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## Appeal Decision

Site visit made on 5 June 2025

by **Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

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**Appeal Ref: APP/K0425/W/25/3361058**

**Shrublands Day Hospital, Queens Road, High Wycombe, Buckinghamshire HP13 6AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Mark Oates on the behalf of Property Matters (Albion) Ltd against the decision of Buckinghamshire Council.
  - The application Ref 24/07055/FUL was approved on 27 December 2024 and planning permission was granted subject to conditions.
  - The development permitted is external and fenestration alterations to Shrublands Day Hospital.
  - The condition in dispute is No. 4 which states that: *Notwithstanding any indication otherwise given on the plans hereby permitted, the existing openings to the ground level of east side elevation and west side elevation shall be retained as existing height above the finished floor level of the rooms as shown on the submitted plans and apart from Rooms R1, R2, R3, R4, R6 and R7 openings to the ground level on west side elevation, the rest of the ground level west side openings shall be retained as obscured glaze finish as existing. The window(s) shall be permanently retained as existing condition thereafter, unless otherwise first agrees in writing with the Local Planning Authority.*
  - The reason given for the condition is: *To protect the privacy levels of the occupiers of the adjacent dwellings.*
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### Decision

1. The appeal is allowed and the planning permission Ref 24/07055/FUL for external changes to existing building at Shrublands Day Hospital, High Wycombe, HP13 6AQ granted on 27 December 2024 by Buckinghamshire Council is varied by deleting condition No. 4.

### Applications for costs

2. An application for costs was made by the appellant against the Council. This is subject of a separate decision.

### Preliminary Matters

3. It has been brought to my attention that prior approval was granted on 25 January 2025 under Class MA of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of the appeal property into 8 apartments.
4. The planning permission subject of this appeal does not include a change of use, and I saw on my visit that the approved change of use has not yet taken place. I have determined the appeal on this basis.

## Background and Main Issue

5. Planning permission was granted for external and fenestration alterations to Shrublands Day Hospital, a vacant former NHS mental health day hospital. The alterations included the removal of the external fire escape staircase, as well as dropping the height of some of the existing window cills, enlarging some windows and inserting some new windows.
6. As part of the permission the Council imposed a condition retaining the height above the finished floor level and obscure finish to some of the ground floor windows. The Council consider the condition to be necessary to protect the privacy levels of the occupiers of the adjacent dwellings.
7. The appellant, however, considers the condition should be removed as it is not necessary to make the development acceptable in planning terms and is not fairly and reasonably related to the development permitted.
8. The main issue in this appeal is therefore whether removing the disputed condition would result in any harm to the living conditions of the occupiers of the adjacent dwellings, with particular regard to privacy.

## Reasons

9. I saw on my visit that the ground floor windows that serve the appeal property vary considerably in their size and finish. Some of the windows currently afford direct views of the adjacent dwellings and their gardens. Therefore, a degree of mutual overlooking between the appeal property and the adjacent dwellings already exists. The other ground floor windows are either positioned so that they do not afford direct views of the adjacent dwellings or are obscure glazed.
10. I understand that the plans submitted with the application initially sought to alter some of the ground floor windows. Nonetheless, these plans were superseded by the approved scheme<sup>1</sup>. There is no dispute between the parties that the approved scheme would retain the existing positioning and size of the ground floor windows on both the east and west elevations of the appeal property. There is also no indication on the submitted plans that the finish of any of the ground floor windows would be altered.
11. Given this, the approved scheme would maintain the current relationship of overlooking between the appeal property and the adjacent dwellings. It would therefore have no effect on the privacy levels of the occupiers of the adjacent dwellings or their living conditions.
12. Consequently, the disputed condition is not necessary to make the approved scheme acceptable. In addition, as no alterations are proposed to the ground floor windows, they fall outside the scope of the development permitted. The disputed condition is therefore also not relevant to the development permitted.
13. Accordingly, for the reasons above, the condition is not necessary or reasonable to protect the living conditions of the occupiers of the adjacent dwellings in terms of their privacy. Removing the disputed condition would not result in any harm in this regard, neither would it result in any conflict with Policies DM35 or DM37 of the

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<sup>1</sup> Drawing Number: 22.351 S03.02.25 Proposed Rev D

Wycombe District Local Plan (2019), which seek to ensure development preserves the amenities of neighbouring properties.

**Conditions**

14. I have found that the disputed condition is not necessary or reasonable to make the approved scheme acceptable. I will therefore remove it.
15. I have not amended any of the other conditions, which are unaffected by this decision.

**Conclusion**

16. For the reasons above, I conclude that the appeal should be allowed, and the planning permission varied as set out in the formal decision.

*Hannah Guest*

INSPECTOR