

DELEGATED APPLICATION REPORT

Ward: Norcot Ward

App Ref: PL/24/1269 CLP

Address: 6 WYE CLOSE, TILEHURST, READING, RG30 4HS

Proposal: Hard surface and timber fence in the rear garden. (amended)

Applicant: Mr Pat Hogan

Received date: 2024-09-26

Target Decision date: 2024-11-22

Case Officer: Huimin Chen

INTRODUCTION AND PROPOSAL

The application site is a two storey end-terraced dwelling with a spacious rear garden. The property is not a listed building, nor is it located in a conservation area. The permitted development rights at this address have not been removed.

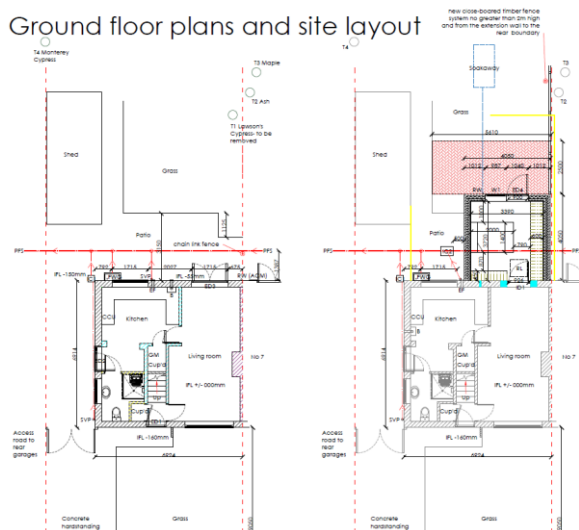
The proposal is to lay a hard surface in the rear garden, associated with the rear extension submitted under PL/24/1052, for which prior approval was not required. The proposed hard surface would measure 2.5m in depth and 5.6m in width, and would be invisible from the street. It would be finished in concrete flagstones. The proposal also includes the erection of a timber fence from the side wall of the approved rear extension to the rear boundary with No. 7, which would not exceed 2m in height.

Site visit date: 10 October 2024



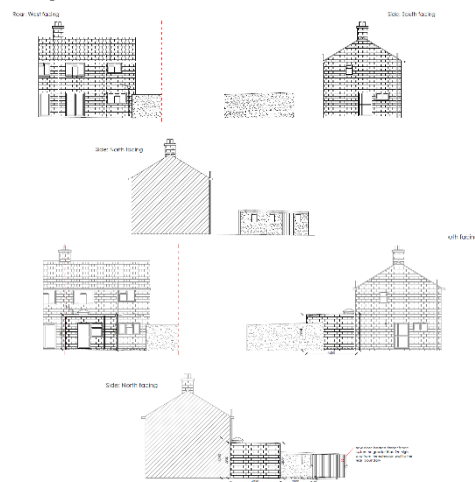
Existing and Proposed Floor Plans:

Ground floor plans and site layout



Existing and Proposed Elevations:

Existing elevations



Plans under consideration:

- Dwg. No.: WYC-BC-02 – Existing Elevations received on 26/9/2024.
- Dwg. No.: WYC-BC-01 Rev. B – Existing and Proposed Ground Floor Plans received on 18/11/2024.
- Dwg. No.: WYC-BC-03 Rev. B – Proposed Elevations received on 18/11/2024.
- Dwg. No.: WYC-BC-04 – Location and Block Plans received on 18/11/2024.

RELEVANT PLANNING HISTORY:

PL/24/1052 - Rear extension measuring 4.05m in depth, with a maximum height of 3.29m, and 2.90m in height to eaves level. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. – Prior Approval Not Required.

CONSULTATIONS

Not required for an application of this type.

RELEVANT PLANNING POLICY AND GUIDANCE

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended)

Permitted development rights for householders – Technical Guidance September 2019

ASSESSMENT

A Certificate of Lawfulness for a proposed development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The proposed hard surface and timber fence must be assessed to ensure that they comply with the conditions of Class F, Part 1, and Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to 'hard surfaces within the curtilage of a house' and 'the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.'

The relevant conditions of the GPDO for hard surface and timber fence, which is not listed, nor does it fall within a conservation area, are as follows:

Patio Deck:

F.1 Development is not permitted by Class F, Part 1 if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA, or Q of Part 3 of this Schedule (change of use) **complies**

Conditions

F.2 Development is permitted by Class F, Part 1 subject to the condition that where -

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and **complies**

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse **greater than 5sqm, but there is grass adjacent**

Fence:

A.1 Development is not permitted by Class A, Part 2 if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons; **n/a**

(ii) in any other case, 1 metre above ground level; **n/a**

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level; **complies**

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or **complies**

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building. **n/a**

Interpretation of Class A

A.2 For the purposes of Class A, “school” includes—

(a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and **n/a**

(b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4. **n/a**

RECOMMENDATION

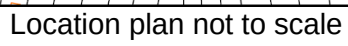
The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class F, Part 1 and Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It can be confirmed that the proposed hard surface and timber fence would be lawful for planning purposes on the basis of the following drawings:

- Dwg. No.: WYC-BC-01 Rev. B – Existing and Proposed Ground Floor Plans received on 18/11/2024.
- Dwg. No.: WYC-BC-03 Rev. B – Proposed Elevations received on 18/11/2024.
- Dwg. No.: WYC-BC-04 – Location and Block Plans received on 18/11/2024.

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

Informatives

Encroachment



Location plan not to scale