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Dear Sir(s)

Site Address: 52 Poundfield Way, Twyford, Wokingham, RG10 0XR

Introduction

The case for refusing the proposed development is set out in the officer's report and decision notice (Appendices 1 and 2 respectfully). The Local Planning Authority however wish to make the following additional comments in response the Appellant's Statement.

Neighbouring Amenity:

Overbearing and Sense of enclosure

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that (1) maintain or enhance the high quality of the environment.

Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers.

Figure 4.25 within section 4 of the Council's Brough Design Guide Supplementary Planning Document (BDG SPD) provides a summary of the Council's minimum privacy and amenity distances guidelines in this section. Specifically, the advised minimum separation distances seek to maintain privacy and limit the sense of enclosure.

Paragraph 135 (f) of the NPPF highlights that planning decisions should ensure that developments 'create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future use...'

While the appellant suggests in paragraph 6.6 of their Statement of Case that the existing relationship is 'substandard,' the Council's measurements indicate that the current back-to-flank separation between No. 50 Poundfield Way and the appeal site is approximately 13 metres when measured from the main rear wall of No. 50 to the western side wall of the appeal property. This current arrangement complies with the 12m minimum recommendation set out in Figure 4.25 of the Borough Design Guide BDG SPD. Consequently, the neighbouring occupiers of No. 50 currently benefit from a level of private residential amenity and openness that meets the Council's adopted standards.

The proposal would reduce this compliant separation to between 9.1m – 9.7m from the main rear wall of No. 50 (and as little as 6.3m from the conservatory). This is a significant reduction that would transform a compliant, spacious relationship into a substandard and cramped one. Allowing a development that breaches these minimum standards would result in a material and unacceptable erosion of the living conditions currently enjoyed by the neighbours at No. 50.

Paragraph 6.10 of the appellant's Statement of Case highlights that the Case Officer's measurement of the extension being 5.7 metres from the "*clearly defined main patio/grey paved amenity space*" is inaccurate. However, the Officer Report is explicitly clear: the measurement is taken from the *clearly defined main patio area* (which projects ahead of the rear wall of the conservatory) to the west flank wall of the proposed side extension) as demonstrated by aerial imagery within and Figure 1 below.



Fig 1 – Aerial imagery from 2020 showing the appeal site (as marked) and No. 50 to the north-west, indicating the extent of the paved patio within its rear garden.

The appellant's focus on the distance to the conservatory itself (cited as 6.3m) downplays the actual impact on the primary outdoor living space as a whole. The patio area as defined by the grey paving also represents the focal point of the garden, typically utilised for outdoor seating, dining, and social interaction. Because this paved area extends beyond the conservatory, the separation distance to the proposed two-storey flank wall is even more restricted. Therefore, not only is the rear conservatory impacted, but the entire main rear patio area of No. 50, both of which are the most frequently used sections of the private amenity area, would be subjected to an unacceptable sense of enclosure and a dominant, overbearing built form. By reducing the separation to such a degree, the proposal fails to *"maintain or enhance the high quality of the environment"* as required by Policy CP3 and fails to align section 12 of the NPFF of ensuring a high standard of amenity for all existing occupants of land and buildings.

In paragraph 6.8, the appellant attempts to justify the proposal by referencing the relationship between properties at No. 2 Poundfield Way and 151 Broad Hinton, where they highlight separation distances as low as 5.5m to 10m. The Council maintains that this comparison is misplaced and does not mitigate the site-specific harm identified in this appeal. Each application must be determined on its own merits, and the physical relationship between two properties nearly 50m away has no bearing on the actual experience of the occupiers at No. 50.

It is important to note that while the Council's Officer Report stated that the "characteristic spacing" of the wider area remained acceptable, this was in respect of street scene and character of the area, this is a distinct planning consideration from neighbouring amenity. A proposal may "fit in" visually from a public realm while still being unacceptably overbearing from a private garden. The appeal proposal involves a continuous 8.35m long, two-storey side extension built directly on the shared boundary, effectively spanning the majority of the width of No. 50's usable rear garden. The Council's refusal is based on the physical impact of this massing upon the specific patio and garden area of No. 50, which remains an unacceptable conflict with Policies CP1 and CP3 of the Core Strategy, regardless of the layout of other plots in the wider cul-de-sac.

The appellant argues in paragraphs 6.13 and 6.16 that the proposal is acceptable because No. 50 benefits from an "unobstructed outlook" and "spacious garden arrangement" towards the south, south-west, and north. This argument, suggesting that openness in other directions compensates for an overbearing impact on a shared boundary, is fundamentally flawed in the context of protecting residential amenity.

Policy CP1 (1) of the Core Strategy explicitly seeks to *"maintain or enhance the high quality of the environment"* within the Borough. Policy CP3 (a) of the Core Strategy explicitly supports proposals that are '...without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life..' In this instance, the 'environment' in question is the private outdoor living space and immediate setting

of No. 50. The appellant's argument that No. 50 benefits from an open aspect in other directions fails to address the requirements of this policy; an open view to the north or south does not mitigate the direct, physical harm caused by placing a continuous two-storey wall directly on the western boundary.

Furthermore, on paragraph 6.15, the appellant suggests that the proposal would result in an "uncontentious impact" because the extension does not project beyond the rear elevation of the host dwelling. The Council maintains that this point is irrelevant to the identified harm. The fact that the proposed extension remains within the existing rear building line of the host property does not mitigate the physical impact upon the neighbour; the critical factor is that the two-storey element extends directly across the shared boundary for a continuous 8.35m, which already covers the majority of the width of No. 50's rear garden.

This overbearing impact is further compounded by the fact that the proposed two-storey flank would be a blank elevation. By lacking any architectural openings or windows to break up the expanse of brick built form, the extension presents a stark, unrelenting vertical plane. This lack of visual relief exacerbates the sense of "walling-in" experienced from No. 50's primary amenity space, resulting in a dominant form that fails to respect the residential amenity of the adjoining occupiers, contrary to Policy CP3 and the Borough Design Guide SPD.

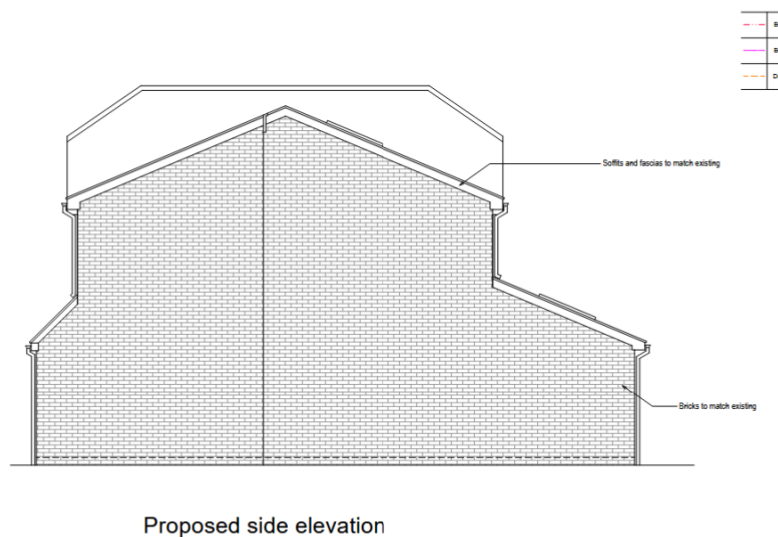


Fig 2 – West-side elevation of the proposed part two-storey, part single-storey side and rear extension. This would be the immediate outlook from the rear of No. 50.

This would result in an unacceptable sense of enclosure that cannot be dismissed simply because the extension stays within the existing rear building line of the host dwelling. To allow such a dominant form would be to degrade, rather than maintain, the quality of the immediate environment and would be to the detriment to the

amenities of adjoining land users - this would adversely affect the occupiers of No. 50, representing a clear conflict with the environmental protections set out in Policy CP1 and CP3 of the Core Strategy and paragraph 135 (f) of the NPPF.

Overshadowing

While the Council acknowledges that the appellant's Daylight and Sunlight Report indicates technical compliance with Vertical Sky Component ratios, it is a well-established planning principle that a numerical 'pass' against BRE criteria does not, in itself, satisfy the requirement to protect residential amenity. As explicitly stated in the Introduction to BR 209 (2022), the guidance is not mandatory and should be interpreted flexibly alongside site-specific circumstances. The Council maintains that while this technical data is a material consideration, it must be balanced against the qualitative requirements of Policies CP1 and CP3. A development can satisfy a mathematical ratio while remaining fundamentally overbearing, intrusive, and harmful to the living conditions of neighbouring occupiers.

The focus of the Council's concern remains the material overshadowing of the neighbour's primary outdoor space. The supporting Daylight and Sunlight Report relies on the "2-hour sun contour" test (Section 3.6.3) to claim the impact is acceptable; however, this is a minimum baseline for a garden to remain adequate, not a measure of a *high-quality* living environment. Paragraph 135 (f) of the NPPF explicitly requires developments to create places that *"promote health and well-being, with a high standard of amenity for existing and future users."*

The neighbour's garden at No. 50 is predominantly East facing, making its character and usability highly reliant on early-to-midday sunlight. The introduction of a substantial, two-storey blank flank wall in such close proximity to the shared boundary will create a physical presence that cannot be mitigated by a numerical ratio.

By the appellant's own data in Appendix 3, there is an undisputed physical loss of sunlight on the Spring Equinox. Critically, this loss is concentrated on the far southern portion of the garden, which, due to its orientation, is the area with the highest potential for direct sunlight. To overshadow the most sun-exposed part of No. 50 primary outdoor space with an expansive 8.35m long wall represents a material degradation of the garden's utility.

While the appellant characterises this as a '2% loss' across the entire site, this mathematical average is misleading; it fails to acknowledge that the development effectively 'shades out' the most valuable amenity area of the garden. This does not provide the high standard of amenity required by Paragraph 135 (f) of the NPPF to promote health and well-being. Consequently, the sheer physical presence of the development results in a gloomier and more enclosed environment, contrary to Policies CP1 and CP3 of the Core Strategy.

The Inspector is therefore respectfully requested to dismiss the appeal. Should the Inspector be minded to allow the appeal, a list of suggested conditions is provided in (Appendix 3)