



Appeal Decisions

Site visit made on 29 September 2025

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date 12 November 2025

11 Whiteknights Road, Reading RG6 7BY

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeals are made by Mrs Linqi Song against enforcement notices issued by Reading Borough Council on 20 September 2024.
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Appeal A Ref: APP/E0345/C/24/3354103

- The breach of planning control as alleged in the notice is without planning permission, non-compliance with condition 2 of 210328 for a single storey rear extension.
- The requirements of the notice are to:
 - 5(i) Dismantle the rear extension.
 - 5(ii) Erect the rear extension in strict accordance with approved plan drawings: P/2037/1 and P/2037/2.
 - 5(iii) Remove any surplus materials arising from the dismantling works to an appropriate place of disposal.
- The period for compliance with the requirements is: 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected and varied then upheld and planning permission is refused.

Appeal B Ref: APP/E0345/C/24/3354104

- The breach of planning control as alleged in the notice is without planning permission, non-compliance with condition 2 of 201166 for boundary scheme of 925mm high brick wall with railings on top and matching 2000mm high railings for gates with brick piers 2100mm high.
- The requirements of the notice are to:
 - 5(i) Dismantle the wall.
 - 5(ii) Erect a wall (and railings scheme) using (suggesting Forterra LBC Heather 65mm bricks or as close a match as possible to the original dwellinghouse brick) in strict compliance with the approved plan of 201166 namely plan drawing number P/GW/2037/1.
 - 5(iii) Make good the external ground surfaces adjacent to the wall both internally and facing the highway.
 - 5(iv) Remove any surplus materials arising from the dismantling works to an appropriate place of disposal.
- The period for compliance with the requirements is: 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (f) and (g) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected and varied then upheld.

Enforcement Notices

1. It is important that the notices are in order.
2. In Appeal A, the alleged breach of planning control refers to 'condition 2 of 210328'. But planning application 210328 for a single storey rear extension was refused planning permission by the Council. It is common ground this development was

granted planning permission on appeal, APP/E0345/D/21/3278656, including subject to a condition 2 which, amongst other things, refers to an approved as proposed plan P/2037/2 (the permitted extension). This plan is in requirement 5(ii) of the notice as issued and this permission, shortened to 3278656, is in the reasons for issuing it. I will therefore correct the allegation to rectify this oversight.

3. In Appeal A, requirement 5(iii) of the notice, to remove any surplus materials 'to an appropriate place of disposal', is vague and unenforceable. In Appeal B, the same applies to requirement 5(iv). I will therefore correct these requirements accordingly.
4. I am satisfied that no injustice will be caused to the main parties.

Appeals A and B on ground (b)

5. For either ground (b) to succeed, the onus and burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that the alleged breach of planning control had not occurred as a matter of fact.
6. The appellant contends that section 171A(1)(a) of the Act applies to a partly constructed single storey rear extension (the existing extension) and a partly constructed front boundary wall (the existing wall). In essence, that both developments are without the required planning permission so the alleged breach in each notice, non-compliance with a condition, has not occurred.
7. However, for the purpose of section 172(1), each notice refers to a breach within section 171A(1)(b), as did the Council's officer report. This limb of section 171A(1) includes failing to comply with any condition subject to which planning permission has been granted. Section 173(4)(a) then provides that a purpose of a notice is to remedy the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land.
8. In Appeal A, condition 2 requires the permitted extension to be carried out in accordance with the approved plans, including P/2037/2. In Appeal B, planning permission 201166 was granted for a front boundary wall (the permitted wall), subject to condition 2 which sets out a requirement for bricks and that this development is carried out in accordance with details shown in the approved plan, which is the as proposed plan P/GW/2037/1 referred to in condition 3.
9. There is little objective evidence to counter that works to construct the existing extension and wall were commenced in accordance with each condition 2. On this basis, both planning permissions have been implemented and are extant. This is also borne out by what I saw at my site visit, considering the general position or extent of each development, including foundations or footings. In these regards, the substance of the existing extension and wall are both plainly as broadly shown in the respective approved plans, thus as originally intended by the appellant from the outset. Given little else to the contrary, deviation from the requirements of each condition 2, including the approved plans, occurred later.
10. There is no dispute that compared to the requirements of each condition 2, the discrepancies in the existing extension and wall are material. But that does not engage section 171A(1)(a). Planning permission has been granted for both developments and as so far built each is sufficiently different from what is required by either condition 2 that both are unauthorised (without planning permission) for

this reason. These circumstances are distinctly different to those anticipated by section 171A(1)(a).

11. For these reasons, as a matter of fact and degree, the existing extension and wall do not comply with the respective condition 2. The appellant has not, therefore, demonstrated on the balance of probabilities that each alleged breach of planning control has not occurred as a matter of fact. Accordingly, Appeals A and B on ground (b) both fail.

Appeal A on ground (a)

Main Issue

12. Considering section 174(2)(a) and given the outcome of Appeal A on ground (b), the main issues are whether condition 2 of APP/E0345/D/21/3278656 is necessary having regard to the effect of the appeal extension on:
 - the character and appearance of No.11 Whiteknights Road and the area; and
 - the internal and external living conditions of the occupants of Nos.9 and 13 Whiteknights Road and No.4 Waybrook Crescent having regard to outlook, natural light and privacy.

Reasons

13. In the deemed planning application the appellant seeks planning permission for a single storey rear extension without complying with condition 2, but subject to a condition to approve an alternative as proposed plan EN/2037/2 submitted with the appeal. This plan essentially shows the external shell and internal floorplan of the existing extension as so far built and as the appellant intends it would be completed (the appeal extension).

Character and appearance

14. No.11 is a two-storey detached house with pitched roof and mainly darker red rough faced brickwork. It incorporates single-storey flat roofed extensions or conversions of pre-existing structures attached either side and sits within a reasonably wide and long plot. Other houses in this row along this section of Whiteknights Road are similar in form, design and layout, including some extended or converted to the side or to the rear with flat roofs. This pattern of residential development is locally distinctive in this area.
15. The appeal extension spans the width of the plot, as does the existing house. It is next to and roughly in-line with the rear elevation of the house one side at No.13 Whiteknights Road, which spans its plot including a flat roofed part, and midway alongside a large flat roofed residential annex outbuilding immediately behind No.9 Whiteknights Road on the other side. The pristine red bricks are not yet weathered and include some in a lighter shade but are not completely smooth, with some darker red colour variation already similar to No.11 and some other houses nearby. Condition 3 of APP/E0345/D/21/3278656 does not specify a brick or say it must be identical, just match which they do by this close, complementary means.
16. However, the existing single storey parts of No.11 are each much smaller than the appeal extension and already quite tall to roofline above existing back garden ground level. According to plan EN/2037/2, approximately 3m high on one side

flush with the main rear elevation of No.11 and almost 3.5m high on the other side projecting as a short stub.

17. As a result, the appeal extension protrudes much further in-depth, away from the rear elevation of No.11 at a significant height. Despite a previous side parapet wall upturn, the uniform eaves level and roofline stretch across the entire rear elevation. Because the ground level slopes progressively downwards, away from the back of the house, the full length or width and height of the appeal extension becomes progressively more pronounced, including in extent above and below the apertures for the rear elevation fenestration. Despite that there would be a significant glazed area, its positioning in two pairs with narrow intervening gaps and to each corner edge leaves a wide, blank central section. According to plan EN/2037/2, and as I saw, the flat roofline and eaves of the appeal extension is tight below the cill of the landing window and near the bottom edges of the bathroom and bedroom windows.
18. Consequently, despite a horizontal emphasis and although lower down than the upper, two-storey part of the house, the external envelope of the appeal extension adds substantial building volume, scale and massing. This bulky, angular built form juts out behind No.11, including with an unduly abrupt, sheer vertical presence and large expanse of blank brick elevation at the rear. This excessive, disproportionate addition is not subordinate to the principal two-storey section of the house, which appears compressed, and it overwhelms the back of the house. It is thus not a cohesive or sympathetic enlargement of No.11. Though in limited public view its significant innate presence jars in its immediate surroundings, as can also be observed by occupants of nearby houses.
19. I appreciate that the permitted extension is the same width and depth as the appeal extension and I acknowledge some other similarities between the two schemes, such as a broadly box like form. I also accept that some changes to dimensions, such as the increased height of the appeal extension and fenestration, taken piecemeal are each limited and that the internal re-arrangement of rooms is inconsequential. But there is little to suggest that plan EN/2037/2 shows the only way to achieve a single storey rear extension with fenestration and a uniform eaves level or roofline and albeit nuanced, the individual material differences between these two schemes are important. Taken collectively they mean that the appeal extension is noticeably different to the permitted extension, which would already be a significant addition to this house. As such, the permitted extension fallback does not justify the appeal extension and given its fundamental design, planning conditions could not overcome its adverse impact.
20. I therefore find that condition 2 is necessary in order to avoid unacceptable harm to the character and appearance of No.11 Whiteknights Road and to the area, otherwise in conflict with Policy CC7 of the Reading Borough Local Plan, November 2019 (the LP). Under an objective to maintain the character and appearance of an area, it includes that development should respond positively to its local context, reinforce local character and distinctiveness and make a positive contribution to sense of place having regard to scale (height and massing).

Living conditions

21. As I saw, I accept that parts of the appeal extension are visible to the occupants of Nos.9 and 13 Whiteknights Road and No.4 Waybrook Crescent from some windows which are likely to be habitable rooms or from back gardens. However,

there is no right to a private view. That house extensions can shorten views, be close to adjoining back garden boundaries or introduce new fenestration is not unusual or uncommon in residential settings, so not unacceptable per se.

22. In this case, much of the appeal extension is obscured by intervening boundary fences or landscaping and at No.9 by the annex, so most views here from windows or the back garden are already restricted to perpendicular to the house and back garden or at an angle in the other direction. Since the appeal extension does not project significantly beyond the rear elevation of No.13, it does not unduly restrict views from windows or most parts of the back garden of this property. Furthermore, though set lower down, the house and garden at No.4 Waybrook Crescent are angled away from the appeal extension and views from windows and this garden are much further away. The general aspect from windows of these houses or these back gardens is otherwise mainly open or towards a horizon or of the sky.
23. Though these windows and gardens at Nos.9 and 13 are north facing, there is little on the ground to suggest that the appeal extension overly impinges on natural light from the east or west for large parts of the day and year. There is also little objective evidence that natural light to these windows and back gardens has been measurably diminished by the appeal extension (including rooflights in the annex at No.13 or that it has significantly reduced the effectiveness of solar roof panels). The windows and back garden of No.4 are southeast facing and too distant to be overshadowed by the appeal extension.
24. Window or door apertures are confined to the rear elevation of the appeal extension so will mainly give perpendicular views down the back garden of No.11 and No.4 is too distant in this direction to be overlooked in any meaningful way. The acute angle of view sideways would otherwise avoid any significant overlooking towards Nos.9 or 13, including into habitable rooms or the most private parts of these gardens closest to the backs of these houses.
25. Consequently, the appeal extension does not overly truncate or overwhelm these views, is not unduly overbearing in relation to these windows or back gardens and would not appreciably adversely affect privacy at these properties.
26. I therefore find that condition 2 is not necessary in order to avoid unacceptable harm to the internal and external living conditions of the occupants of Nos.9 and 13 Whiteknights Road and No.4 Waybrook Crescent having regard to outlook, natural light and privacy. Subject to an approved plans condition, the appeal extension would not conflict with LP Policy CC8 which includes that development should not cause detrimental impact on the living environment of existing residential properties in terms of outlook, visual dominance and overbearing effect, sunlight and daylight and privacy and overlooking.

Other Matters

27. The detail of how the appellant intends means of access from the appeal extension to the back garden is of little consequence to my decision. Even if some or all of an original back garden ground level has been raised at No.11, including to facilitate level internal access between the house and the permitted, existing or appeal extensions, I have taken the Land as I saw it. This includes the appeal extension as so far built and portrayed in plan EN/2037/2 and relative to the equivalent approved plan P/2037/2 for the permitted extension.

28. I appreciate that the appellant might prefer to have the benefit of the appeal extension over the permitted extension. But the planning system operates in the wider public interest about matters of acknowledged planning importance. As such, I have considered the appeal extension on its individual planning merits. These personal circumstances therefore carry little weight.
29. Some interested parties included objections to back garden fences and an outbuilding at No.11 Whiteknights Road. These structures are not pursued by either enforcement notice, so are not within my remit. Some also referred to alleged party wall infringement and to concerns about land stability, drainage and access to the back garden of No.11 by the emergency services. These are, though, private matters for the respective parties. The appellant had a legitimate expectation of potential success with the appeal so it is unsurprising that the requirements of the notice have not yet been complied with.

Planning balance and conclusion

30. Notwithstanding my finding in respect of living conditions, the limited benefits of the appeal extension do not outweigh the harm to the character and appearance of No.11 Whiteknights Road and the area and there is conflict with the development plan. Other material considerations do not indicate that ground (a) should be determined other than in accordance with the development plan taken as a whole. Consequently, for the reasons given above, planning permission should not be granted so ground (a) fails.

Appeals A and B on ground (f)

31. It is clear from the requirements that the purpose of each notice is to remedy the breach of planning control and that the Council does not seek to under enforce.
32. The differences between the existing and permitted development are evident by comparing what has been built so far with the descriptions of each approved development and the wording of each condition 2. Also, in Appeal A by comparing approved plan P/2037/2 with appeal plan EN/2037/2 and in Appeal B by comparing approved plan P/GW/2037/1 with appeal plan REV/GW/2037/1, which shows the existing wall as so far built and as the appellant intends it to be completed (the appeal wall). In Appeal B, the appellant does not contest the Council's concern that the smoother, more orange coloured bricks used in the existing wall do not match the bricks in the house at No.11, including that some have been artificially stained darker to create a regimented pattern.
33. I have already considered the planning merits of the appeal extension in Appeal A on ground (a). In Appeal B, the appellant referred to some harm alleged by the Council in respect of the existing wall, including the temporary gates and infill panels and to an intention to install external lighting. However, these amenity considerations relate to the Council's reasons for issuing the notice and there is no ground (a) deemed planning application. As a result, ground (f) cannot be used to consider planning merits or as a means to effectively grant planning permission for the appeal wall.
34. It remains to be seen whether either development is completed, including in accordance with condition 2 and, as the appellant suggests, the existing extension or wall could be demolished (ie completely dismantled) or replaced by something else, including a fence or a hedgerow instead of a wall. These would be separate

matters for the appellant and possibly the Council. Meantime, in both appeals, condition 2 does not demand that an extension or a wall is built. Rather, their effect is that if either authorised development is started then it must be carried out in accordance with the respective condition 2. The notices should, therefore, require the parts of each development that do not comply with condition 2 to be removed. This would remedy each breach of planning control and not necessarily mean completely dismantling both structures, including foundations or footings. This would be a proportionate remedial outcome at potentially less cost and disruption to the appellant.

35. Considering the above, I am satisfied that the steps in requirement 5(ii) in both notices exceed what is necessary to remedy the breach of planning control. Each ground (f) therefore succeeds to this extent and I will vary both notices accordingly.

Appeals A and B on ground (g)

36. There is little objective evidence, such as an itemised schedule of works and timings, to substantiate a period of between 9 and 18 months sought by the appellant to comply with the requirements of the notice in Appeal A. Nor to justify a period of 10 months to comply with the requirements of the notice in Appeal B. In these circumstances, both of these periods would be a disproportionate extension of time and unduly perpetuate the harm set out in the reasons for issuing each notice and as I have outlined earlier in Appeal A on ground (a).
37. However, I accept that to dismantle and remove the elements of both developments, not constructed in accordance with each condition 2, would involve significant works, including at roof level or beside the public highway. The works would also need to be executed carefully to avoid collateral damage to retained parts of each development and scheduled or co-ordinated to avoid interfering with each other. This would require a suitable and available building contractor to be found in earnest after the outcome of the appeals.
38. Additionally, the existing extension is accessed through the house and the existing wall is beside the pavement on one side and includes the front garden pedestrian and vehicular entrances and a parking area on the other side. There would be notable disruption, including to the appellant's living conditions. The 2 month period of compliance set out in each notice would also now coincide with winter months, with inclement weather more likely to hinder progress. While the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance, that would be a matter for the main parties. The period set out in the notice must be sufficient to begin with.
39. On the evidence before me, I consider that the 2 month period in each notice to take the steps required by it falls short of what should be reasonably allowed, namely 6 months in each case. Each ground (g) therefore succeeds and I will vary both notices accordingly.

Formal Decisions

40. In Appeal A, it is directed that the enforcement notice is corrected and varied as follows:

- Section 3 – delete ‘210328 (*allowed on appeal*)’ and replace with ‘APP/E0345/D/21/3278656’.

- Requirement 5(i) – delete and replace with *‘Dismantle and remove from the Land the elements of the rear extension that have not been constructed in accordance with the terms and details of planning permission APP/E0345/D/21/3278656, including condition 2’*.
- Requirement 5(ii) – delete.
- Requirement 5(iii) – renumber as 5(ii) then delete *‘to an appropriate place of disposal’* and replace with *‘from the Land’*.
- Section 6 – delete *‘2 months’* and replace with *‘6 months’*.

41. In Appeal B, it is directed that the enforcement notice is corrected and varied as follows:

- Requirement 5(i) – delete and replace with *‘Dismantle and remove from the Land the elements of the wall that have not been constructed in accordance with the terms and details of planning permission 201166, including condition 2’*.
- Requirement 5(ii) – delete.
- Requirement 5(iii) – renumber as 5(ii).
- Requirement 5(iv) – renumber as 5(iii) then delete *‘to an appropriate place of disposal’* and replace with *‘from the Land’*.
- Section 6 – delete *‘2 months’* and replace with *‘6 months’*.

42. Subject to these corrections and variations, Appeal A and Appeal B are both dismissed and each enforcement notice is upheld. In Appeal A, planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan
INSPECTOR