



WOKINGHAM
BOROUGH COUNCIL

SECTION 78 APPEAL
WRITTEN REPRESENTATION - STATEMENT OF CASE

**Appeal against the refusal of a planning application on
11 December 2025**

Appellant	Retirement Villages Development Limited
Site	Thamesfield Retirement Village, Wargrave Road, Remenham, RG9 2LX
Local Planning Authority Reference	243125
PINS Reference	6011062

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Appendix:

- Appendix 1 - Decision Notice
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1 Introduction

1.1 This Statement of Case (SoC) has been prepared on behalf of Wokingham Borough Council (“LPA”) in response to the appeal by Retirement Villages Development Limited (“The Appellant”) against the refusal of planning application reference 243125 at Thamesfield Retirement Village, Wargrave Road, Remenham, RG9 2LX.

1.2 The appeal relates to a full planning application reference 243125, for the proposed part demolition of existing buildings and their replacement with a three-storey extension and associated works. A copy of the decision notice (Appendix 1) and the committee report (Appendix 2) have been supplied to the Inspectorate, along with the appeal questionnaire and copies of the relevant policies referred to within this document. In accordance with PINS guidance, these are not duplicated within the content of this Statement of Case.

1.3 On 11 December 2024, an application was submitted to the LPA for:

“Full application for proposed part demolition of existing building and replacement with a three-storey extension to provide extra-care units, with associated soft and hard landscaping works; provision of additional vehicle parking, bin stores and ancillary structures; and alterations to existing basement.”

1.4 The application was subsequently refused on 11 December 2025 after being taken to planning committee on Wednesday 10 December 2025. It was refused for the following reasons:

1. *The proposed development, by reason of its bulk, scale, height, and proximity to neighbouring dwellings at Remenham Row, would result in an unacceptable level of overlooking and perceived loss of privacy to the front elevations of those properties, together with an unneighbourly overbearing impact. The development would result in material harm the living conditions of existing residents. The proposal is therefore contrary to Section 12 of the NPPF, Policy CP3 of the Wokingham Core Strategy and the Borough Design Guide.*
2. *The proposed development, by reason of its scale, height, bulk and massing would fail to preserve or enhance the character or appearance of the Remenham and Henley Bridge Conservation Area and the Henley on Thames Conservation Area. This would result in limited-moderate less-than-substantial harm to the significance of these designated heritage assets. When applying paragraph 215 of the National Planning Policy Framework, the identified harm is not outweighed by the public benefits of the proposal. Accordingly, the proposal conflicts with the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF (2024), Policy CP3 of the Wokingham Core Strategy and Policy TB24 of the Managing Development Delivery Local Plan.*

3. *In the absence of a completed legal agreement, the proposed development fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to MDD Local Plan policy TB12.*
4. *In the absence of a completed legal agreement, the proposed development fails to mitigate the increases in demand on NHS services through failing to contribute towards the creation of additional clinical capacity at Bell or Hart GP Surgeries or an identified primary care estates project in the local area to serve the development. This is contrary to CP1 of the Core Strategy and the NPPF (2024).*
5. *In the absence of a completed legal agreement to secure biodiversity net gain monitoring, the proposed development fails to demonstrate and secure that there would be no long term biodiversity net loss as a result of the proposal by either on site mitigation or off-site compensation and how this would be managed, contrary to Core Strategy policy CP3 and CP7, MDD Local Plan Policy TB23 and the NPPF (2024).*

- 1.5 The officer who originally assessed and reported the application has since left the Council. The application has therefore been independently reviewed, including the submitted plans and supporting information, consultee responses, committee report, decision notice and relevant planning policy context. Having carried out that review, it is my professional opinion that the Planning Committee was correct to overturn the officer recommendation and refuse planning permission.
- 1.6 I have also subsequently visited the appeal site and visited the neighbouring properties at Remenham Row in order to undertake a thorough assessment of the proposal's impact on the living conditions of those residents as outlined in the first reason for refusal. That assessment has confirmed my view that the proposal would be unacceptable for the reasons set out in the decision notice and that the appeal should be dismissed.
- 1.7 The Council will continue to rely on the reasons for refusal set out in the decision notice. The Council's case is that the proposal, by reason of its bulk, scale, height, massing and proximity to neighbouring residential properties, would cause unacceptable harm to residential amenity and to the significance of designated heritage assets.
- 1.8 A legal agreement has now been completed securing the matters referred to in reasons for refusal 3, 4 and 5, namely employment and skills provision, NHS mitigation and biodiversity net gain monitoring. The Council therefore no longer pursues reasons for refusal 3, 4 and 5. The Council's statement of case will consequently focus on reasons for refusal 1 and 2.
- 1.9 A separate Heritage Statement of Case has been submitted with this appeal from the Council's Heritage Officer, and this is included at appendix 3. It is not the intention of this statement to repeat that evidence.

- 1.10 The Council respectfully requests that the appeal is dismissed for the reasons set out in this statement.

2 Appeal Site

- 2.1 The site subject of this appeal comprises Thamesfield Retirement Village, a retirement community located on Wargrave Road, Remenham, adjacent to the River Thames. The site lies within the Metropolitan Green Belt, designated countryside and the Remenham and Henley Bridge Conservation Area. The Henley-on-Thames Conservation Area lies on the opposite side of the River Thames and the appeal site forms part of its riverside setting.
- 2.2 The site contains a retirement village complex set within landscaped riverside grounds. The original Thamesfield building is a Victorian riverside mansion dating from around 1870-1875. It has been altered and extended over time.
- 2.3 Thamesfield is identified by the Council as a non-designated heritage asset. The wider site has developed through a series of later additions and extensions associated with its current care and retirement use.
- 2.4 The proposed development would replace existing lower built form on the northern part of the site with a three-storey extension. It would introduce a materially larger, taller and more intensive built form close to neighbouring residential properties at Remenham Row and within a highly sensitive heritage and riverside setting.

RELEVANT PLANNING HISTORY		
Application Ref	Proposal	Decision
CLP/2002/8107	Application for Certificate of Lawfulness of proposed development for internal alterations to nursing home to form close care units	Approved 14/02/2003
F/2003/9901	Proposed pitched roof bay window at first floor level, patio and two lift shaft enclosures to northeast and west elevations	Approved 10/10/2003
CLP/2003/0823	Application for Certificate of Lawful development for internal alterations to form four close care units	Approved 11/01/2004
F/2004/3605	Proposed infill extension to nursing home to improve facilities and alterations to laundry access	Approved 22/02/2005
192494	Application for certificate of lawfulness for the proposed replacement of nine old wooden arch topped windows and two doors with arched top lights and replaced with a UPVC window and door system designed to look as the same as the existing and to be used in a conservation area.	Approved 17/10/2019
222058	Application for a Certificate of Lawfulness for the proposed internal alterations to include communal facilities, ancillary facilities and 2no. extra care residential units	Approved 26/08/2022

222059	Application for a Certificate of Lawfulness for the proposed internal alterations to first and second floors to include 5no. extra care residential units	Approved 26/08/2022
222333	Full application for the proposed erection of first floor, side balcony, ground floor rear terrace, addition to and alterations to existing	Approved 11/10/2022
243125	Full application for proposed part demolition of existing building and replacement with a three-storey extension to provide extra-care units, with associated soft and hard landscaping works; provision of additional vehicle parking, bin stores and ancillary structures; and alterations to existing basement.	Refused 11/12/2025

- 2.5 The applicant also submitted two pre-application enquiries prior to submitting this application. It is noted in the applicants planning statement submitted in support of the original application that the Council's pre-application response highlighted that the new building will be harmful to the character and appearance of the area, due to the uplift of built form, massing and scale and being visually dominant. It also highlighted the need for impacts on neighbouring amenity to be assessed in detail, naming Remenham Row in particular. The follow up pre-app also confirmed that the new building would have a perceived overbearing and dominant effect on Remenham Row.
- 2.6 The earlier pre-application responses add important context. They reaffirm that the concerns raised in this reason for refusal relating to the uplift from existing lower built form to a three-storey extension were identified before the application was submitted. The advice stated that careful consideration of how the proposal's scale, massing and height would affect the character of the area and neighbouring amenity, including the relationship with Remenham Row.
- 2.7 The 2022 pre-application response identified that the proposed three-storey extension would result in a significant uplift in built form, mass and scale when compared with the existing lower building. It also identified that the proposal would appear visually dominant in comparison with existing nearby buildings and that the uplift from single-storey to three-storey built form would have a dominance effect on Remenham Row, despite the proposed setback from the north-west boundary.
- 2.8 The 2023 pre-application response further highlighted this concern. It stated that, due to the uplift in built form, mass and scale going from single storey to three storeys, the proposal would have a perceived overbearing or dominance effect in relation to Remenham Row. The appeal proposal does not overcome the concerns raised by the Council during the pre-application process.
- 2.9 The pre-application advice also highlighted the sensitivity of the site in character and heritage terms. The 2022 advice found that the scale and massing of a three-storey extension would be out of character with the existing site and its relationship with existing buildings and that the proposal would cause harm to the character and appearance of the area. These concerns align with the Council's

reasons for refusal and show that the issues before the Inspector were raised early in the process.

- 2.10 In summary, the Committee's decision is consistent with the concerns identified at the pre-application stage, particularly in relation to the scale and massing of the proposal, its impact on the significance of heritage assets, and its relationship with Remenham Row. These concerns were also raised by neighbouring residents and the independent planning consultant acting on their behalf. Furthermore, objections were received from both internal and statutory consultees. The reasons for refusal and the resulting assessment of harm are therefore supported by a consistent body of evidence from multiple independent parties.

3 Provisions of the Development Plan and Other Policy Documents

- 3.1 The development plan for the Borough comprises the Wokingham Borough Core Strategy 2010, the Managing Development Delivery (MDD) Local Plan 2014 and supplementary planning documents. Policies and guidance of relevance are listed below, and the relevant sections have been sent to the Inspectorate:

- National Planning Policy Framework
- Wokingham Borough Core Strategy
 - CP1 – Sustainable Development
 - CP2 – Inclusive Communities
 - CP3 – General Principles for Development
 - CP5 – Housing mix, density and affordability
 - CP6 – Managing Travel Demand
 - CP7 – Biodiversity
 - CP9 – Scale and Location of Development
 - CP11 – Development in the Countryside
 - CP12 – Green Belt
- Managing Development Delivery Local Plan (2014)
 - CC01 – Sustainable Development
 - CC02 – Scale and Location of Development
 - CC03 – Green Infrastructure
 - CC04 – Sustainable Design and Construction
 - CC05 – Renewable energy and decentralised energy networks
 - CC06 – Noise
 - CC07 – Parking
 - CC09 – Development and Flood Risk
 - CC10 – Sustainable Drainage
 - TB05 – Housing Mix
 - TB07 – Internal Space Standards
 - TB09 – Residential accommodation for vulnerable groups
 - TB12 – Employment Skills Plan
 - TB21 – Landscape Character
 - TB23 – Biodiversity and Development

- TB24 – Designated Heritage Assets (Listed Buildings, Historic Parks and Gardens, Scheduled Ancient Monuments and Conservation Areas)
- Local Plan Update
 - SS1 – Sustainable Development Principles
 - SS2 – Spatial Strategy and settlement hierarchy
 - SS5 – Development in the Countryside
 - SS6 – Development in the Green Belt
 - CE1 – Design Principles for efficient buildings
 - CE4 – Supporting a circular economy
 - CE6 – Reducing energy consumption in existing buildings
 - CE7 – Low carbon and renewable energy generation
 - C4 – Green and blue infrastructure and public rights of way
 - C5 – Parking and electrical vehicle charging
 - ER4 – Employment and Skills Plan
 - FD1 – Development from all flood risk (from all sources)
 - FD2 – Sustainable drainage
 - NE1 – Biodiversity and geodiversity
 - NE2 – Biodiversity net gain
 - NE4 – Trees, woodland, hedges and hedgerows
 - NE5 – Landscape and design
 - DH1 – Place making and quality design
 - DH2 – Safeguarding amenity
 - DH5 – The historic environment
 - HC5 – Environmental Protection
 - HC8 – Noise pollution
 - HC10 – Odour, fumes and dust
- Borough Design Guide SPD
- SPD on Sustainable Design and Construction
- SDP on Sustainable Design and Construction Guidance Note
- CIL Charging Schedule February 2015
- CIL Frequently Asked Questions
- Community Infrastructure Levy (CIL) Regulation 123 List

4 Main Issue 1: Effect on the Living Conditions of Residents at Remenham Row

- 4.1 Reason for refusal 1 states that the proposed development, by reason of its bulk, scale, height and proximity to neighbouring dwellings at Remenham Row, would result in an unacceptable level of overlooking and perceived loss of privacy to the front elevations of those properties, together with an unneighbourly overbearing impact. It would therefore cause material harm to the living conditions of existing residents.
- 4.2 NPPF para 135 (f) stated that development should provide “*a high standard of amenity for existing and future users*” and the development fails to achieve this for the reasons set out in this Statement.
- 4.3 The harm arises from the combined effect of the proposal’s bulk, scale, height and proximity. These matters should not be considered separately. A taller building may be acceptable where it is sufficiently separated, carefully orientated or modest in scale. Similarly, a closer development may be acceptable where it is low and recessive. In this case the proposal would introduce a substantially larger three-storey building in a close and face-on relationship with the dwellings at Remenham Row.
- 4.4 This relationship is shown in the submitted site plan, the existing and proposed north elevations and photographs taken from Remenham Row and the appeal site. The existing north elevation shows a lower form of development facing Remenham Row. The proposed north elevation shows a clear increase in height, bulk and visual presence. It includes three storeys of accommodation, windows and Juliet balconies facing towards Remenham Row. The photograph below also shows that the existing buildings are already visible from Remenham Row’s private amenity area, despite boundary treatment and planting. The photographs were taken in summer (June), when landscaping provides the greatest level of screening.
- 4.5 The existing level of privacy afforded to the residents of Remenham Row will be significantly reduced as a result of the appeal proposal such that the appeal should be dismissed.



Photo of north elevation from Remenham Row

Bulk, scale, height, site levels and overbearing impact

- 4.6 The appeal proposal would replace a lower single-storey structure with a substantially larger three-storey extension containing numerous habitable-room windows and Juliet balconies facing directly towards neighbouring dwellings and their private land at Remenham Row. This would fundamentally alter the relationship between the two sites, resulting in a dominant and overbearing feature to the detriment of the Remenham Row resident's amenity.
- 4.7 The Committee Report states that the proposed building would measure approximately 9.9m to 11m in height, 33.6m in width and 22m in depth. This is a significant increase in built form immediately on the northern edge of the site opposite the existing modest two storey dwellings.
- 4.8 The existing single-storey element is also on land approximately one metre higher than the neighbouring properties at Remenham Row, such that the appeal proposal would comprise a larger three-storey building from an already dominant position. This would increase the perceived height, bulk and visual presence when viewed from Remenham Row and is demonstrated by a comparison of the existing and proposed plans below.
- 4.9 When viewed from the front of the dwellings along Remenham Road, the scale of the development immediately upon the shared boundary would be substantial and dominating to these residents. It is important to establish that the area to the front of these neighbouring houses is private land and therefore has greater amenity value than the front of a dwelling along a public street. The sheer scale of development facing directly at these neighbouring houses would be unneighbourly and overbearing.
- 4.10 The overbearing and visual dominating impact is also compounded by the significant level of glazing and habitable room windows that will be facing directly into Remenham Row. Whilst loss of privacy is considered later in this statement, the significant amount of fenestration facing these neighbouring properties

contributes to the dominating and overbearing impact. Furthermore, many of the openings are principal windows to habitable rooms and include large Juliette balconies, immediately facing the entirety of this private land and the dwelling front windows.

- 4.11 The effect of the proposed development would be worsened by the site levels. The proposed building would be viewed from lower-lying neighbouring properties and private amenity areas, while the existing built form on the appeal site is already raised above them. As a result, the proposed height, depth and massing would have a greater effect and would be perceived as a substantial and overbearing structure in close proximity to the boundary.
- 4.12 This would make the development appear especially dominant when experienced from Remenham Row. The proposal would introduce a three-storey building in close proximity to the boundary, on land already elevated above the neighbouring properties. Its height, bulk and massing would therefore materially change the outlook from those dwellings and create an unneighbourly sense of enclosure and dominance. This would not be a minor change in view, but a harmful alteration to the living conditions of neighbouring residents.
- 4.13 The existing and proposed site sections demonstrate this relationship clearly. They show that the appeal site sits above the properties at Remenham Row and that the proposed building would add substantial additional built form above that already elevated baseline. This level difference would increase the apparent height and prominence of the development and would intensify both actual and perceived overlooking.
- 4.14 The submitted sections also show that the existing boundary treatment would not overcome the harm. The red and blue line shown on the proposed section does not represent the height of the retained boundary wall. The retained wall can be seen above the longest section of that line. Even with the wall in place, the proposed building would remain elevated above Remenham Row.
- 4.15 Existing and proposed landscaping may filter or soften views, but it cannot be relied upon to make the relationship acceptable. Furthermore, there is very limited space to secure any meaningful landscaping between the proposed building and the site boundary. The harm arises from the position, height, orientation and residential use of the proposed building. Planting would not remove the presence of upper-floor habitable room windows and Juliet balconies facing towards Remenham Row, nor would it overcome the elevated and overbearing built relationship shown on the submitted sections.



Existing Site Section



- 4.16 To summarise, the site levels materially worsen the impact identified in Reason for Refusal 1. The nearest stated separation distance of 21.4 metres does not overcome the harmful relationship created by the proposal's bulk, scale, height, elevated position and proximity. The development would result in unacceptable overlooking, perceived loss of privacy and an unneighbourly overbearing impact, causing material harm to the living conditions of residents at Remenham Row.
- 4.17 The submitted drawings further show why the impact cannot be assessed by storey numbers alone. The existing north elevation already sits above the level of the neighbouring properties, while the proposed north elevation shows a substantial increase in built form above this. As a result, the proposal would appear significantly more dominant and visually intrusive than the existing development.



- 4.18 The significance of this level difference is evident from site photographs. Views towards the front elevations and windows of Remenham Row are already visible

from the ground floor of the existing single-storey element of the appeal site. The proposal would introduce two additional storeys of residential accommodation in this same general location, increasing the prominence of the building and intensifying its impact when experienced from neighbouring homes and their private frontage areas.



View from ground floor of existing single storey element of the Care Home looking towards Remenham Row. Windows at both ground floor and first floor of Remenham are visible.



View from Remenham Row looking towards the existing north elevation of Thamesfield Retirement home.

- 4.19 During the determination period, revisions were made during the application process to reduce the perceived massing and prominence of the development. This included changes to the roof form and the replacement of projecting balconies with Juliet balconies. However, these alterations do not overcome the fundamental increase in height, bulk and massing created by the appeal proposal.
- 4.20 The committee report acknowledged that the proposal would give rise to a degree of overbearing impact. The argument that the development would sit within the existing retirement village, or that the site has a compact character, does not make the relationship acceptable. Compactness within the appeal site cannot justify a built form which would appear dominant and overbearing when experienced from adjoining residential properties. This is especially the case when the adjoining properties have a substantially different character to the appeal site. Furthermore, the appeal site is clearly outside of an urban location and within the countryside where such unneighbourly relationships are uncharacteristic.
- 4.21 Any reliance on the overall increase in built form across the wider site does not overcome the harm. The issue is the increase in height, depth and massing which is focussed on the northern edge of the site and is directly facing Remenham Row. The impact would be felt most by those neighbouring residents and cannot be reduced by looking at the built form of the wider retirement village as a whole.
- 4.22 The daylight and sunlight evidence also supports the position that the increase in massing would result in a substantial change from the existing building. The existing buildings to be demolished are single storey and an increase in massing would affect existing receptors. Although daylight and sunlight impacts do not comprise a reason for refusal, the VSC and NSL evidence supports the Council's stance that the proposed building would introduce a materially more intrusive built form than currently exists.
- 4.23 Reason for Refusal 1 relates to the effect of the proposal's bulk, scale, height and proximity on the living conditions of residents at Remenham Row. The evidence demonstrates that the proposed development would introduce a substantially larger three-storey building on the northern edge of the site, replacing a much lower form of development. When considered alongside the site's elevated position and close relationship with neighbouring properties, the proposal would appear unduly dominant and overbearing when experienced from Remenham Row. Whilst amendments were made during the application process to reduce the building's prominence, they do not overcome the fundamental concern arising from the scale and massing of the proposed built form. The proposal would result in an unneighbourly and overbearing relationship that would materially harm the living conditions of neighbouring occupiers, contrary to Policy CP3 of the Core Strategy, the Borough Design Guide and Section 12 of the NPPF.

Privacy and Separation

- 4.24 The proposed development will significantly overlook the neighbouring properties. As stated, the overlooking is caused by a substantial number of habitable room windows that include floor to ceiling glazed Juliet balconies creating an overwhelming sense of being overlooked. The proposed development will be

immediately adjacent to the shared boundary and as a result the outlook from these windows will be entirely reliant on overlooking the private land to the front of these neighbouring houses for any outlook.

- 4.25 The Committee Report assessed the relationship between the proposed development and Remenham Row as front-to-front. Having independently reviewed the application, I do not agree with that assessment. Remenham Row is a fully private, gated residential development. Consequently, from my site visit the area in front of the properties is not a public street frontage or highway. It is a well-used part of the private residential environment of those dwellings, including amenity space and the immediate setting to their front elevations. To further evidence this, the small area of gravelled path way in front of the dwellings, is required to be kept clear of vehicles at all times. This further reiterates it does not function in the way a usual “front” elevation would. The overlooking onto this private space would be significant and harmful.
- 4.26 The front-to-front distances in the Borough Design Guide apply to public street relationships. As stated, Remenham Row is private and using that approach here would understate the impact on existing residents.
- 4.27 This is supported by R15 of the Borough Design Guide, which states that *“the appropriate degree of privacy varies, with less distance being reasonable on the street (public) side and more on the garden (private) side.”* It also states that privacy *“depends upon how rooms relate to one another”*. The affected frontage at Remenham Row is private rather than public and the relationship is between proposed habitable room windows within the appeal building and existing habitable room windows within Remenham Row. The front windows of the Remenham Row properties serve lounge/living rooms, while the proposed apartments would also include living accommodation looking towards them. This is not a relationship where reduced privacy expectations should apply.
- 4.28 R15 also states that frontages should be designed to provide residents with a reasonable degree of privacy while inside their homes. It notes that this may be achieved through the internal arrangement of rooms. This can be achieved in new developments by designing the floorplan so that a kitchen faces the street. In this case the existing dwellings already comprises of lounges and living rooms looking out over the front elevation. The appeal proposal locates living accommodation facing towards the living room windows and private frontage areas of Remenham Row. This would not provide a reasonable degree of privacy and would give rise to an unacceptable perception of overlooking. This is further accentuated by the height of the appeal proposal.
- 4.29 The Borough Design Guide confirms that separation distances are guidance and must consider applications and development on a case-by-case basis. The guidance indicates that these distances are generally considered adequate for relationships within new developments, where proposed floor plans can factor in shorter distances, but they may not be appropriate where new development impacts existing properties. This is important here, because the proposal would impose a new and materially different relationship on existing residents at Remenham Row.

- 4.30 Appendix 13 of the Design SPD does not provide a specific standard for a back-to-front relationship between dwellings. The Appellant's reliance on a front-to-front standard should not be relied upon. The submitted drawings identify the elevation facing Remenham Row as the north elevation of the proposed building. If the principal frontage of Thamesfield is understood to face south (where the main entrance is located), the relationship with Remenham Row is, at best, closer to a back-to-front relationship than a conventional front-to-front relationship across a public street. In either case, the Council's position is that the relationship must be assessed by its actual impact, not by applying the lowest available separation distance.
- 4.31 The internal layout of the appeal proposal is also important because the proposed accommodation is arranged within a block and the apartment entrances are internal. The relevant outward-facing windows therefore provide the only outlook for those units. At second floor level, proposed apartments 12–14 rely solely on windows and outlook towards Remenham Row. At first floor level, apartments 6 and 7 also solely rely on windows and outlook towards Remenham Row. The proposed north elevation also shows Juliet balconies on this elevation. These would increase the likelihood of occupants standing or sitting close to these windows/openings, increasing the perception of overlooking from Remenham Row.
- 4.32 The room-to-room relationship is particularly harmful. The Juliet balconies and associated windows serve living accommodation, which is a habitable use for the purposes of assessing privacy. The relationship would therefore include living room to living room and living room to bedroom relationships. Having regard to the purpose of R15, those relationships require a greater degree of privacy than a conventional street-facing arrangement.
- 4.33 As part of the Council's reassessment of the proposal, it was considered necessary to view the relationship from Remenham Row. During the site visit, the existing relationship was viewed from No. 3 Remenham Row. The photographs from that visit show clear views towards the retirement village from the front windows of that property. From ground floor level, the existing three-storey element within Thamesfield is visible. However, the flat-faced aspect of that existing elevation is approximately 55m from the property. By contrast, the proposed three-storey extension would bring a substantial three-storey residential elevation to approximately 21.4m from the front windows of properties along Remenham Row. That would represent a significant intensification of the existing relationship.



View from the front windows of 3 Remenham Row towards Thamesfield showing the existing three-storey element of the care home.

- 4.34 No. 3 Remenham Row provides a clear example of the relationship, but the concern is not limited to that property. Reason for Refusal 1 relates to the neighbouring dwellings at Remenham Row as a whole. The proposed elevation would face the dwellings at a materially close distance, such that the harm arises from the relationship between the proposed residential accommodation and the established private frontage and habitable room windows of those existing dwellings.
- 4.35 I therefore consider that the back-to-back guidance is the more appropriate starting point for assessing the relationship, because the affected frontage at Remenham Row forms part of a private residential environment rather than a public street. For development over two storeys, the Borough Design Guide identifies a 30m back-to-back separation distance where flats face houses. The Appellant's stated nearest separation distance of 21.4m falls materially short of that guidance. It is felt that, due to the relationship between the appeal site and the dwellings at Remenham Row, even a separation distance in accordance with the BDG back-to-back distances may not suffice in this case.
- 4.36 The 21.4m separation distance must be assessed in context. The proposed building would be three storeys, would face a private gated residential frontage, would include habitable room windows and Juliet balconies facing towards Remenham Row and would sit in close proximity to private frontage/amenity areas. The submitted site plan and north elevations show that the issue is not simply a numerical separation distance, but the real-world relationship between a substantial residential elevation and the established private living environment of Remenham Row.
- 4.37 The Committee Report recognised that perceived overlooking is a material consideration and accepted that a large building directly facing the front elevations

of Remenham Row would give rise to a perception of overlooking. However, the Council's position is that the harm was understated because the assessment proceeded on the wrong basis. The relationship was treated as front-to-front, but that does not reflect the actual circumstances of the site. Remenham Row is a private, gated residential development and the affected frontage forms part of the residents' private living environment, not a public street frontage. Applying the reduced front-to-front standard therefore understates the sensitivity of the relationship. When the proposal is assessed against the purpose of the Borough Design Guide, including the need to protect privacy between habitable rooms, the private nature of Remenham Row and the Juliet balconies in addition to the shortfall from the more appropriate 30m guidance, the appeal proposal would be wholly unacceptable.

- 4.38 Impact on neighbours is not just in relation to the measured distance. It must be thoroughly assessed on a case-by-case basis, including the orientation of the proposed and existing windows, the private nature of the space at Remenham Row, the use of the affected rooms and the extent to which the development would be experienced from existing homes and their private frontage areas. In this case, the proposal would result in unacceptable overlooking and a significant perceived loss of privacy to the front elevations of Remenham Row.
- 4.39 In summary, the Appellant's reliance on a front-to-front relationship does not reflect the actual circumstances of the site. Remenham Row is a private gated residential development, not a public street frontage. The proposed apartments would face habitable room windows and Juliet balconies towards existing living room windows and private frontage areas at a distance materially below the 30m guidance for flats facing houses. The proposal would therefore fail to provide a reasonable degree of privacy and would create an unacceptable perception of overlooking, directly reflecting the harm identified in Reason for Refusal 1. It would also weigh heavily against the proposal as part of any planning balance.

Orientation and Direct Views

- 4.40 The Appellant argues that the relationship between the proposed extension and Remenham Row is oblique and that this reduces the potential for overlooking and perceived loss of privacy. The Council does not agree. While the elevations may not be 'perfectly' parallel, the submitted site plan shows that the appeal proposal and the front elevations of Remenham Row would still face one another in a clear and direct visual relationship.
- 4.41 It is not about whether the angle is technically "oblique", but instead it is about how the relationship would be experienced by residents. From the windows of either building, views would be directed towards the opposing residential elevation. The angle is very limited and would not materially reduce the sense of being overlooked or the perception of loss of privacy.



Screenshot of site plan showing an oblique angle between Remenham Row and the appeal proposal

- 4.42 The Appellant's reliance on the angle between the buildings therefore does not overcome the Council's objection. The proposed development would still introduce a large number of habitable room windows and Juliet balconies facing towards the front elevations of Remenham Row at close range. The orientation would remain sufficiently direct to contribute to unacceptable overlooking and perceived loss of privacy.
- 4.43 In summary, the claimed oblique relationship does not materially lessen the significant harm identified in Reason for Refusal 1. The proposed development would still face towards the front elevations and private frontage areas of Remenham Row in a way that would intensify overlooking and perceived loss of privacy. The angle of the buildings therefore does not justify the reduced separation distance or make the relationship acceptable.
- 4.44 For the reasons set out above, the appeal proposal would cause unacceptable harm to the living conditions of residents at Remenham Row. The proposal would introduce a substantial three-storey residential building in close proximity to existing dwellings, replacing a far less intrusive single-storey element and doing so from an elevated position above the neighbouring properties. The proposal's bulk, scale, height, siting, orientation and residential use would create a significantly more dominant and intrusive relationship than presently exists. It would result in unacceptable overlooking, a harmful perception of being overlooked, a material loss of privacy to habitable rooms and private frontage areas, and an unneighbourly overbearing impact. The Appellant's reliance on separation distances, the claimed oblique relationship, boundary treatment and landscaping does not overcome these concerns, nor does it accurately reflect the private and sensitive nature of the relationship with Remenham Row. The

proposal therefore fails to provide a “high”¹ or even reasonable standard of amenity for neighbouring occupiers. The identified harm to the living conditions of residents at Remenham Row attracts substantial weight in the determination of this appeal.

5 Main Issue 2: Heritage Harm

- 5.1 Reason for refusal 2 states that the proposed development, by reason of its scale, height, bulk and massing, would fail to preserve or enhance the character or appearance of the Remenham and Henley Bridge Conservation Area and the Henley-on-Thames Conservation Area. The Council’s heritage case is therefore focused on the effect of the physical form of the development on the character, appearance and significance of those designated heritage assets.
- 5.2 A separate Heritage Statement of Case has been submitted with this appeal from the Council’s Heritage Officer at Appendix 3. It is not the intention to repeat that evidence here and instead this section will concentrate on key aspects of this reason for refusal.
- 5.3 The statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is central to the determination of this appeal. The decision-maker must pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. This duty gives considerable importance and weight to any identified harm.
- 5.4 The appeal site lies within the Remenham and Henley Bridge Conservation Area and forms part of the riverside setting of the Henley-on-Thames Conservation Area. The significance of these conservation areas is not limited to individual buildings. It is also derived from the spatial and visual relationship between the River Thames, the green riverside edge, the lower-density character of the Remenham side of the river and the historic townscape of Henley opposite.
- 5.5 The proposal would introduce a materially larger and taller built form into this sensitive setting. The Council’s concern is not simply that the building would be visible. Visibility alone is not necessarily harmful. The harm arises because the scale, height, bulk and massing of the proposed extension would read as a disproportionate and intrusive addition within the riverside conservation area context.

Effect on Conservation Areas

- 5.6 The proposed three-storey form would fail to respond appropriately to the established character and appearance of the site and its surroundings. It would materially increase the scale of development on the northern part of the site and erode the open, verdant and lower-density riverside character which contributes to the significance of the Remenham and Henley Bridge Conservation Area.
- 5.7 The effect on the Henley-on-Thames Conservation Area is also material. The appeal site is experienced from the Henley side of the River Thames as part of

¹ As required by NPPF para 135 (f)

the green and built riverside backdrop to the historic town. The increased scale, height, bulk and massing would be visually prominent in that setting and would diminish the contribution that the opposite riverbank makes to the character, appearance and setting of the Henley-on-Thames Conservation Area.

- 5.8 Historic England has raised clear concerns that the development would harm the experience of the Henley Conservation Area because of its unsympathetic size and architectural form, with particular concern regarding the size and bulk of the third floor.
- 5.9 Historic England objected to the development, advising that the greatest concern is the size and bulk of the third floor. This directly reflects Reason for Refusal 2, which identifies the proposal's scale, height, bulk and massing as the cause of harm. The concern is therefore not a general preference for a different architectural style, but a specific objection to the physical form and presence of the proposed development within the conservation area setting. Historic England went further than identifying harm; it advised that the proposal should be reduced to two storeys in order to avoid or minimise that harm. The appeal proposal retains a three-storey form and therefore fails to address the central heritage concern identified by the statutory heritage consultee.
- 5.10 Historic England's later response confirmed that the amended scheme still did not address its earlier objection and that its February 2025 advice remained valid. As the Government's statutory adviser on the historic environment, Historic England's objection is a matter to which considerable weight should be afforded. It is well established that the views of statutory consultees, particularly where they relate to specialist heritage matters within their expertise, attract "great weight"² unless there is clear and compelling evidence to justify a departure from that advice. There are no clear or compelling reasons to depart from that advice.
- 5.11 The Council's Built Heritage Officer also maintained a clear objection to the scheme through the determination period. A supporting statement has been provided by the Council's Built Heritage Officer in support of this Written Statement of Case at Appendix 3.
- 5.12 The proposed development was identified as effectively tripling the height, scale and massing of the existing built form and introducing a divergent form and appearance at odds with the established character of the site. This strongly supports the Council's case that the harm arises from the proposal's physical scale and massing, not simply from its visibility.
- 5.13 The Council also identified Thamesfield itself as a non-designated heritage asset. Whilst subsequently altered and extended, the original Victorian riverside mansion remains clearly legible and retains architectural and historic interest as one of the principal historic buildings within the conservation area. It also makes a positive contribution to the character and appearance of the riverside through its landmark presence and mature landscaped setting.

² Appendix 4 – Newcastle on Tyne City Council v SSLHC [2022] EWHC 2752 (Admin)

- 5.14 The proposed development would replace lower and later-built elements with a substantially larger three-storey form. By reason of its scale, bulk, height and massing, the extension would compete with and diminish the prominence of the historic core of Thamesfield, introducing a more urban and incongruous form which fails to respond appropriately to the significance of the non-designated heritage asset. Whilst the Council's second reason for refusal relates to designated heritage assets, the identified harm to Thamesfield is a further material consideration which weighs against the proposal in the overall planning balance.
- 5.15 South Oxfordshire District Council also maintained concerns that the development would remain disproportionate in scale, height and massing and would be visually prominent from the river and Henley's sensitive riverside edge, harming the setting of the Henley Conservation Area.
- 5.16 The Committee Report noted Historic England's concerns but, in the Council's current professional judgement, gave insufficient weight to them. Historic England is the Government's specialist heritage adviser, and its comments were directly relevant to the precise harm identified in Reason for Refusal 2. Those comments should be afforded substantial weight in the heritage balance, particularly because they are consistent with the objection from the Council's Built Heritage Officer and the maintained concerns of South Oxfordshire District Council. Paragraph 212 of the NPPF requires great weight to be given to the conservation of heritage assets and paragraph 215 requires any less-than-substantial harm to be weighed against the public benefits of the proposal.
- 5.17 The Appellant may rely on asserted public benefits, including the provision of additional extra-care accommodation, sustainability measures, biodiversity and landscape enhancements and economic benefits. The Council's position is that those claimed benefits are insufficient to outweigh the identified clear harm to heritage assets. The proposal would therefore fail to preserve or enhance the character or appearance of the conservation areas and would conflict with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, Core Strategy Policy CP3 and MDD Policy TB24.
- 5.18 In summary, the harm identified in Reason for Refusal 2 is supported by the Council's Built Heritage Officer, Historic England and South Oxfordshire District Council. The proposal's scale, height, bulk and massing would introduce an intrusive three-storey form into a sensitive riverside conservation area setting. Whilst less than substantial, that harm nevertheless attracts considerable importance and weight and, when properly assessed, is not outweighed by the public benefits relied upon by the Appellant.

6 Main Issue 3: Reasons for Refusal 3, 4 and 5: Planning Obligations

- 6.1 Reasons for refusal 3, 4 and 5 relate to the absence of a completed legal agreement at the time the decision was issued. Those reasons related to the failure to secure opportunities for training, apprenticeships and other vocational initiatives in accordance with MDD Policy TB12. In addition to a contribution towards additional NHS capacity and biodiversity net gain monitoring.

- 6.2 A completed and enforceable section 106 agreement has now been entered into prior to the commencement of the appeal. The agreement secures the matters identified in reasons for refusal 3, 4 and 5 should planning permission be granted. On that basis, the Council no longer pursues reasons for refusal 3, 4 and 5. The Council's case in this appeal is therefore confined to reasons for refusal 1 and 2.

7 Planning Balance

- 7.1 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The tilted balance in paragraph 11(d) of the NPPF is therefore engaged. Planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The Council's position is that, when the proposal is assessed as a whole, the adverse impacts significantly and demonstrably outweigh the benefits.
- 7.2 The Council further considers that paragraph 11(d)(i) of the NPPF is relevant in this case. The proposal would result in harm to designated heritage assets, namely the Remenham and Henley Bridge Conservation Area and the Henley-on-Thames Conservation Area. The Council's case is that the less-than-substantial harm arising to those heritage assets is not outweighed by the public benefits of the proposal when assessed in accordance with paragraph 215 of the NPPF. As such, the heritage policies of the Framework provide a clear reason for refusing the development. Should the Inspector conclude otherwise and apply paragraph 11(d)(ii), the Council's position remains that the identified harms, taken together, would significantly and demonstrably outweigh the benefits of the scheme.
- 7.3 The Council recognises that the proposal would deliver benefits. It would provide 17 C2 extra-care apartments, resulting in a net increase of 13 units and would make a contribution to the supply of specialist older persons' accommodation. That attracts weight in favour of the proposal. The proposal would also provide some economic benefits and biodiversity net gain. These matters carry positive weight.
- 7.4 The committee report concluded that the proposal would not constitute inappropriate development in the Green Belt having regard to paragraph 154(g) of the NPPF and that it would not cause substantial harm to Green Belt openness. The Council does not seek to advance a Green Belt reason for refusal in this appeal. However, the Green Belt assessment does not remove the need to assess the development's actual effects on neighbouring living conditions, heritage significance, landscape character and the overall planning balance.
- 7.5 In countryside and landscape terms, the officer report identified that the site lies outside development limits, within designated countryside and within the River Thames valued landscape. The committee report also identified a technical conflict with countryside policy CP11 and a degree of localised visual harm from the Henley riverbank. The Council does not rely on a separate landscape or countryside reason for refusal. Nevertheless, those matters form part of the overall

planning balance and reduce the weight that can properly be given to the proposal as a fully sustainable form of development.

- 7.6 The principal harms are those identified in the decision notice. First, the proposal would materially harm the living conditions of residents at Remenham Row. The harm would arise from the combined effect of the proposal's bulk, scale, height and proximity, resulting in unacceptable overlooking, a significant perception of loss of privacy to the front elevations of those properties and an unneighbourly overbearing impact. The proposal would replace an existing lower single-storey element with a substantially larger three-storey building, positioned in an already elevated relationship with Remenham Row. It would face towards a private, gated residential environment where the affected frontage forms part of the residents' private living environment rather than a conventional public street frontage. The Appellant's stated nearest separation distance of 21.4 metres does not overcome that harmful relationship. When the height, massing, orientation, site levels, private frontage relationship, habitable room windows and Juliet balconies are considered together, the proposal would cause a serious and direct impact on the day-to-day living conditions of existing residents.
- 7.7 Although the Committee Report considered those impacts insufficient to justify refusal, the Council is entitled to disagree with that assessment because this matter forms the first reason for refusal. The Council's position is that the harm to Remenham Row was understated. The assessment placed too much reliance on a front-to-front characterisation and did not give sufficient weight to the private nature of Remenham Row, the established living conditions of existing residents, the elevated relationship, or the real-world effect of introducing a substantial three-storey residential elevation in this location. For the reasons set out in this Statement of Case, that harm attracts substantial weight against the proposal and it fails provide the high amenity standards required by para 135(f) of the NPPF.
- 7.8 The second principal harm relates to the effect of the proposal on designated heritage assets. The development would fail to preserve or enhance the character or appearance of the Remenham and Henley Bridge Conservation Area and would also harm the setting and significance of the Henley-on-Thames Conservation Area. Although the Council's case is that this harm is less than substantial, it nevertheless attracts considerable importance and weight within the planning balance.
- 7.9 The statutory heritage consultation responses add substantial weight against the proposal. Historic England raised clear concerns regarding harm to the experience of the Henley Conservation Area, particularly from the proposal's unsympathetic size, architectural form and the size and bulk of the third floor – caselaw sets out that great weight should be given to the opinion of this statutory consultee.
- 7.10 Historic England's concerns are not isolated. The Council's Built Heritage Officer objected to the scheme. South Oxfordshire District Council also maintained concerns regarding the proposal's scale, height, massing and visual prominence from the river and sensitive riverside edge of Henley. The consistency of these professional heritage assessments provides strong evidence that the proposal

would result in genuine and identifiable heritage harm. Having regard to national planning guidance on the importance of statutory consultation responses, these heritage objections and concerns should be afforded significant weight in the planning balance.

- 7.11 The harm to designated heritage assets must also be given considerable importance and weight because section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 212 of the NPPF requires great weight to be given to the conservation of heritage assets. Paragraph 215 requires less-than-substantial harm to be weighed against the public benefits of the proposal. In this case, the public benefits do not outweigh the identified harm.
- 7.12 The effect on the Thamesfield non-designated heritage asset also weighs against the proposal. Thamesfield is not simply the location of the appeal proposals; it is itself a heritage asset whose significance derives from its Victorian architectural character, landmark presence on the Berkshire bank of the Thames and contribution to the wider riverside townscape. The proposal's increased scale, height, bulk and massing would diminish the prominence and appreciation of the historic mansion and would cause harm to the significance of the non-designated heritage asset. Applying paragraph 216 of the NPPF, that harm should be given weight in the planning balance having regard to the significance of the asset and the extent of the harm.
- 7.13 The pre-application history also supports the Council's position. The earlier advice identified the sensitivity of the site and the risks arising from the proposed uplift from lower built form to a three-storey extension. Concerns regarding visual dominance, scale, massing, heritage sensitivity and the relationship with Remenham Row were not late or unexpected.
- 7.14 In applying paragraph 11(d) of the NPPF, the Council gives positive weight to the provision of specialist older persons' accommodation and moderate weight to the wider social and economic benefits. However, substantial weight must be given to the harmful impact on the amenity of the residents at Remenham Row. This is not a limited or abstract amenity concern, but a direct harm to existing residents arising from the proposal's height, bulk, scale, elevated position, orientation and proximity. Considerable importance and weight must also be given to the failure to preserve or enhance the conservation areas, which is supported by statutory and specialist heritage consultees.
- 7.15 Overall, the benefits of the proposal do not overcome the substantive adverse impacts. The development would conflict with the development plan in respect of CP3 and TB24 and would fail to satisfy the statutory heritage duty. Even with the tilted balance engaged, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The proposal is therefore unacceptable, and the appeal should be dismissed.

8 Conclusion

- 8.1 The Council's case is based on the reasons for refusal in the decision notice. For the reasons set out above, the appeal proposal would, by reason of its bulk, scale, height and proximity to Remenham Row, result in unacceptable overlooking, perceived loss of privacy to the front elevations of neighbouring dwellings and an unneighbourly overbearing impact. It would therefore cause material harm to the living conditions of existing residents.
- 8.2 The proposal would also, by reason of its scale, height, bulk and massing, fail to preserve or enhance the character or appearance of the Remenham and Henley Bridge Conservation Area and the Henley-on-Thames Conservation Area. The resulting limited to moderate less-than-substantial harm is not outweighed by the public benefits of the proposal.
- 8.3 The Council therefore respectfully requests that the appeal is dismissed.