



Appeal Decision

Site visit made on 9 February 2022

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/K0425/C/21/3281580

66 Haw Lane, Bledlow Ridge, HIGH WYCOMBE, HP14 4JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mrs Hannah Kaurland-Gough against an enforcement notice issued by Buckinghamshire Council - West Area (Wycombe).
- The notice, reference: 20/00382/OP, was issued on 1 July 2021.
- The breach of planning control as alleged in the notice is without planning permission the construction of raised decking and balustrades adjacent to the north elevation boundary.
- The requirements of the notice are 1. Remove from the Land, the lower raised decking located to the North side boundary (marked in Blue on Appendix A – Location Plan). 2. Remove from the Land (shown in red on the attached plan), all materials and debris resulting from carrying out step 1 of this Notice.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (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.
- A similar appeal without the ground (a) has been made by Mr Wayne Kaurland-Gough APP/K0425/C/21/3281581

Decision

1. The appeals are 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 construction of raised decking and balustrades adjacent to the north elevation boundary at 66 Haw Lane, Bledlow Ridge, HIGH WYCOMBE, HP14 4JH as shown on the plan attached to the notice and **subject to the following condition: A screen of minimum height 1.8m shall at all times be retained along the northern edge of the decking hereby permitted.**

The Appeal on Ground (a)

2. Bledlow Ridge, as its name suggests, is a ridge of high ground offering long views across the Chiltern Hills. Haw Lane rises up the edge of the ridge to the top so the houses are on rising ground. No66 stands higher than its neighbour No68 but lower than the other neighbour No64. All the houses have sweeping views from their back gardens over the Chilterns.
3. The appellants implemented a planning permission to remodel the back of their house and add a substantial raised area of decking. Without the decking the garden sloped away both to the rear and towards No68. Once this planning permission was implemented a further, lower area of decking was added to the side of the new taller deck, between it and the boundary fence with No68.

No68 itself has had a large rear extension which is built right up on the boundary and, in length, partly overlaps the lower deck. A tall hedge provides screening between the two gardens from the edge of the deck down to the bottom of the garden.

4. What this means is that, although lower than the main deck, this smaller area of decking, which is the subject of the appeal, is more or less level with the top of the fence separating the two properties, and so allows anyone standing on it clear views in the gap between the edge of the extension and the hedge into the back garden and the back of the house at No68. To prevent this the appellants have added a bamboo screen in planters along the side of the deck.
5. A further feature of the site is that the new extension to the back of No68, is two stories and because of the slope the upper floor is also level with the top of the fence. A large set of floor-to-ceiling windows in the bedroom in this extension not only gives views over the hills but also across the back garden of No66. The bamboo screen on the lower deck provides screening against this overlooking.
6. The appellants point out that because of the slope, overlooking is an issue for all the houses, and they have a tall hedge on their upward slope that prevents overlooking from No 64. The addition of the decking creates a problem of overlooking into No68, but also provides the means to solve the problem through the bamboo screen. This screen also prevents overlooking from No68 to No66 and so solves both issues. If the notice is upheld and the deck removed, then it would still be possible to overlook the garden of No68 from the lawful main deck outside the back of No66. The ground level has been partly lowered below the new deck but once removed, decking that was lower, but would be permitted development, could be added to the ground and would still enable overlooking of No68, although not quite as extensively.
7. What I take from this is that there is very little benefit to be gained for either of the neighbours to removing the deck. As long as some form of screen is retained both sides of the fence benefit from increased privacy, and this can be secured by a condition. I shall therefore allow the appeal and grant planning permission for the deck. The appeals on grounds (f) and (g) do not need to be considered.

Simon Hand MA

INSPECTOR