

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

APPLICATION FOR FULL PLANNING PERMISSION

To: Mr & Mrs Jeremy & Caroline Matheson Application No: 191828
5 Eastern Avenue Application type: Householder
Reading
RG1 5RU

Applicant: Mr & Mrs Jeremy & Caroline Matheson

READING BOROUGH COUNCIL as Local Planning Authority **REFUSE** planning permission for the following development.

Proposal: To replace previous fencing adjoining the highway with new fencing to same height plus trellis above and on the return in towards the garden for 1m. Also to install gates in front of garage.

At: 5 Eastern Avenue Reading RG1 5RU

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 9 January 2020



Head of Planning, Development
& Regulatory Services

Application At: 5 Eastern Avenue Reading RG1 5RU

Application No: 191828

Application type: Householder

REASONS FOR REFUSAL

1. Due to the height and positioning of the fence plus the proposed trellis adjacent to the highway, the development fails/would fail to maintain the generally open character and appearance of this suburban area, which consists of low front boundary treatments. As a result, the current/proposed arrangement and use of concrete material fails to respect the character of similar spaces and boundary treatments in the vicinity and fails to preserve or enhance views within the South Park Conservation Area and as such, is contrary to policies CC7 (Design and the Public Realm), EN1 (Protection and Enhancement of the Historic Environment) and H10 (Private and Communal Outdoor Space) of the Reading Borough Local Plan (2019).

INFORMATIVES

1. The refusal relates only to the following plans and drawings as received by the local planning authority on 15 November 2019:

JJM/002 Plans, elevations & Section as proposed

JJM/003 Location & Block plan

JJM/005 Photograph of fencing as previously (1)

JJM/006 Photograph of fencing as previously (2)

Householder - Replacement Fencing (in a conservation area)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. This planning application was submitted without the benefit of first seeking pre-application advice from the Local Planning Authority, which can often result in the avoidance of refusal of planning permission. Please see the following link to the Council's pre-application service here:

https://www.reading.gov.uk/media/1190/Pre-Application-Enquiry-Form/pdf/Pre-app_October_2018.pdf

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3. The Local Planning Authority has worked positively and proactively with the applicant to see if relevant concerns could be resolved to allow permission to be granted. However, that has not been possible within the prescribed target or agreed extended timescale and therefore the decision to refuse planning permission has been taken.
4. Were the proposal otherwise acceptable, a licence would be required from the Highway Authority to widen the present drop-kerb.
5. The Local Planning Authority may consider enforcement action against any unauthorised development, if considered expedient to do so.

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NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits:

If this is a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If this is an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision for any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.