

Week 6 Comments to Appellants Submission Local Planning Authority

Town and Country Planning Act 1990 Section 174 appeal against the Enforcement Notice

Appeal: APP/W0340/C/25/3376703

Site: 4 Theobald Drive, Tilehurst, Reading, RG31 6YA

Breach of Planning Control: Without planning permission, the erection of a wooden outbuilding with raised decking

Date: March 2026

Council Reference: 24/00489/15UNAU

Week 6 Comments to Appellants Submission

West Berkshire Council
Development and Housing
Market Street
Newbury
BerkshireRG14 5LD

T: 01635 519111
E: appeals@westberks.gov.uk
www.westberks.gov.uk/planning

Contents

1. INTRODUCTION	4
2. SUMMARY OF PD02 SUBMISSION	4
3. COMMENT ON GROUND (F)	4
CONCLUSION ON GROUND (F)	6
4. COMMENT ON GROUND (G)	6
CONCLUSION ON GROUND (G).....	6
5. OVERALL CONCLUSION	7
APPENDIX 1 – DRAWING PD02.....	8

Appendices

1	Drawing PD02
---	--------------

1. Introduction

- 1.1 West Berkshire Council (the LPA) has been invited to comment on the appellant's Week 6 submission, which includes Drawing PD02 showing a proposed "permitted development option". The appellant asserts that the modifications shown would represent a lesser step that would overcome the LPA's objections under Ground (f) and justify a longer compliance period under Ground (g).
- 1.2 These comments should be read alongside the Council's Statement of Case (SoC) submitted in March 2026.

2. Summary of PD02 Submission

- 2.1 Drawing PD02 seeks to demonstrate:
 - A reduced building height of 2465mm
 - Removal/reduction of upper decking
 - Retention of decking below 300mm
 - Use of planters and a 25mm separation gap to distinguish decked areas
- 2.2 The appellant claims these changes would render the structure permissible under the General Permitted Development Order (GPDO) and therefore represent a "lesser step".

3. Comment on Ground (f)

- 3.1 Drawing PD02 does not address the root causes of planning harm:

As set out in the SoC, the harm stems from:

- Elevated sightlines created by the rising topography;

- The outbuilding's siting extremely close to the boundary;
- Direct views into No. 5's ground- and first-floor windows;
- Overbearing massing in a highly sensitive location.

The Planning Inspector in the related application appeal (Ref: 6001992) confirmed that:

- "No mitigation measures could overcome the harm", including screening, obscure glazing or alterations.
- The development results in harmful loss of privacy which cannot be remedied by partial modification.

Drawing PD02 does not move the building, change the topography, alter its relationship to the boundary, or eliminate vantage points. The Inspector has already assessed and rejected the principle that alterations could address the harm.

3.2 Permitted development compliance is irrelevant to Ground (f):

Under s.173(4), the test is whether the proposed steps would actually remedy the breach or injury to amenity. A scheme engineered to meet GPDO thresholds does not override an existing finding of unacceptable amenity impacts.

This position is supported by case law; bringing a structure within PD limits does not compel the Inspector to accept it as a "lesser step" where the harm persists.

3.3 The enforcement purpose cannot be achieved by Drawing PD02:

In our Statement of Case submitted on 9th March 2026 we stated that only full removal can remedy the harm.

The PD02 scheme:

- Retains the cabin
- Retains elevated viewing opportunities (even at 2.4m in a rising garden)
- Retains the harmful proximity to the boundary

Therefore, it cannot satisfy section 173(4)(b).

Conclusion on Ground (f)

PD02 does not constitute a lesser step. The Enforcement Notice requirements remain necessary and proportionate.

4. Comment on Ground (g)

4.1 The appellant proposes no new evidence to justify a longer compliance period.

In our Statement of Case we set out that:

- The harm is significant and ongoing;
- The appellant has already benefited from lengthy additional time arising from the retrospective application and appeal process;
- Removal of a timber cabin and decking is straightforward;
- The related appeal found immediate amenity harm requiring prompt remedy.

Conclusion on Ground (g)

PD02 does not alter these findings. There is no basis for extending the compliance period.

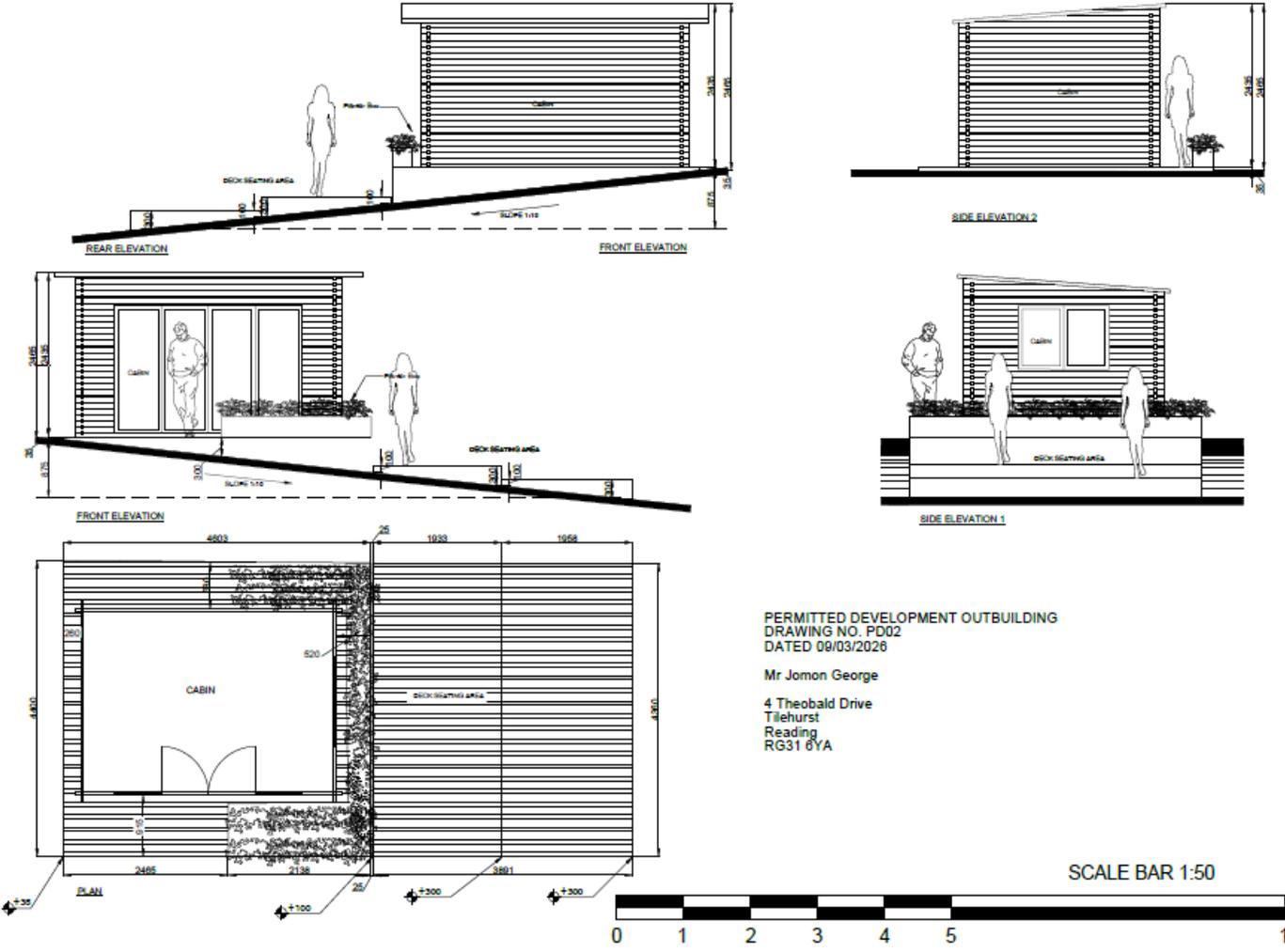
5. Overall Conclusion

5.1 The PD02 drawing:

- Does not overcome the amenity harm identified by the Inspector;
- Cannot be considered a “lesser step”;
- Does not justify an extended compliance period;
- Relies on an attempt to achieve technical GPDO compliance, which is not determinative in an enforcement appeal.

The LPA therefore respectfully requests the Inspector to dismiss Grounds (f) and (g) and uphold the Enforcement Notice without variation.

Appendix 1 – Drawing PD02



PERMITTED DEVELOPMENT OUTBUILDING
 DRAWING NO. PD02
 DATED 09/03/2026
 Mr Jomon George
 4 Theobald Drive
 Tilehurst
 Reading
 RG31 8YA

