

1<sup>st</sup> March 2021

Statement of objections for planning committee meeting: planning application 201694.

Mr & Mrs Florey, 7 The Beeches, Tilehurst, Reading, Berkshire, RG31 6RQ

## 1 – Planning conditions imposed on the development

The original planning permission of the dwellings appeal references APP/E0345/A/00/1050421 and APP/E0345/A/00/1052048 states in Planning Condition 10 (PC10) that:

*“the areas shown of the submitted drawings for the parking, turning and circulation of vehicles shall be constructed and kept available for such use at all times. **No development**, whether or not permitted by the Town & Country Planning (general permitted development) Order 1995, (or any order revoking and re-enacting that Order with or without modification) **shall be carried out on such areas or in such a position to restrict access to such facilities.**”*

Planning condition 10 (PC10):

- protects the shared access rights for all three householders in the development
- applies to the Shared Driveway and private driveways of each property
- this shared access is a right in law

PC10 creates, for each householder on the development, both:

- a RIGHT OF ACCESS to use the whole shared area; and
- an OBLIGATION not to carry out any development on, or restrict access to, any portion of the shared area at any time.

This results in protection for each householder to prevent another householder on the development who tries to carry out ANY development or create ANY restriction which could affect ANY householder on the development at ANY time on ANY portion of the shared driveway.

The proposed new 55 foot-long fence/hedge would present a substantial interference to the access rights of the other residents and their visitors and will remove the ability for all residents, to use the full extent of the turning and circulation areas.

## 2 – Vehicular movements and highway safety

- The current Shared Driveway is designed, and controlled by PC10, for ease of vehicular movement in and out of the development.
- If the new fence/hedge is constructed over this area, it would be impossible to turn adequately.
- Parking areas are provided on each private driveway in order to keep the shared area available at all times for turning and circulation.
- No parking is allowed on the shared area at any time.
- Therefore, our private driveway is the only parking area we can use.
- It is a single width driveway where cars need to park in single file behind each other.
- In simple terms, this means that we do not have the ability to turn and manoeuvre when there is more than one car in situ.
- We therefore require the full extent of the shared area.
- We rely on the use of this area in our day to day lives.
- Any obstruction on the shared area would restrict us.
- As a matter of law it is not in the applicants' power to deny us what we have contracted for.

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### **3 – Appearance and position of proposed new fence/hedge**

The current character of the development has always been:

- pleasant
- verdant, and
- open plan with simple low rustic fencing to the front gardens.

The current wooden fence and gates are very oppressive and very unpleasant in appearance. The position of the new fence would be significantly more oppressive because it would be much wider, 3 times longer, and a long way into the shared driveway. This would create a significantly negative impact on the existing character of the development. It would:

- be overwhelmingly long - a 55 foot fence/hedge
- be oppressively tall 7 foot+ hedge and 6 foot fence
- present an unpleasant, ugly, blank façade
- enclose a fundamental and substantial portion of hardstanding which we currently use out of necessity.
- be erected along our boundary line and over our land
- require constant maintenance and roots will cause problems to remnant driveway
- remove our access to a portion of our land and to the conducting media by the gates
- foul the route of conducting media laid under the driveway - fences, hedges or other structures cannot be erected within 1.5m of the path of conducting media
- due to the angle of our house, our vista would be detrimentally affected, and privacy of our upstairs bedroom windows would be compromised.
- shade the private gardens with the overbearing nature of the new fence/hedge
- compromise access to the original electric gates, and front wall

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### **In conclusion**

It is vital for the other two properties, that access rights are preserved across the whole shared area, and enjoyment of the Shared Driveway continues without any changes.

Officers have neglected take account of the other aspects for PC10 which address the need to keep accesses and the appearances of the development in accordance with the approved open plan layout of the development.

- each householder has an obligation to maintain the open plan layout.

Inspector stated, PC10 is reasonable as it controls:

- Detailed provision of accesses – approved access for all three households to the shared area.
- Appearance of the development – maintain approved open plan layout.
- Highway safety – turn and exit development in forward gear.

Under PC10, No 8:

- can choose to ignore their rights under PC10 but
- cannot relinquish their obligations to the other householders, who have a right of access to the full extent of the shared area. This access is a right in law.
- are obligated to comply with No development or restriction at any time.

The proposed fence/ hedge which will obstruct the shared area, would be erected on our boundary and over our land. The current hedge is extremely wide and already causes huge maintenance issues with the overbearing effect on our private amenity (lawn killed by lack of light), root invading garden and potential damage to conducting media.

The proposed development should NOT be approved, as it:

- would have a significant impact on the day to day lives of the other residents.
- does not improve the character of the development in any way.
- is a DEVELOPMENT on the shared area and breaches several aspects of PC10.

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Officers report planning application 201694 – feedback on clarifications, omissions or errors

Section	Clarifications, omissions, or errors
2.1	Part of the area to be enclosed is known by objector to be over land owned by the objector. This is known to the applicants because the applicant has served article 13 notice on the objector.
2.1	The proposed application is not described with sufficient clarity or precision as required by the NPPG. Also, the proposal keeps changing. It needs to be described more clearly. The diagrams are wrong in the report.
2.2	CLP was granted for a 1 metre pier next to the highway but applicants built a 2 metre high pier and installed 2 metre high gates. This was recorded as a planning breach of planning condition 10. But no action taken. Planning permission has never been sort by the applicants.
2.3	The wooden fence and gates were built anyway, immediately the CLP was issued. This was also recorded as a planning breach of planning condition 10. No action was taken.
2.4	<p>This section is incorrect.</p> <p>The applicant has never had the intention to replace the existing fence and gates with hedging in its current location.</p> <p>The applicant needs to make it very clear and precise that the application is not to replace anything nor relocate anything, but the intention is to erect a brand-new fence/hedge in a position several metres away from the position of the existing fence and gates, and the new fence/hedge will be across a substantial portion of the shared area and onto the current boundary line between no 7 and no 8.</p> <p>To illustrate to the planning committee where the location of the new fence/hedge is being proposed, its worth saying that one of the pictures at the end of the report shows the case officer's car on the shared area parked against the existing fence and gates and the position of the car would be fully enclosed behind the new fence/hedge.</p> <p>The drawings submitted for the new fence/hedge give the impression that the new fence/hedge is of similar length to the existing fence and gates, but in reality it will be 3 times as long (55 foot) as the existing fence and gates.</p> <p>The drawings submitted for the new fence/hedge does not show the height of the new fence or the height of the new hedge</p>
3	<p>Refusal date incorrect.</p> <p>CLP was granted for a 1 metre pier next to the highway but applicants built a 2 metre high pier and installed 2 metre high gates. This was recorded as a planning breach of planning condition 10. But no action taken. Planning permission has never been sort by the applicants.</p>
3	The wooden fence and gates were built without planning permission, immediately the CLP was issued May 2018. This was also recorded as a planning breach of planning condition 10. No action was taken.
4	<p>IMPORTANT CORRECTION as per email sent to Julie Williams on Friday 26th February 2021.</p> <p>The objector DID NOT SAY "they intend to begin Judicial Review Proceedings if permission is granted."</p> <p><u>On the advice of RBC Planning solicitor</u>, the objector ACTUALLY WROTE "If this application is allowed to go ahead, we feel it has not been properly investigated and we would therefore consider instigating a judicial review".</p> <p>.... This is a very different meaning.</p> <p>This needs to be corrected and pointed out to the planning committee.</p>
4	This statement in this section is misleading 'The hard surfacing currently covering the development area is proposed to be replaced by garden (lawn most probably)' – how is this possible as all arguments appear to point towards the creation of a space for turning on the enclosed area. The

	<p>applicant can't satisfy the environmental requirements and the highway safety requirements of a turning space at the same time. This needs to be much more specific.</p> <p>In the latest drawings it shows the development area being re-instated as garden. IT is difficult to understand whether garden is being reinstated or a turning head is being created?</p> <p>Transport</p>
4	<p>The existing high hedge DID NOT form part of the original planting. This should have been checked on the approved plans. The applicants planted the hedge which is now over 7 feet high. The approved open plan design of the development expects hedging to be limited to the same height as the 1 metre high, low ranch fencing which is in situ. The front gardens of no 7 and no 6 still maintain the open plan vista.</p>
4	<p>Transport officer report</p> <p>The objector's feedback on the transport officer's visit on 17<sup>th</sup> February has not been included in the report such as the fact that the driveway of no 7 is only a single width driveway and therefore does not provide sufficient space on the private driveway for cars to turn if there is more than one car on the private driveway. Therefore no 7 needs to turn on the shared area. This is a fundamental point in the objector's position.</p>
6.1	<p>There is NO boundary change. The application seeks to erect a new fence/hedge on the existing boundary line between no 7 and no 8.</p>
6.7	<p>The diagram, which is an old plan, needs to be updated to show the yellow area reaching to the highway.</p>
6.8	<p>Need to recognise the fact that the objector has stated that no 7 private driveway is a single width driveway and therefore cars need to turn on the full extent of the shared area. Also the area of remnant shared area would make it very difficult for any cars parked in no 7 private driveway to turn without a minimum of a 5-7 point turn.</p>
6.9	<p>No turning head in the private driveway of no 7.</p> <p>The objector's feedback on the transport officer's visit on 17<sup>th</sup> February has not been included in the report such as the fact that the driveway of no 7 is only a single width driveway and therefore does not provide sufficient space on the private driveway for cars to turn if there is more than one car on the private driveway. Therefore no 7 needs to turn on the shared area. This is a fundamental point in the objector's position.</p>
6.10	<p>This condition needs much more precise wording:</p> <p>"condition to require that No. 8 only uses their new access and that the internal access is permanently closed is recommended if planning permission is granted".</p> <p>All access to any part of the shared driveway shall be closed off to the owners and occupiers of no 8 and their visitors for both vehicular and pedestrian access. This must include the shared area (marked in yellow on the plan), access to the brick area marked Bin Store and the garden areas outside the green gates leading to the highway. These areas are all part of what is defined and understood by no 8 as Shared Driveway.</p>
6.14	<p>Refusal reasons 4 and 5 are not relevant and misleading. Planning issued a CLP certificate in 2018 which allowed new hardstanding that <u>increased</u> the parking area for no 8.</p>