

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250414
Site Address:	Wyse Hill Lodge, The Village, Finchampstead, Wokingham, RG40 4JR
Expiry Date:	17 April 2025
Site Visit Date:	20 March 2025
Proposal: Householder application for the proposed creation of a new access and associated landscaping.	

PLANNING CONSTRAINTS/STATUS

Scale and Location of Development Proposals – Limited development location
Water Utility Consultation Zones
Contaminated Land Consultation Zone
Great Crested Newt Consultation Zone
Nuclear Consultation Zone
Tree Preservation Orders - TPO-1691-2019 and TPO-1910-2022
Landscape Character Assessment Area
PRoW

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP4 – Infrastructure Requirements CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB06 – Development of Private Residential Gardens TB21 – Landscape Character TB23 – Biodiversity and Development
Other	Borough Design Guide Supplementary Planning Document CIL Guidance

PLANNING HISTORY		
Application No.	Description	Decision & Date
222908	Full application for the proposed creation of a new access and associated hardstanding, including installation of a crossing point over an existing roadside ditch.	*Refused - 25 November 2022
080957	Proposed single storey side extension to provide garage and pitched roof to replace existing flat roof to utility room	Approved 24/11/2008
020981	Proposed single storey rear extension	Approved 11/06/2002
011537	Proposed single storey rear extension	Approved 10/01/2002
960938	Proposed single storey side extension to dwelling	Approved 04/07/1996

Application 222908 was refused on the following grounds:

- 1. The proposed development would result in an unacceptable incursion into the root protection area and buffer zone of the protected Veteran Oak Tree (T1), which would result in potential for harm to the health of the tree, thereby impacting on the wider landscape character of the area. There is no overriding justification for construction within the root protection area and buffer zone, and the proposal is contrary to BS5837:2012, section 15 of the NPPF, and policies CC03 and TB21 of the MDD Local Plan.*
- 2. The proposal does not make sufficient provision for on-site turning, and there is insufficient information to determine whether unimpeded and safe access is afforded to vehicles exiting the site onto Fleet Hill/B3348. The proposal would result in an unacceptable impact upon highway safety, contrary to section 9 of the NPPF and policies CP1, CP3 and CP6 of the Core Strategy.*

CONSULTATION RESPONSES
Internal
WBC Drainage – Requested further information (further information below) WBC Highways – No Objection WBC Landscape and Trees – Objection on grounds of interference with root protection areas (further details provided below) WBC Public Rights Of Way – No objection
External
None

REPRESENTATIONS	
Parish/Town Council	No Objection but concern over impact on trees
Ward Member(s)	No comments received

Neighbours	No comments received
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APPRAISAL

Site Description:

The application site comprises a single storey dwelling situated on the southern side of Fleet Hill Road in The Village, Finchampstead. Fleet Hill is mainly characterised by a linear pattern of development, with detached and semi-detached housing set on medium sized but deep plots and considerably set back from the street frontage. To the west of the application site is countryside and farmland, with some isolated dwellings further west. The site is currently served by an existing vehicular access off a shared driveway that is accessed from Fleet Hill.

Properties boundaries especially towards the west of The Village are characterised by mature trees and hedges. There is a well-maintained ditch to the north of the site hedge and a narrow verge between the ditch and the road itself. The northern part of the site is bounded by protected trees (TPO-1691-2019 and TPO-1910-2022) including a veteran/TPO protected Oak on the north-west corner of the site, as annotated in red (refer to Fig. 1 below).

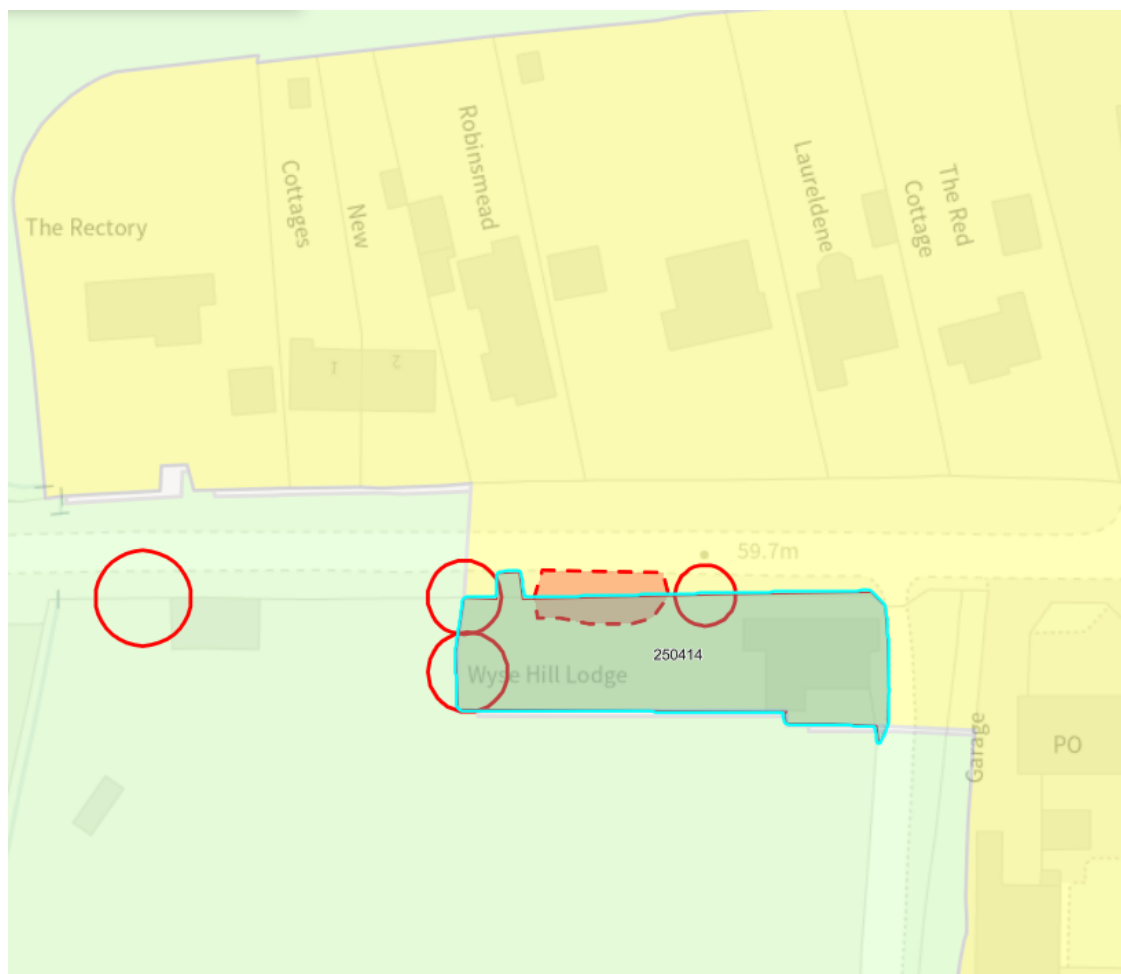


Fig. 1: WBC Mapping extract showing site in context of TPO trees, Limited Development Location and adjacent Countryside (to west and south).

Proposal:

Planning permission is sought for the proposed formation of a new vehicular access point for the application site off Fleet Hill, along with hardstanding to accommodate a new parking area for the existing property Wyse Hill Lodge. The proposed access would be approximately 3.5m wide and extend from the main road 3.4m into the site before reaching the proposed hard surface drive. The new hard surface/parking area would measure 10.5 deep x 10m wide and is offset from the stem of the Veteran Oak tree by 1m – 1.3m. The proposal varies from the previous application (222908) that was refused in 2022 in that the driveway has been deepened and widened from the previous dimensions of 8.1m wide and 8.1m deep. The entrance splay from the road is 7.5m wide narrowing to 3.5m wide at the site entrance.

The supporting Planning Statement states the existing driveway to the house is via a shared drive and is not large enough to accommodate visitors and for the occupiers, nor for cars to leave the property in a forward gear.

Principle of Development:

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

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

Character of the Area:

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that “maintain or enhance the high quality of the environment.” Policy CP3 of the Core Strategy states planning permission will be granted if development is “of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life.” R1, RD1-RD5 and R11 of the Borough Design Guide SPD also require compatibility with the historic character of the local area, a coherent street character and retention of the character, setting and views of the village.

Upon inspection, there are multiple properties with access onto Fleet Hill, and although these are mostly on the other side of the road and further along the road into the countryside if they are on the application side of the road. The proposed access is confined within the boundary of the residential property, and there is no increase in built form on the site. As such, in this case it is not considered the proposal would result in significant detrimental impact to the character and appearance of the surrounding area.

Neighbouring Amenity:

The nearest neighbouring properties to the proposal site are those located opposite Fleet Hill road over 10m away, and the property to the west which is circa 25m away from the proposed location of development. Given the nature and scale of the proposal, along with adequate separation distances, it is not considered there would be any adverse impact upon neighbouring amenities in terms of loss of light, loss of privacy or overbearing.

Highway Access and Parking Provision:

On the previous application (222908), Highways access was deemed as a reason for refusal due to there not being enough turning space in the proposed driveway, resulting in cars having to reverse out of the driveway onto the road, which would cause an adverse impact on highway safety.

On this application the proposed driveway space has been deepened to allow for turning and hence the WBC Highways Officer has raised no objection to the application. Hence, the proposal addresses the previous reason for refusal no. 2 that was issued on application 222908. In case of approval, the WBC Highways officer has recommended a set of conditions protecting and ensuring the safety of the highway. However, as this latest proposal is still recommended for refusal, highways related conditions have not been put forward to the applicant.

Amenity Space:

Due to the large rear garden that is to be retained, there are no concerns over impact on amenity space.

Flooding and Drainage:

The WBC Drainage Officer has reviewed this application and requested further details regarding the size of the pipe to be installed in the ditch. Consistent with the previous application, there is no objection to the principle of development. However, in the case of approval there would need to be clarification on details of the sizing of the pipe for the access to ensure that it does not act as a constriction that will lead to flooding

As this application is recommended for refusal on Trees and Landscape grounds this information has not been sought from the applicant.

Landscape and Trees:

Paragraph 174(b) of the NPPF requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Paragraph 180(c) of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

The footnote clarifies that exceptional reasons relate to for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character.

The main feature of the northern site boundary is the group of trees dominated by a Veteran Oak tree (T1) that occupy the north-western end of the rear garden, which is also the location of the proposed development of a parking area. There is a group of trees to the northern site boundary consisting of Yew, Sycamore, Beech, Horse Chestnut, and a single Sycamore tree which are protected under TPO1910/2022. A large Veteran Oak tree (T1) also to the NW boundary is protected by TPO1691/2019, and a Sycamore to the SW corner of the rear garden is also protected by the TPO. The Veteran Oak tree T1 is recorded on the Woodland Trust's 'Ancient Tree Inventory' ref. 65229.

A previous application for a driveway in this location in 2022 was shown as being within 1m of the stem of the Veteran Oak tree and measured 8.25m deep and 8m wide. To achieve access from The Village, the driveway must extend over the ditch to connect to the road, and a new culvert built beneath.

The latest application has increased the area of the new drive to 10.5 deep x 10m wide and is offset from the stem of the Veteran Oak tree by 1m – 1.3m. The entrance splay from the road is 7.5m wide narrowing to 3.5m wide at the site entrance. The driveway represents a significant incursion into the root protection area of the Veteran Oak T1, and T3 and a reduced incursion to other protected trees on the site; T2, T4, T5, T6.

The Council's Tree Officer has assessed this application and has provided the following comments on this latest proposal:

“Government Standing Advice PPG’ states that Veteran trees are afforded a greater degree of protection amounting to 15 times the diameter of the tree as opposed to 12 times for non-veterans.

Tree T1 Veteran Oak is recorded in the Tree Survey Schedule as being A1, 2 quality in the tree survey, (see Table 1 BS5837:2012) 1, and 2 meaning the tree has arboricultural and landscape qualities – but does not add 3, for cultural / conservation qualities contribution e.g. Veteran trees. It is accepted by the Council that T1 is a Veteran tree, although clearly not acknowledged by the Arboricultural Consultant

The calculation for the root protection area of T1 is incorrectly shown on the submitted Tree Constraints Plan as 14.1m (12 x the stem diameter) instead of the correct 17.70m (15 x the stem diameter) that would create the recognised Veteran tree buffer.

The NPPF 12/23 states in paragraph 188c;

‘Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists’;

The Tree Protection Plan includes the percentage incursion into the root protection areas of trees affected by development – but it does not include any existing incursion. BS5837:2012 paragraph 5.3.2 states;

5.3.2 The cumulative effects of incursions into the RPA, e.g. from excavation for utility apparatus, are damaging and should be avoided. Where there is evidence that a tree has been previously subjected to damage by construction activity, this should be taken into account when considering the acceptability of further activity within the RPA

It is clear from the Tree Survey Plan that the root protection areas for T1, T3, T4 is shown as a circle into the road – this is incorrect, as the rooting area of the trees stops at the northern side of the ditch. The RPA is likely to spread out asymmetrically in undeveloped areas to the south of the ditch within the garden.

It is noted that the Arboricultural Impact Assessment and Method Statement para. 5.1.10 includes a preliminary method statement for the installation of Greenfix Geoweb tree root protection system over the root protection area of the trees, and at paragraph 5.1.14 a method for installing the culvert and lowering the raised bank which will take place within the RPA of trees T1, T3 and a small area of T6.

BS 5837:2012 Paragraph 5.3 Proximity of structures to trees states;

5.3.1 The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7).

Although the applicants have recommended the use of no-dig construction within the root protection area, BS:5837, subclause 7.4 ‘Permanent Hardsurfacing within the RPA’ states the following: "This subclause does not apply to veteran trees, where it is recommended that no construction, including the installation of new hard surfacing, occurs within the RPA."

‘Government Standing Advice on Veteran Trees’ is to ensure adequate protection from development proposals, and the Veteran tree buffer zone should be un-encroached by development with all infrastructure located outside of it. It is accepted that the buffer zone for T1 is within the garden and subject to minimal impact from footfall, however hard surfacing needs to be outside of the buffer zone.

The development is proposed in the most sensitive of areas over the root protection area of a Veteran tree, in very close proximity to its stem. The area of the driveway proposed is larger than that of the previous application in 2022. Although some

mitigation information has been submitted the development, such as Greenfix Geoweb tree root protection system. The development is still contrary to protecting the buffer zone and the Government Standing Advice. Development represents an encroachment within an area that should be free from construction.

T1 is not recognised as a Veteran tree in the submitted tree information despite the evidence; it is recorded on the Woodland Trusts Ancient Tree Inventory and exhibits the features of veteranisation. T1 provides amenity value within its setting on the approach to Finchampstead Village. There is no guarantee that the mitigation proposed will not result in the demise of the tree.

‘General’ notes on ‘Proposals: conception and design’ at paragraph 5.1.1 of BS 5837 (2012) state that: The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design ‘Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification.’”

Policy CC03 of the Local Plan requires trees, hedges and other landscape features are retained and protected through development. Hence, in line with the above commentary, the proposals fail to provide full and necessary protection to trees contrary to this policy.

The WBC Trees and Landscape officer has concluded that there is no overriding justification for this development to fall within the RPA of important trees on site, principally, a Veteran Oak Tree T1.

All of the above form the reason for refusal on this application.

Community Infrastructure Levy (CIL):

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

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Refuse

Date:	14.04.25
Earliest date for decision:	14 March 2025

Recommendation agreed by: (Authorised Officer)	
Date:	14/04/25