



Appeal Decisions

Site visit made on 25 November 2025

by **Thomas Shields DipURP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal A: APP/E0345/C/24/3354043

Persian Palace, 2 Bridge Street, Caversham, Reading, RG4 8AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Abdullah Naweed against an enforcement notice issued by Reading Borough Council.
 - The notice was issued on 20 September 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an extension consisting of an enclosed canopy and terrace over the River Thames.
 - The requirements of the notice are:
 - (i) Cease to use the terrace extension as shown edged black on the attached plan;
 - (ii) Dismantle the terrace extension including the canopy and decking;
 - (iii) Reinststate the two rear windows and walls to accord with elevational drawing No. 230801-5 attached to this notice;
 - (iv) Remove all materials resulting from the dismantling of the terrace extension to a suitable place of disposal.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). 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.
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Appeal B: APP/E0345/W/24/3354027

Persian Palace, 2 Bridge Street, Caversham, Reading, RG4 8AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Abdullah Naweed against the decision of Reading Borough Council.
 - The application reference is 240022.
 - The development proposed is outdoor seating terrace and canopy along Thames River.
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DECISIONS

Appeal A

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of an extension consisting of an enclosed canopy and terrace over the River Thames at the Persian Palace, 2 Bridge Street, Caversham, Reading, as shown on the plan attached to the notice and subject to the following conditions:
 1. Within 4 months from the date of this decision a Flood Emergency Plan (FEP), to include details and management of the escape route from the extension, management of any obstructions/debris in the water channel and registration with the Environment Agency's flood warning service, shall be submitted to and approved in writing by the local planning authority. The

extension thereafter shall not be used other than in accordance with the FEP.

2. The design and materials of the GRP floor of the extension shall be retained as constructed unless otherwise approved in writing by the local planning authority.

Appeal B

2. The appeal is dismissed.

Appeal site and preliminary matters

3. The appeal site, No. 2 Bridge Street, sits adjacent the River Thames immediately to the west of Caversham Bridge at its northern end, and as shown by the plan attached to the enforcement notice in Appeal A and by the location plan in Appeal B. It is a 4 storey building with the ground and lower ground floors in use as a restaurant (the Persian Palace) and the upper floors in residential use. The main access to the building is from the front at street level on Bridge Street.
4. Adjoining the external river elevation of the building's lower ground floor, along its length, is a pre-existing landing stage comprising a steel lattice structure over the top of vertical solid supporting piers. The floor of the landing stage has more recently been replaced with a grey GRP¹ surface which now forms the internal floor of the constructed extension subject of Appeal A.
5. The appeal against the enforcement notice on ground (a) in Appeal A seeks permission for the extension as constructed on site. Appeal B is against the Council's refusal of planning permission for a different design of extension in the same location, described as an *outdoor seating terrace and canopy*. Since there is considerable overlap of relevant planning policies and other considerations I will deal with both appeals together as far as possible.
6. During the course of the appeals the Framework² and the PPG³ were updated in December 2024 and September 2025 respectively, including with regard to flood risk. The appellant also submitted a further flood risk assessment⁴ (FRA) which the Council were able to comment upon. In reaching my decision I have taken account of the submissions from the main parties and from third party objections in the context of the updated Framework and PPG.

Appeal A - ground (a), and Appeal B

Main Issues

7. The main issues are the same for both appeals. These are:
 - (i) whether the extension is in a suitable location with regard to the risk of flooding;
 - (ii) whether the extension would result in harm to the ecological and hydro-morphological qualities of the River Thames and its environs; and

¹ Glass Reinforced Plastic, or fibreglass

² National Planning Policy Framework (December 2024)

³ National Planning Practice Guidance

⁴ Preliminary Flood Risk Assessment, Oakshire Environmental, 19 November 2024

- (iii) the effect of the extension upon the character and appearance of the area, with particular regard to the St. Peter's Conservation Area.

Reasons

(i) Flood risk

8. The development subject of the appeals is located within flood zone (FZ) 3b of the Environment Agency's (EA) Flood Map for Planning.
9. The updated Framework and PPG together set out the overall approach to minimising the effects of flooding. The PPG⁵ states that the Framework sets out strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, new development should not be allowed.
10. This is achieved generally by directing new development away from areas at higher risk of flooding to areas with a lower risk through a sequential risk-based approach. For some developments this involves a *sequential test* and if appropriate an *exception test*. However, minor developments such as that subject of Appeals A and B (approximately 54m² floorspace) are exempt from both the sequential and exception tests⁶.
11. Framework paragraph 181 states that when determining any planning applications local planning authorities should ensure that flood risk is not increased elsewhere, and that a site specific FRA is required for all developments in FZ2 and FZ3.
12. Paragraph 181 further states that development should only be allowed in areas at risk of flooding where it can be demonstrated that it meets the criteria at paragraph 181(a) to (e). The Council's concerns in this regard are that the development increases flood risk due to its siting in the river channel; it could increase flood risk elsewhere; and that the risk to property or how people will be kept safe in flood conditions has not been demonstrated.
13. The appellant's submitted FRA refers to the EA's Thames (Pangbourne to Sonning) 2019 model which, taking into account flood defences, indicates that the south west of the site is at risk of flooding in a 1% AEP⁷ event, and the maximum flood level at the site is 38.154m AOD. This could result in flood depths of over 1m above the floor area of the extension which is the same for both appeals A and B. Historical records confirm flooding has occurred on previous occasions as a result of the River Thames exceeding its channel capacity. Submitted comments and photographs from third parties also confirm previous flood events.
14. The below floor-level sub-structure within the channel is pre-existing and will remain unchanged. As such it does not itself increase flood risk. As I saw during my visit to the site the GRP floor of the proposed extensions has the appearance of long narrow floorboards, each board separated either side by a continuous gap along the length of the floor, with the river below being visible through the gaps. During a flood event above floor level the water would rise and then subsequently void through these gaps rather than the extension fully displacing flood water. Also, given the relatively small size of the extension, and its orientation and position at

⁵ PPG Paragraph: 003 Reference ID: 7-003-20220825

⁶ Framework paragraph 176, footnote 62, exempts small non-residential extensions with a footprint of less than 250m²

⁷ 1 in 100 Annual Exceedance Probability

the side of the channel, I consider the risk of it acting as an obstruction to the flow of water and trapping debris to be minimal. With regard to the safety of occupiers, the single access from the main restaurant into the extension is via flood resistant doors which when closed seal the main building off. Any people in the lower floors of the building would leave via the main entrance as is the case now.

15. Following on from the above I find that the design of the constructed extension has incorporated measures which adequately take account of flood risk. Ongoing management of residual flood risk, including the retention of the floor design, managing any obstructions, notification of flooding via a flood warning scheme, and an agreed emergency plan for safe access and escape can be secured through the imposition of planning conditions.
16. For these reasons, subject to planning conditions, I consider the development is appropriately flood resistant and resilient and in the event of a flood it could be quickly brought back into use without significant refurbishment. As such, the development thereby meets the requirements of Framework paragraph 181(a) to (e) with no material conflict with Policies EN11 and EN18 of the Reading Borough Local Plan (LP) (2019).

(ii) Effects on ecological and hydro-morphological qualities

17. Taken together LP Policies EN11 and EN12 aim to ensure wherever possible that new development in the vicinity of watercourses results in a biodiversity net gain (BNG), or otherwise does not result in a loss of biodiversity.
18. As set out in the PPG⁸ the requirement for BNG is disapplied in respect of planning applications made before 12 February 2024, and has not yet commenced for appeals against enforcement notices. Consequently, there is no BNG requirement in these appeals. With regard to the requirements of LP Policies EN11 and EN12 the more recent PPG⁹ states that it would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for BNG. In particular it states: "The statutory provisions are an important material consideration that in many cases will take precedence over local planning policy. The statutory framework represents the appropriate national approach towards, and benchmark for, biodiversity gains in planning".
19. In light of the above, while it is unnecessary for the development to demonstrate a BNG, there still remains in my view a need to show that there would be no net loss or harm to biodiversity resulting from the development carried out. This would be consistent with LP Policies EN11 and EN12, the Framework, and the PPG so far as they are relevant.
20. In this regard, the extension is entirely built upon the existing sub-structure and adjoins the brick elevation of the main building. There is therefore no loss of natural vegetation or habitat in its construction. Additionally, the supporting substructure within the channel already exists, such that it also does not by itself lead to any increased ecological/hydro-morphological impacts. As I set out earlier, given the relatively small size of the extension, and its orientation and position at the side of the channel, I consider the risk of it acting as an obstruction to the flow of water and

⁸ PPG Paragraph: 003 Reference ID: 74-003-20240214

⁹ PPG Paragraph: 020 Reference ID: 74-020-20240214

trapping debris to be minimal. As such, I consider any flood event-related ecological impacts would be insignificant and thereby there would be no material conflict with LP Policies EN11 and EN12.

(iii) Character and appearance

21. The development lies within the St. Peter's Conservation Area (CA). As such I am required by s72(1) of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The duty is also reflected in the provisions of the Framework, PPG and within the Council's LP policies.
22. Prior to the development subject of the appeals No. 2 Bridge street had already been extended, having its River edge side elevation finished in red brick punctuated with sets of rectangular and circular windows on lower and upper storeys. As such, the site has for many years been seen from surrounding views as a developed hard modern frontage to the River between the Caversham Bridge and the wooded area beyond. Hence, even without the appeal development, it continues to form a limited exception to the undeveloped soft green edges and wooded areas to the northern bank more fully described in the CA appraisal.¹⁰
23. The appeal development as constructed (Appeal A), is a fully double-glazed 'lean-to' structure within a grey aluminium supporting framework, with the roof and upper parts of the glazing retractable. The existing rear wall of the main building remains visible through the glazing. As such, contrary to the Council's view, I consider the design of the extension in modern materials and predominantly glazing are not discordant with the existing fabric of the main building or detract from the upstream views from Caversham Bridge, or from more distant views along the southern bank. It also sits neatly below the cill level of the upper floor windows and is proportionate in scale. As such, no harm results from the constructed development (Appeal A), thus the character and appearance of the existing building and the CA is preserved and there would be no conflict with LP Policies CC7, EN1, EN3, EN5, and EN13.
24. The proposed scheme in Appeal B differs from the constructed development in Appeal A. Only the lower half of the proposed area would be glazed below a handrail rather than the enclosed scheme as constructed. Moreover, the proportions of the upright supports would be at odds with the proportions of existing window framing detailing in the river elevation of the main building. The canopy would also sit awkwardly below the cill level of the first floor windows and result in an inharmonious division of the upper and lower parts of the red brick rear wall. The canopy would additionally partially obscure the decorative contrasting brick banding feature around the lower circular window. Overall, it would appear somewhat piecemeal in form and would not be a design of the highest quality, thereby failing to preserve the character and appearance of the CA. As such, it would conflict with the aims and objectives of LP Policies CC7, EN1, EN3, EN5, and EN13. In the language of the Framework it would result in less than substantial harm to the CA as a designated heritage asset. Public benefits would not outweigh that harm.

Conditions

25. For Appeal A conditions are required to secure a flood emergency plan and to retain the gapped floor design in the interests of mitigating against flood risk.

¹⁰ St. Peter's Conservation Area Appraisal (2018)

Conclusions

26. For the reasons set out earlier Appeal A succeeds and planning permission is granted subject to planning conditions. In these circumstances ground (g) in Appeal A does not fall to be considered.
27. In Appeal B, the harm I have identified is not outweighed by public benefits and the appeal is dismissed.

Thomas Shields

INSPECTOR