestion into my recommendation.

RECOMMENDATION

1.32 That paragraphs 1.6 – 1.9 are replaced as follows:

"The Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside boundaries of identified settlements is retained. However, within Wokingham District there are a number of settlements where people are heavily reliant on car borne transport because local services and facilities are limited and the choice of alternative transport modes is poor. National planning guidance, and in particular PPG3 and PPG13, make it clear that new development should not be allocated in such locations.

Identified Settlements will therefore be divided into two categories as follows:

Category A - Those settlements that possess a range of services, facilities and public transport opportunities that would permit residents to occupy a reasonably self-contained community without the need to use a private motor car to reach those services in larger settlements. It will be within and on the edge of these settlements that the Council will seek new housing allocations:

Wokingham, Spencers Wood/Three Mile Cross, Twyford, Winnersh, Shinfield, Earley/Woodley and Pinewood (Crowthorne).

Category B - Those settlements which have a reasonable amount of development in a compact form and may be physically and socially cohesive, but possess a lower range of basic services. In these settlements only limited infilling and small windfall development will be permitted:

Arborfield Cross, Barkham Hill, Charvil, Sonning, Finchampstead, Finchampstead North, Hurst, Riseley, Sindlesham, Swallowfield and Wargrave.

Outside of the identified settlements it is intended to limit development to that which is appropriate to the countryside or for which a rural location is essential. Areas of sporadic development .....(as per paragraph 1.10).

POLICY WOS2

REPRESENTATIONS

334 D & S Nurseries Garden Centre (O)
1017 Mrs B Gibson (O)
1019 D & M Autos (O)
1033 The Hurst Village Society (O)
1342 Mr N Jackson (O)
1457 Miss D Lewis (O)
1478 St Nicholas Hurst Parish Council (O)
1495 St Nicholas Hurst Parish Council (O)
1588 Stratfield Saye Estates (O)
1592 Mr & Mrs C Adams (O)
1657 Linden Homes South East Ltd (O)
1662 Linden Homes South East Ltd (O)
1663 Linden Homes South East Ltd (O)
1667 Linden Homes South East Ltd (O)
1673 Alfred McAlpine Dvpts Ltd (O)
1685 Hicks Development Ltd (O)
1691 Bancroft Developments (O)
1693 Thatching Advisory Services (O)
1709 The Tstees of Twyford Orchards (O)
1710 The Tstees of Twyford Orchards (O)
1711 The Tstees of Twyford Orchards (O)
1719 Bewley Homes PLC (O)
1723 Bewley Homes PLC (O)
1724 Bewley Homes PLC (O)
1727 Bewley Homes PLC (O)
1732 Linden Homes South East Ltd (O)
1736 Sonning Developments (O)
1737 Sonning Developments (O)
1753 Mr L Nemeth (O)
1754 Mr L Nemeth (O)
1761 Westfield Homes Ltd (O)
1762 Westfield Homes Ltd (O)
1770 Hicks Persimmon Ltd (O)
1772 Hicks Persimmon Ltd (O)
1781 The Landowner (O)
1783 Mr E Gale (O)
1836 Mr G Hunter (O)
1848 Persimmon Homes (TV) Ltd (O)
1868 Westbury Homes (Holdings) Ltd (O)
1879 South Wokingham Consortium (O)
1883 Bryant Homes Tech Services Ltd (O)
1888 T A Fisher & Sons Ltd (O)
1891 Charles Church Developments Ltd (O).
1901 Mrs B Madge & Mr G F Bayles (O)
1905 Mrs B Madge & Mr G F Bayles (O)
1945 Mr & Mrs F Wicks (O)

1948 Mrs A Murrell & Mrs E T Thorn (O)
1950 Mr P Daniel (O)
2008 Thames Water Property (O)
2035 The House Builders Federation (O)
2059 University of Reading (O)
2097 University of Reading (O)
2098 University of Reading (O)
2099 University of Reading (O)
2100 University of Reading (O)
2101 University of Reading (O)
2102 University of Reading (O)
2119 Trustees of Mrs A Hutchinson (O)
2136 Meakins Transport (O)
2152 Beazer Strategic Land (O)
2153 Beazer Strategic Land (O)
2154 Beazer Strategic Land (O)
2188 Mr I Johnson (O)
2191 Mr H Bowyer (O)
2195 Mr R Gwinn (O)
2198 Mr K Warwick (O)
2202 Mrs G Childerhouse & Mr H M S Bowyer (O)
2205 Mr C Evans (O)
2208 Mr C Evans (O)
2212 Wokingham United Charities (O)
2231 Mr & Mrs A Gosden (O)
2233 Mr A Godsal (O)
2237 Trustees of R H R Palmer Dcd (O)
2245 Trustees of R H R Palmer Dcd (O)
2249 Trustees of R H R Palmer Dcd (O)
2253 T A Fisher Ltd (O)
2312 Hudscott Estates (East) Ltd (O)
2328 C Edwards & G J Couling (O)
2343 R Jasay (O)
23— Mr J Marnie (O)
2348 The Guide Dogs for the Blind Assn (O)
2350 Mr D Bishop (O)
2361 Thames Water Property (O)
2476 Wargrave Parish Council (O)
2543 S Grundon Ltd (O)
2545 Martin & Pole Nicholas (O)
2646 Mr N Jackson (O)
2647 Mr N Jackson (O)
2681 Old Redingensian Assn (O)
2682 Old Redingensian Assn (O)
2683 Old Redingensian Assn (O)
2710 Sonning Developments (O)
6047 Mr A Bailey (O)
6048 Mr D Alder (O)
6106 Miss D Lewis (O)
6176 Bewley Homes PLC (O)
6270 University of Reading (O)
6271 University of Reading (O)
6272 University of Reading (O)
6273 University of Reading (O)
6274 University of Reading (O)
6286 Miss H Fogden (O)
6278 University of Reading (O)
6281 University of Reading (O)
6275 University of Reading (O)
6282 University of Reading (O)
6283 University of Reading (O)
6279 University of Reading (O)
6280 University of Reading (O)
1266 Mrs J Pottinger (S)
2180 Dr & Mrs A Busby (S)
2360 Thames Water Property (S)
6223 Bovis Homes Ltd (S)

PREAMBLE TO POLICY WOS2

1.33 A number of objectors asked for amendments to settlement boundaries unassociated with any other proposal. Those cases are recorded under this section. Where there was also a proposal to remove a gap or wedge designation, the objection has been dealt with in the Omissions Section of Policy WCC2. Where a site has been proposed for housing development, the objection is recorded under the Omissions Section of Policy WH2. Where a site has been proposed for employment use, the objection has been recorded under the Omissions Section of Policy WEM1.

OBJECTION ISSUES

1.34 The wording of the policy was said to be too rigid and restrictive and would stifle development. New wording was suggested to allow development outside settlements where it can be demonstrated that significant benefits would result and other policies of the Plan would not be adversely affected. Concern was expressed at the inclusion of the words "in exceptional circumstances" and it was felt that this would be stricter than the Government's approach to development in green belts. Another objector thought such circumstances should only be agreed after close consultation with the Parish Council.

1.35 Many objectors asked for the Council to take a proper and systematic review of settlement boundaries as the application of the policy relied on the appropriateness of the definition. An objector asked that to ensure a proper supply of unidentified housing sites, settlement boundaries should be drawn to allow "rounding-off" development on the edges of built-up areas. It was also pointed out by an objector that reference to "rounding-off" in paragraph 7.40 of the Structure Plan meant that careful scrutiny of settlement boundaries was required and a more realistic view of the contribution made by small sites taken. Some objectors considered that the Plan had too many designations that did not assist in the interpretation of national planning guidance. The effects of Policies WLL6 and WH1 were unclear and land designations excessive. Only policies with clear justification should be included.

1.36 The Plan made insufficient provision for housing on identified sites and the Council did not have a 5 year supply of housing land. An objector thought that the presumption against development outside settlement boundaries would run counter to the need for the Council to meet housing targets. The policy was considered by some to be too prescriptive and contrary to Government advice. The Council should replace "will only be allowed" with a more flexible approach. Others thought that the word "normally" should be included in the policy wording. It was also considered that the policy wording should be changed to more accurately reflect Structure Plan policies and those elsewhere in the Local Plan.

1.37 With regard to site specific objections, 1342 considered that the settlement boundary to the rear of properties in Nine Mile Ride was illogical and should be changed. Objection 1033 thought that as the allotments in Tape Lane, Hurst were within the settlement, they should also be designated as "setting of settlement" to protect them from development pressure. Objection 2136 sought the inclusion of the southernmost part of Spencers Wood. Objections 1457 and 6106 considered that the southern boundary of Sonning should include the gardens of Thatched Cottage, The Cottage and Sonning Place. 1781 asked for a change to the boundary and removal from "gap" policy. 1883 suggested a change to allow for development, as did 2119. Objection 2476 suggested allotments, recreation areas and other land at Wargrave should be within the boundary. 6047/6048 asked for a more logical boundary line at the properties at King Street and Bearwood Road.

Sindlesham. Objection 6286 asked for land in Park Drive, Charvil to be included in the settlement. 2647 was concerned that land at Finchampstead North should be within the settlement.

CONCLUSIONS

1.38 Most of the objections and the Council's policy have been overtaken by the publication of PPG3 and as I have a basic objection to the allocation of additional housing in some settlements, I make no further comments on those suggestions that require boundary changes in those locations. Clearly, where development proposals are accepted by the Council, then settlement boundaries will need to be amended. Furthermore, the Council does need to undertake a proper assessment of the settlement boundaries. However, there are some sites that because of my consideration of other policies, it will be necessary for me to make comment. It will be necessary to re-word the policy on the basis of the way in which new development schemes will be assessed when determining the location of additional development. Previously developed land within category A settlements should be developed first, followed by development on the edges of those areas. Category B settlements should only accommodate limited infilling in accordance with Policy WCC1 and small windfall developments based on the advice in Policy WH1. Given the advice in PPG3 and my recommendations regarding the location of new housing allocations, I suggest that this policy should be re-titled to refer specifically to proposals for housing developments.

1.39 Regarding objection 2136, I do agree with this objector that this southernmost part of Spencers Wood should be included within the boundary of the settlement. It provides a more logical and better defensible boundary by including this largely developed locality. I have also recommended the acceptance of a site just to the north of this area as a housing allocation because of its proximity to [illegible] facilities. Objection 6048 has been satisfied by the Council's PA A/13 and objection 2647 by PA P/1. Regarding objection 6286, given the line of the existing hedge, I do not accept that the settlement boundary should be changed. However, as far as 6047 is concerned, the Council should look again at the representation as there does appear to be credence in the points made. Given my comments on the location of new housing, as well as existing developments and services, I do not agree the boundary should be changed in the way expressed in objections 1342, 1457, 6106, 1781, 2119 and 1883. I note the concerns in objection 1033, but the fact that allotments are within the boundary does not mean that residential development would be permitted. The Parish Council at Wargrave appear to have the opposite situation with those allotments outside of the boundary. Perhaps it would be better for the Council to look again at the situation and adopt a consistent approach.

RECOMMENDATION

1.40 That Policy WOS2 is deleted and replaced as follows:

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

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

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

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

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

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

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

NEW PARAGRAPH 1.12A

(Proposed Amendment 1/5)

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

POLICY WOS3

(Proposed Amendment 1/6)

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

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

PARAGRAPH 1.13

REPRESENTATIONS

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

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;

Steepways Farm, Nether Lypiatt, Stroud, Gloucestershire GL6 7LS
Telephone: 01453 889102 **Fax:** 01453 889103 **E-Mail:** planning@bradbeer.co.uk

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: 08 October 2002
My ref: **F/2002/6056**

The Owner/Occupier
29
Foxborough
Swallowfield
Berkshire
RG7 1RW

WOKINGHAM UNITARY
Aiming for Excellence

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

Dear Sir/Madam

APPLICATION No: F/2002/6056
APPEAL BY: Mr I Rivers
SITE: Land Adjoining 4 Wyvols Cottages The Street Swallowfield Reading
PROPOSAL: Proposed erection of detached dwelling. Amendment of consent F/2001/3725. (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/02/1100256**. Comments received after **13/11/2002** 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

SUGGESTED TOPICS FOR DISCUSSION

1. **The Enforcement Notice – allegation and requirements.**

2. **The differences between the approved scheme and that built.**

3. **Relevant Development Plan policies.**

4. **Appeal A ground (a) and Appeal B – main issue - the effect of the development on The Street street scene having regard to the extant planning permission for a dwelling.**

5. **Any other material planning considerations.**

6. **Appeal A grounds (f) and (g)**

7. **Conditions in the event that the appeals are allowed**

(a).

The Inspector.
c/o Wokingham District Council.
Shute End.
Wokingham. Berkshire. RG40 1BN.

Conservative Group Office

Wokingham District Council
Shute End, Wokingham
Berkshire, RG40 1BN

Tel: 0118 974 6005
Fax: 0118 974 6014

19th June 2003

Re Application number: F/2001/3725 as amended by F/2001/5044 location: Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield.

Dear Sir.

Owing to a long standing engagement I very much regret that I am unable to attend the informal hearing today.

I support Wokingham District Council's and Swallowfield Parish Council's objections of the extended metre forward of the original plans.

Yours faithfully.

Clare Beatty. (Mrs).
SWALLOWFIELD DISTRICT COUNCILLOR.

Email: conservative.group@wokingham.gov.uk

SWALLOWFIELD
PARISH
COUNCIL

Parish Office
Swallowfield Street
Swallowfield, Reading
Berkshire RG7 1QX

Phone: 0118 988 5929
Fax: 0118 988 6443
Email: clerk@swallowfieldpc.gov.uk
Web: www.swallowfieldpc.gov.uk

Mrs. Celia Adams
Parish Clerk

(b).

To the Inspector

Presumably you have seen all the attached letters which were written on the original appeal.

With Compliments

Swallowfield
Local History Society

President: Professor Mike Biddiss

Chairman: Henry Lewis, Esq.

Secretary: Ken Hussey
'Kimberley'
Swallowfield
Reading
RG7 1QX

Tel: 0118 9883650

12 November 2002

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

Dear Sirs

Application No. F/2002/6056
Appeal by: Mr.I.Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detatched dwelling. Amendment of consent F/2001/3725 (Retrospective)
Reference APP/X0360/A/02/1100256

You will have already received comments from our Society regarding the unsuitability of the above proposed development and we trust that this appeal will be refused.

We are very proud of our village heritage and are determined to do whatever we can to protect it.

The development is totally inappropriate in its present location and is significantly detrimental to the street scene. On entering the village from the Basingstoke Road (i.e. from the south west), as one approaches the first bend one is confronted by this monstrosity projecting beyond the neighbouring building line. There is a similar appearance when leaving the village.

The enclosed photographic prints show the protrusions quite clearly. We have indicated by stick-on labels, one metre of length of wall. We have been unable to measure the exact protrusion for health reasons, but the protrusion would appear to be considerably in excess of 900mm rather than less. Whatever the dimension may be, it's the appearance that matters.

(continued overleaf

continued)

The materials that have been used in the construction form a stark contrast to those of adjacent properties. These features we have already highlighted. Additionally, the door and window frames are dark in colour, in contrast to the white of all neighboring properties. This feature stands out when the rear elevation of the property is viewed, from a distance, across the field from Swallowfield Street on entering the village from the north west (see photograph). Summarising, the design and materials used in the construction of the building are totally unacceptable.

We urge you to refuse this appeal on the grounds of incompatibility with the attractive village scene.

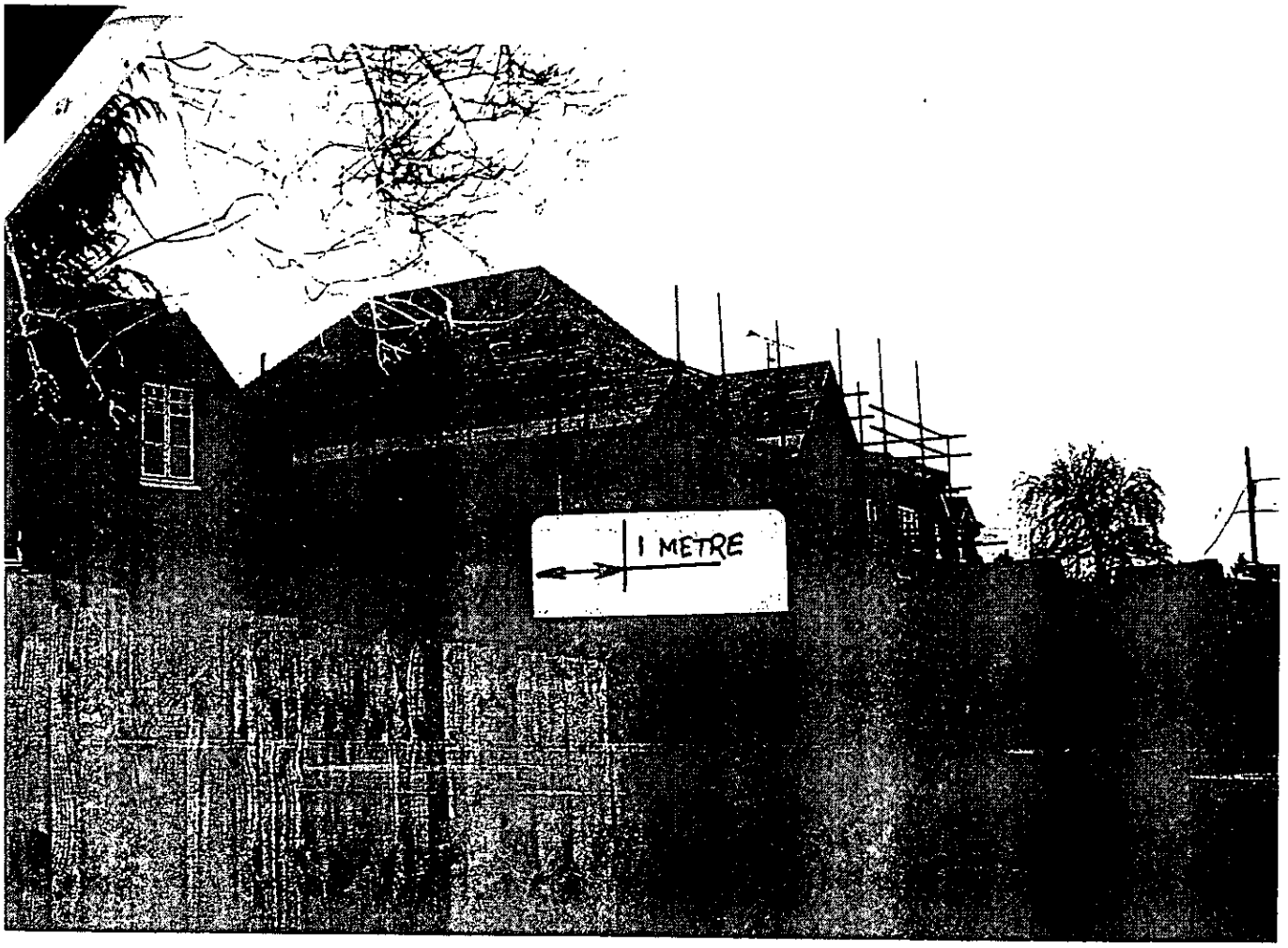
Yours faithfully

K.Hussey
Honorary Secretary

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



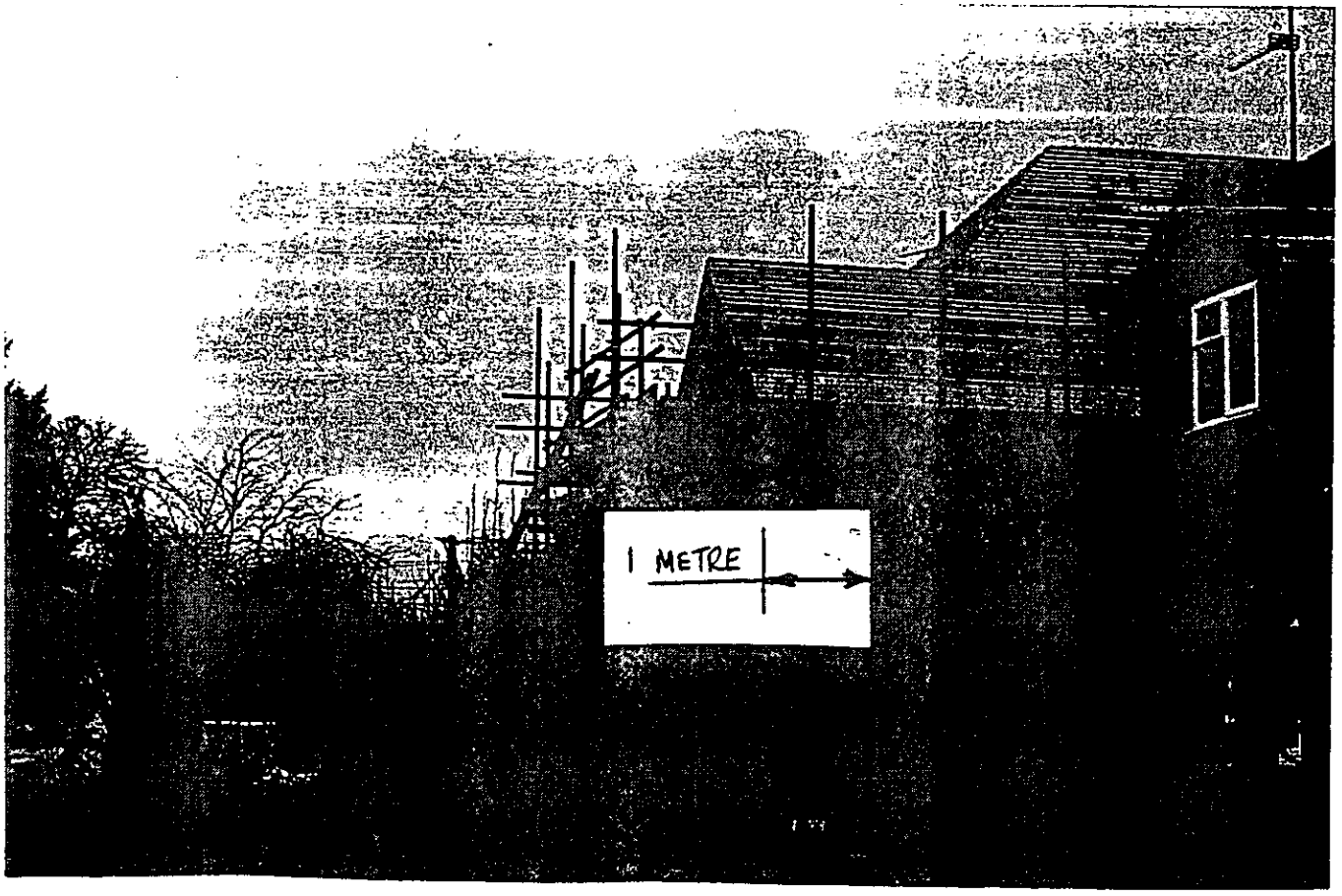
FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

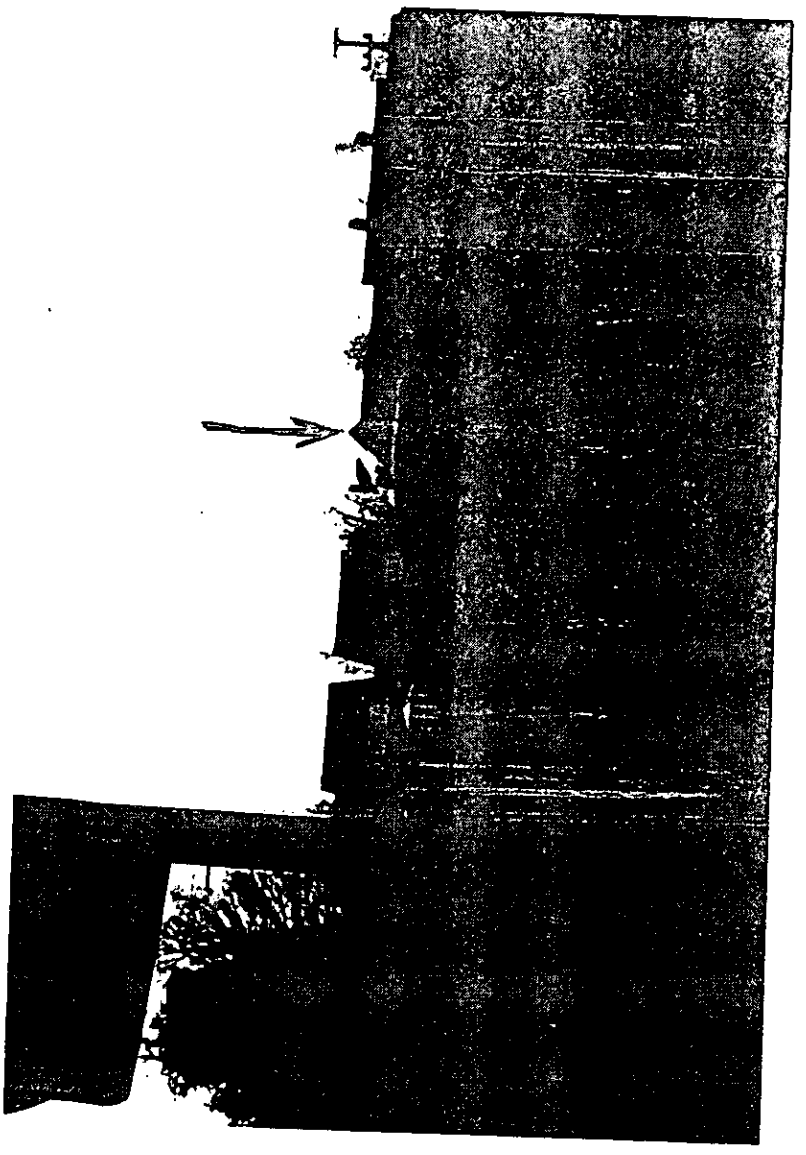


LOOKING NORTH-EAS

BEAVER COTTAGE

LOOKING SOUTH-WES





Application No F/2002/6056
Appeal By Mr I Rivers
Proposal: Erection Of Detached Dwelling.
Amendment Of Consent F/2001/3725 (Retro)
Ref APP/2030/A/02/1100256.

Money Wood
Spring Lane
Swallowfield
Reading
RG7 1ST

Dear Mrs Pocock,

Site: Land Adjoining 4 Wyvols Cottages, The Street Swallowfield, Reading.

Why, why, why, do builders get away with disregarding rules and regulations, and in this case actually boasting about it, saying "they can't touch me its too late".

This house sticks out in the village in more ways than one, the bricks could have been more sypathetically chosen to blend in and the position is just an eye sore, protruding as it does. It is on a dangerous bend in the road with parked cars spilling over the kerbs, its just

unbelievable that he has been so thoughtless. What sort of excuse can he give for building the dwelling a good metre forward of the granted planning permission

I do hope you can help us with this matter and make developers realise that they have to abide by the rules like most of us in our village

Yours faithfully
Valerie Reid

Beavers Cottage

Application No. F/2002/6056.
Appeal by: Mr. I Rivers.
Site Land adjoining
4 Wyvols Cottages,
The Street
Swallowfield Reading.
Proposal. Proposed erection of
detached dwelling. Amendment of consent
F/2001/3725 (Retrospective)
Reference: APP/X0360/A/02/1100256.

MRS. S J MOORE,
St Leonards,
Swallowfield St.,
Swallowfield
Nr. Reading,
Berks.
RG7 1QX
5.11.02.

Dear Mrs Pocock,
"Ref above planning application"
In April (F/2001/3927 & MAY 166/F/2001/3725 Swallowfield Parish Council objected to these application on the grounds that this site was not suitable for the house proposed & would give the impression of a house "Shoe horned in".
They also spoke of the dangerous site with reference to the bend in the narrow street.
The lack of sufficient parking space in front of the house would lead to cars parking on the very dangerous bend on the road.
Also, this area was the access into the field behind & the only other access would be on the B 3349 Basingstoke Rd., which is very bendy & has had many accidents on it over the years.
This is not acceptable to road users & residents who will be risking their lives.
However Wokingham District Council decided to allow the application & a house has been built.
These are my personal observations.
1. The house is ugly & the wrong colour bricks have been used. This is the entrance to the village & this house doesn't match with any of the surrounding houses, in fact it really lets the area down.
2. It has been built at least 1 metre forward than planning showed. Thus reducing the parking & visibility for cars.

work & returning in the evenings.
This road has a speed limit 40 mph. The developer was warned while the house was being built that it was wrongly positioned he had every opportunity to put matters right long before the house was completed.

Yours

S J Moore

Therefore I feel that cars will park on the dangerous bends endangering other road users.

3. The house appears to have more windows on the side nearest to "Aldearg" which is in contravention to the planning application.
4. In the approved planning permission of 27.7.01. it mentions conditions for tree replacement. I doubt if there is any room for trees now. The house seems much bigger than the orignal plans showed.

I am writing this letter because I feel that Swallowfield Parish Council & Wokingham District Council have been made to look foolish by the developer who at the end seems to have got his own way.
I only hope no one gets killed on the dangerous bends if cars are parked on the highway. This road is very busy in the mornings & evenings with parents fetching & carrying children to school & others going to

WINDYRIDGE
THE STREET
SWALLOWFIELD
READING RG7 1QY
8.11.02

Application No F/2002/6056
Appeal Site: Land adjoining 4 Wyvals Cottages
The Street Swallowfield
Amendment of consent F/2001/3725
Ref. APP/X0360/A/02/1100256

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

Dear Madam,

I object most strongly to this retrospective application The appellant had planning permission to erect a dwelling of a certain size and style in a specific place on the above land.

What he has built is completely different. This may or may not have mattered had it not been sited next to a historical row of cottages occupying an important entrance to our village (although I do think people should be obliged to stick to that for which P.P. has been allowed, or where is the sense of having a planning Authority or planning laws at all?) is sited on a bend where it is important for vision since the traffic, especially lorry traffic, thunders through our village. One metre forward on this site is, therefore crucial and to be deplored. It also detracts greatly from the setting of historic cottages.

When residents go to tremendous trouble to match existing brickwork and have specially made windows and doors etc like my neighbour did at HALFWAY DP- is an insult to their case for the village, and that a WDC to blatantly flout the system. The owner makes no secret of the fact that his property will be sold for profit - which makes it doubly unlikely that this was a genuine mistake as claimed. If you allow this, then there will be others elsewhere that do not comply with P.P.

Please do not allow this Appeal which will do inexpicable harm to our village.

Yours faithfully

R.A. Tombs (Mrs)

R.A. TOMBS

Planning Ref F/2002/6050

Amendment to Consent

F/2001/8725
(Retrospective)

Swallowfield
Reading
RG7 1QY
5th November 2002

Re Street

Ms M Pocock
The Planning Inspectorate
Bristol

Dear Madam,

In our view the house which has been built is unsuitable for the site and if planning permission had been sought originally for the house as built it would & should have been refused.

Anthropective application should not be granted in this instance as allowing the house to remain as built would flout planning policy & could have very serious implications for the future of the village.

Yours faithfully

Tom + Rowan Carter

'Kalgoorie'
Swallowfield St,
Swallowfield
Reading
RG7 1QX.
4-11-02.

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

Application F/2002/6056
Land Adj. 4 Wysols Cottages
The Street. Swallowfield.
Ref. APP/X0360/02/100256.

Dear Mrs. Pocock.

I wish to support Wokingham D.C. regarding refusal of the above appeal

This house is not at all in keeping with the village and dominates the Street scene.

It was very important that this building, which is on a bend in the road, should not be proceeded for the following reasons:-

1. You need clear vision round a bend.
2. The house is extremely noticeable and has been built projecting on to the Street, way beyond the "building line" and has ruined the rural setting of our Listed Houses.

This is no mistake, unless it was deliberate.

Please back our local Authority in preventing applications of this nature, which deliberately disobey planning laws.

Yours Sincerely.

(Mrs.) P. Bolle

Mayfield
Swallowfield
Reading
RG7 1QY
5/11/02

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

Application No: F 2002/6056
re: site adjoining 1 Nyrola Cottages

Dear Madam

I wish to write regarding my objection to the above property, built in the Street at Swallowfield.

It is completely out of line with the adjoining properties, & was not built in accordance with the planning permission granted.

Sincerely yours

Myrtle Grigsby (Mrs)

MYRTLE GRIGSBY (MRS).

The Vicarage

The Street
Swallowfield
Reading
RG7 1QY

0118 988 3786

E:mail peter.bannister@virgin.net

COPY SENT

5 November 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

RE Application No. F/2002/6056 Appeal by Mr I.Rivers
Site: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading
Proposal: Proposed erection of detached dwelling.
Amendment of consent F/2001/3725(Retrospective)
Reference APP/X0360/A/02/1100256

I object to this appeal and think that the house should be rebuilt in the correct position because:-

1. The first impression on driving into the village from the Basingstoke Road is this house sticking out like a sore thumb in front of the existing pleasing line of village dwellings. Being sited on the bend exacerbates the problem.
2. Although about a metre projection in front of adjacent properties can be allowed, in this instant it is highly undesirable.
3. The present position of this house has thoroughly spoiled the row of dwellings in The Street and thus spoiled our village.

Yours sincerely

The Rev Peter Bannister

7 Farley Court, Farley Hill, Reading RG7 1TT

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

Application No F/2002/6056
Site Land adjoining 4 Wyvols Cottages The Street Sindlesham Rea
Ref APP/X0360/A/02/1100256

Dear Mrs Pocock,

I do strongly object to planning permission ~~not~~ being refused given & then the ~~per~~ applicant disobeying it completely, what is the point of that? The same applies if permission is once given the plan must be adhered to.

This cannot be a mistake as claimed. The house built is completely differe from that which was granted planning permission.

Please uphold our planning laws & refuse this Appeal.

Many Thanks.

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

MRS. F STAGMAN / MRS E WILSON
SWALLOWFIELD PARISH STORES + POST OFFICE
THE STREET
SWALLOWFIELD
READING
RG7 1QY
8th NOV 02

APPLICATION No. F/2002/60516
LAND ADJOINING 4. WYVOLS COTTAGES. THE STREET SWALLOWFIELD READING
Ref: APP/X0360/A/02/1100256.

With reference to the above this property has been erected 1 metre further forward than the planning permission granted. The developer claims it was a mistake. One metre forward on a plot (especially on a nasty bend) is a big mistake.

On entering the village the dwelling has a severe unattractive effect on the look of the Street.

The Government guidelines point out clearly to any developers, private or otherwise to build in harmony with the original village, and this has certainly been ignored here.

We understand that this is not the first time this developer has done this and

hope that this can all be taken into account when dealing with the Appeal.

Yours sincerely

Frances Stanier.

Ep with

Evans

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

12 Foxborough
Swallowfield
RG7 1RW

5/11/02

Dear Mrs. Pocock, Application No. F/2002/6056, Amendment of Consent F/2001/3725 (Retrospective), Ref. APP/X0360/A/o2/1100256, Land adjoining 4 Wyvols Cottages, The Street, Swallowfield

I deplore the fact that this applicant defied the warnings from WDC that if he went ahead with this application it was unlikely he would receive planning permission. WDC laid specific conditions on adjoining land to obtain adequate sight-lines before allowing an application to be considered for a house on this site. This was because it is sited on a bend where vision for access, egress and approaching traffic was considered by them to be very important. Our Parish Council was against the house that has PP. They did not consider anyone would build a small enough house on this plot which would not detract from Wyvols Cottages nor present a hazard on the bend. This concern was well-merited since the resultant house projects well forward on the site. It ruins the setting of the existing houses completely; furthermore it appears to be an entirely different house than that for which PP was sought – viz. a [redacted], extra windows, a metre further forward!

The applicant claims this was a mistake. The mistake surely was his in building a different house! Is the footprint the same? Surely a forward projection both front and rear plus a dormer and extra windows, porch constitutes a bigger house?
Not there!

It has cost our Authority time and money to oppose this Appeal, consequently very little enforcement is done in our District. We are delighted, therefore, that WDC considers this case sufficiently important to make a stand. Huge efforts have been made in recent years to build only that which will enhance the village rather than new development being allowed to ruin it. This proposal not only ruins the approach to this historic village from the Basingstoke Road, it renders the siting of this house on this bend a dangerous traffic hazard. Please do not allow it.

Yours sincerely,

S Bandy (Mrs.) Mrs S Bandy

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

Mrs E J Gower
29 Foxborough
Shallowfield
READING
RG2 1BE

07/11/02

Appl. No. F/2002/6056.
Appeal site:- land adj. 4 Wyrols Gdns. The Street, Swallowfield.
Amendment of Consent F/2001/3725 (retrospective)
Ref. APP/X0360/A/02/1100256

Dear Madam,

I object strongly to this retrospective Planning Application. It appears to be deliberate and not a mistake as claimed. Even the resultant building is different from the application. There are additional windows. How many "mistakes" have been made? Concerns were raised at an early stage. Warnings from WDC were ignored. When challenged locally, the appellant was unrepentant - "well, they will never make me pull it down". Such was the confidence (and arrogance).

The appellant made no secret he was professionally engaged in buying up plots, building a house on them, living in it for 6 months to avoid tax, and selling at a good profit. Professionals are less likely to make mistakes than amateurs! Hopefully the rumour that he has built forward of the building line elsewhere within the District can be substantiated before/during the hearing.

Perhaps also can be checked the claim that the appellant has not benefited from the mistake? Is the footprint exactly the same? Is it a 3-bedroomed house? Is it 4, by mistake?!

Certainly we have never seen a house built so quickly. Is that the play? You build anything you fancy and no-one will stop you? Or make you rectify the "mistake"? The metre forward may not matter in some locations. In this one it does. It lies on the furthest radius of a bend, and this reduces vision for traffic. The street becomes a rat-run in the rush hour. It is a cut-through avoiding main congested routes for commuters & HGV traffic. As there is more building South of the M4 in the area, it will become more hazardous. The off-street parking has become an important issue in this area of congestion. A metre forward makes parking off-street at this point more difficult. WDC are now requiring one parking space for every bedroom off-street, it is so bad.

And so to style! Not an unattractive house in a less prominent location. Next to an historic row of houses, the forward projection makes this house stand out like a sore thumb. It was so obvious when it was being built that perfect strangers would stop to enquire what on earth was going on!

WDC, in our opinion made a mistake in approving the original house. It was unfortunate they were over-worked & under-staffed & assigned an inexperienced young officer to this application. The house should have related to the older-style housing so as not to detract from Wyols Cottages. Are not Govt. Guidelines dedicated to this? Since it was always going to appear shoe-horned on to the plot, it should have been sited carefully - probably ½ way between the frontages of the housing either side of it. To assert all the housing is varied in its relative position to the high-way is flim-flam. This particular side of the Street contains the largest no. of original smaller, typical cottages that proclaim its history. The bricks should have been in keeping, as well as the style and size.

Please view Russell Cottages - opposite the Parish Hall - a recent addition. Please view the extension on Hall-Way Up (opp. Trowes Lane). It is obvious great effort is being taken to build in harmony with the older style here, lately.

The P.P. granted cannot be altered. What can be altered is that the house is made to occupy the building line on which it gained permission, and only occupies the same footprint for which permission has been granted.

Please do not let this developer present two figures to the planning system. If he is allowed to do it here, he will do it elsewhere. It has been rumoured he has already done this elsewhere. WDC now live in dread of this next application. Wokingham, whose services are excellent on all but Enforcement have decided to make a stand on this case. Obviously they think it is important.

We feel a signal is needed, a strong signal to other possibly like-minded developers, that flouting the planning system will no longer be tolerated in the District. This must be so when the majority respect the system. Already, with this case, there have been murmurings such as - "oh well, if he can get away with this, what is the point of going to all the trouble and expense of toeing the line?" What indeed

We are very proud of our village. We are not against development when it is inevitable in this area. All we ask is for development to be sympathetic, so we can remain proud of our historical village. Please do not let this one have remain in it's present position, thus spoiling an important entrance to our village. We would get used to it, if it were not so prominent!

Developers come & go but the village is here forever. Please do not let this developer ruin the village forever - just for profit - and all for the sake of one house.

Yours faithfully

Elizabeth J.M. Gower

E.J.M. GOWER (MRS).

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

Old Cottage
Swallowfield Street
Swallowfield
Berks

05/11/02

Dear Mrs. Pocock

Application No. F/2002/6056, Amendment of Consent F/2001/3725 (Retrospective),
Ref. APP/X0360/A/02/1100256
Appeal Site: Land adjacent to 4 Wyvols Cottages, The Street, Swallowfield

The building of this house contrary to the Planning Permission allowed has caused a great deal of upset to many residents. They feel that this is a very important entry to our village and that the forward projection on the site has ruined the entrance to our village.

It is also sited on the outside of a bend which greatly reduces vision which both our District and Parish Councils were most concerned about at the outset.

Please uphold their objections.

Yours sincerely,

P M Cole (Miss)

P.M. Cole

1 Maythorn Cottages
Basingstoke Road
Riseley
Berks
RG7 1QD

08/11/2002

Dear Mrs Pocock,

Application No: F/2002/6056-. Appeal by Mr I Rivers.
Site: Land adjoining 4 Wyvols Cottages,The Street,Swallowfield,Reading.
Proposal: Proposed erection of detached dwelling. Amendment of consent F/2001/3725(retrospective)
Reference: APP/X0360/A/02/1100256

I am writing with regard to the above appeal to which I strongly object.

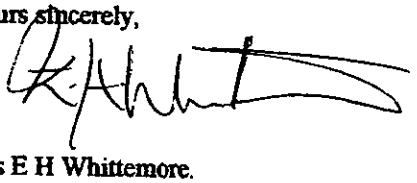
The house that has been built in the current position is visually very intrusive and has altered the look of the street and the surrounding houses. Its roofline is completely different in style/shape to all the neighbouring properties and it is highly visible from the Swallowfield Street or travelling into the village from the Basingstoke Road. I understood that properties were meant to be in "harmony"with the original village.

The person involved in this is not a private individual, he is a developer and this is his business that he makes money from. The house has been sited approximately 1 metre forward, this is not an amount you make a mistake by when you are a professional. He was warned during the project (by the local authority) that he was not building in accordance with the planning permission but he decided to continue and gamble on obtaining retrospective planning permission.

Developers should have to adhere to planning permission granted in the same way, as private individuals-he should not be allowed to ignore them and build what he likes, where he likes.

I would therefore ask that you turn down this appeal and that he is asked to demolish the dwelling and rebuild it in accordance with the permission he was granted. I believe this is the only way to show developers that they are not above the planning laws of this country.

Yours sincerely,



Mrs E H Whittemore.

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

Shillings,
29 Foxborough
Swallowfield
Reading RG7 1RW
7/11/02.

Dear Madam,

Application No. F/2002/6056 Appeal by: Mr. I. Rivers
Site: land adjoining 4 Wyrds Cottages, The Street, Swallowfield
Proposal: - Proposed erection of detached dwelling. - Amendment
of Consent F/2001/3725 (Retrospective) Ref. APP/X0360/A/02/1100256

I have recently moved to Swallowfield to live with my son & daughter-in-law. Swallowfield is a nice place to live. It has an active community who socialise and care about one another. It survives as a typical English village when many hereabouts have lost their identity by over-development.

This community spirit survives because people are proud of their village and like where they live. Subsequently they care about what additions are made to it. Villagers who extend or build make great efforts to watch what is good about the village.

There is, therefore, much dismay about this addition to the village. It does not relate to the traditional type of properties. All the other latest additions to the more prominent parts of the village, do. District and Parish Councils have worked together to ensure this happens. Nobody, subsequently, has minded additional development.

Unfortunately this harmonious way of working failed over this particular property, which resulted in a house being granted permission that the Parish did not agree with. This was regrettable but the village was prepared to accept it. What they are NOT prepared to accept is the building way in front of the permitted building line, which now shows that this was a mistake. They have nick-named it the Carbuncle.

I agree with them. It would be a thousand pities to allow our house to ruin an important entrance to Swallowfield. Please do not allow it.

Yours faithfully

R J Gower

RJ Gower (age 92).

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr I Rivers
C/O Robin Bradbeer Ltd
Steepways Farm
Nether Lypiatt
Stroud
Glos
GL6 7LS

Application Number: F/2002/6056

Parish:	**SWALLOWFIELD**
Location:	**Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.**
Proposal:	**Proposed erection of detached dwelling. Amendment of consent F/2001/3725. (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. By virtue of its siting on the external radius of a bend, together with its forward projection, the dwelling creates a visually intrusive and incongruous feature to the detriment of the character of the street scene. As such, the development is contrary to policy EN1 of the Berkshire Structure Plan, policies WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft) and to policies LBE1 and LBE2 of the Loddon 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 Policies EN1 and LD3.
Loddon Area Local Plan Policies LTV1, LBE1 and LBE2.
Deposit Draft Wokingham District Local Plan Policies WOS2, WOS3 and WBE1.

(EC)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Approval of Permission

Mr I Rivers
C/O W M Graham and Associates
1 Rectory Road
Wokingham
Berkshire
RG40 1DJ

Application Number: F/2001/3725

Parish: **SWALLOWFIELD**

Location: **Land Adjoining 4 Wyvols Cottages, The Street, Swallowfield, Reading.**

Proposal: **Proposed erection of detached dwelling with garage.**

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

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

Condition
2. Prior to the commencement of the development details of the proposed materials shall be submitted to and approved by the Local Planning Authority.

Condition
3. Prior to the commencement of the development samples of the proposed materials shall be submitted to and approved by the Local Planning Authority.

Condition
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Condition
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Condition
6. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.

Condition
7. The ground floor w/c window and first floor bathroom/w/c and landing windows in both side elevations of the development hereby permitted shall not at any time be glazed other than with obscured glass, and be permanently so retained thereafter.

Condition
8. No building shall be occupied until vehicle parking and turning space has been provided in accordance with the approved plans. These spaces shall thereafter be kept available for parking and turning at all times.

Condition
9. No construction work of any sort within the area covered by the application shall take place between the hours of 7.00pm and 7.00am on Mondays to Saturdays and no construction work at all shall take place on Sundays or Bank Holidays.

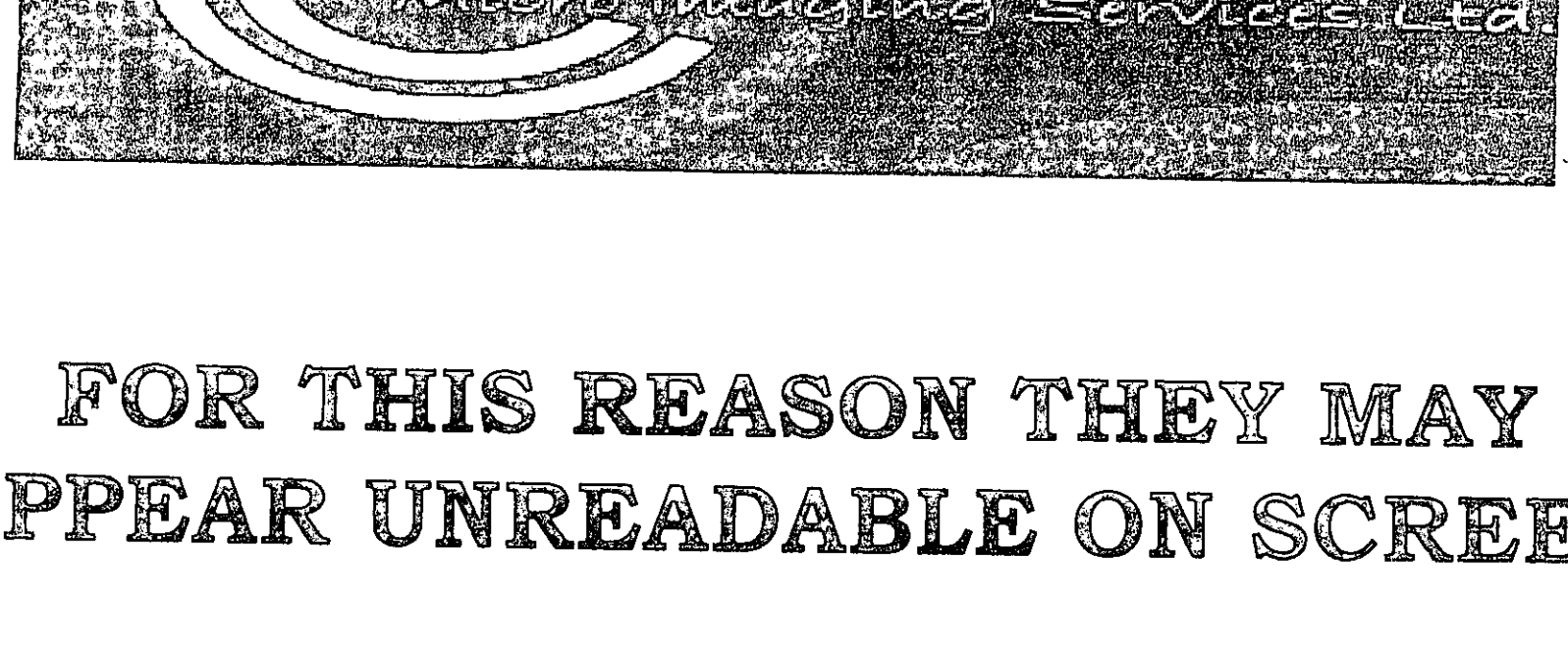
Condition
10. No development shall take place until all the land required to provide a visibility splay shown on the application drawing has been secured by the applicant by legal covenants. The land shown on the drawing shall thereafter be kept free from all obstructions to visibility above a sightline height of 0.6m from the surface of the carriageway.

Reason
1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

Reason
2. Because inadequate details have been submitted with the application.

Reason
3. In order to ensure the satisfactory appearance of the proposal.

THE FOLLOWING SCANNED IMAGES
ARE DOCUMENTS OF BAD QUALITY
OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY
APPEAR UNREADABLE ON SCREEN

Reason
4. In the interests of visual amenity.

Reason
5. In the interests of visual amenity.

Reason
6. To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.

Reason
7. To safeguard the residential amenities of the occupiers of neighbouring properties.

Reason
8. In the interests of road safety.

Reason
9. In the interests of amenity and to prevent undue disturbance to existing residential properties.

Reason
10. In the interests of road safety.

Informative
1. The applicant is advised to contact the Council's Engineer regarding any issues relating to the drainage of the site.

John Mitchell
Development Control Manager
Date: 27/07/2001

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.

Tel. 0118 974 6448 (Direct Line)
Date. 4 December, 2002
My ref. 00211/e
Your ref.

COPY

WOKINGHAM UNITARY
Aiming for Excellence

COUNCILLOR BEATTY

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) 977 8909
DX: 33506 – Wokingham

Dear Councillor

TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF INFORMAL HEARING
APPEAL BY: **MR RIVERS**
SITE: **Beaver Cottage, The Street, Swallowfield**

I am writing to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the regions, will attend at the Civic Offices, Shute End Wokingham, on a date to be advised, to hold an Informal Hearing in relation to the decision of the Council to issue an Enforcement Notice relating to:

The Breach of Planning Control alleged: Without planning permission, the erection of a section of a dwelling house shown hatched in black on the attached plan.

Reasons for issuing the notice: It appears to the Council that the above breach of planning control has occurred within the last four years. The said section of the dwelling house by reason of its size & position close to the boundary with the road creates a virtually intrusive & incongruous feature with the streetscene , to the serious detriment of its character. As a result, it does not comply with Policy EN1 of the Berkshire Structure Plan, Policies LBE1, LBE2 & LTV6 of the Loddon Area Local Plan & Policies WOS3, WBE2 & WH1 of the Wokingham Area Local Plan Deposit Draft.

It is contrary to development plan policies & harmful to the visual amenities of the area. The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

Grounds on which the appellant is appealing against the notice: Grounds A, F & G.

Any representations must be sent to Mr R Marsden, The Planning Inspectorate, Room 3/06b, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN quoting reference APP/X0360/C/02/1103995, no later than 30th November 2002.

DECEMBER

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr I Rivers
SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield
APPLICATION NO.: 6056
PROPOSAL: Proposed erection of detached dwelling. Amendment of consent 3725 (Retrospective)

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Swallowfield

Mrs D Beatty

Clerk(s) of Parish / Town Council of Swallowfield

Mrs C Adams, Penton Cottage, The Street, Swallowfield, Reading, RG7 1QX

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

Environmental Design, WDC

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr I Rivers
SITE: Land adjoining 4 Wyvols Cottages, The Street, Swallowfield
APPLICATION NO.: 6056
PROPOSAL: Proposed erection of detached dwelling. Amendment of consent 3725 (Retrospective)

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Swallowfield

Mrs D Beatty

Clerk(s) of Parish / Town Council of Swallowfield

Mrs C Adams, Penton Cottage, The Street, Swallowfield, Reading, RG7 1QX

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

Environmental Design, WDC

The Owner / Occupiers of the following addresses in The Street Swallowfield:

Beaver Cottage; Bowyers Farm House; Brierley House; Broadfields House; Coppins; Maypool; Bowyer Farm Cottage; Alltdearg; 4 Wyvols Cottages; St Leonards; Windyridge ; Delphi Swallowfield St.

The Owner / Occupier, Farley Hill Place Gardens, Swallowfield

The Owner / Occupier, 29 Foxborough, Swallowfield

and

Mr K Hussey & Petitioners, Swallowfield Local History Society, Kimberley, Swallowfield

(Mr

Mr & Mrs Payne, Wessex House, Basingstoke Rd, Swallowfield

PTO

Mrs G M Burnett, Langstone, Riseley

Environmental Design, WDC

NR Rivers 2. Hodder Ct Farm Cottages Hankshare Spencers Wood.

The owner/occupiers :-

The Mead House, Church Rd, Swallowfield
Village Farmhouse The Street "
Nutbeam Farm, Nutbeam Lane "
Gate Cottage, Church Rd, Farley Hill
Honeywood, Springhaven, Swallowfield