

TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 and 192 (as amended by section 10 of the Planning and Compensation Act 1991)

THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

To: Tricon Design
Studio 21
497 Sunleigh Road
Wembley
HA0 4LY

Application No: 240759
Application type: Certificate of Lawfulness -
Proposed Use or Development

Applicant: Mr. Madhu Keesara

The Reading Borough Council hereby certify that on **12/06/2024** the use/operations/matter described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate, and edged black on the attached plan would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

First Schedule: Erection of rear outbuilding.

Drawing No. TRICON/2BW/201 A - Proposed Floor Plan and Site Plans

Drawing No. TRICON/2BW/202 A - Proposed Plans and Elevations

Drawing No. TRICON/2BW/203 A - Existing Site Plan

Drawing No. TRICON/2BW/204 A - Proposed Site Plan

Second Schedule: 2 Brackendale Way, Reading, RG6 1DZ

Date: 12th August 2024



Assistant Director of Planning, Transport and
Public Protection Services

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CONDITIONS & REASONS

1. The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed outbuilding. Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

INFORMATIVES

1. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact RBC Building Control on Building.control@reading.gov.uk OR telephone 0118 9372449 9.00am to 1.00pm Monday to Friday

2. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

3. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at:

<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>

4. The outbuilding shall not be occupied at any time other than for purposes incidental to the residential use of the main dwelling known as 2 Brackendale Way, Reading, RG6 1DZ.

5. You are advised that no tree works are approved by virtue of this consent. Any works to trees subject to a Tree Preservation Order or to Conservation Area status will require submission of a tree works application or Section 211 Notice respectively.

Date: 12th August 2024



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6. You advised that demolition and related activity may harm adjacent trees and/or their Root Protection Areas (as defined by BS5837:2012). As such, it is recommended that protective fencing is erected prior to commencement of demolition to protect both tree canopies and Root Protection Areas. If trees subject to a Tree Preservation Order are present or the site is within a Conservation Area, such protection measures are a necessity to prevent tree damage (potentially subject to enforcement action) and advice should be sought from the Natural Environment Team.

7. You are advised that Permitted Development (PD) rights (provided via the Town and Country Planning (General Permitted Development) Order) do not override a Tree Preservation Order or the status of trees within a Conservation Area. Any grounds works and methods of construction of any structure within Root Protection Areas (defined as per BS5837:2012) and/or any pruning of such trees, required to implement Permitted Development, must be approved in writing by the Local Planning Authority (LPA) prior to works taking place. You are further advised that the LPA's agreement to tree pruning in order to alleviate concerns relating to proximity of structures built under Permitted Development will have limited weight in tree work applications, as future conflict should be considered from the outset.

Date: 12th August 2024

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Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is/are materially different from that/those described or which relate/s to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
5. If you are aggrieved by the decision of the Council, you may appeal to the Secretary of State under Section 195 of the Town and Country planning Act 1990.

Further information can be viewed at: <https://acp.planninginspectorate.gov.uk/>

6. Impact on trees: Any works to trees subject to a Tree Preservation Order or protected due to their location within a Conservation Area will require submission of a tree works application or Section 211 Notice respectively. This certificate does not override this requirement and unauthorised tree works undertaken to implement permitted development may be subject to formal legal action. Enquiries can be sent to the Natural Environment Team: planning.naturalenvironment@reading.gov.uk



Location Plan (not to scale)