
Appeal Decision

Site visit made on 12 June 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/K0425/W/24/3357946

11 Hillview Road, High Wycombe, Buckinghamshire HP13 6XY

- 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 Mr Omar against the decision of Buckinghamshire Council.
- The application Ref 24/07023/FUL was approved on 18 November 2024 and planning permission was granted subject to conditions.
- The development permitted is conversion of existing dwellinghouse into 2 x self contained flats with associated amenity areas and bin and cycle storage (part-retrospective).
- The conditions in dispute are Nos 1 and 2 which state that:
 - 1) The sub-division of the dwelling permitted shall be reverted back to the internal layout of a single pre-development dwellinghouse and all of the proposed alterations to rear garden land hereby permitted shall be reverted and infilling of land to pre-development ground levels, unless within 4 months of the date of this permission, the remedy works of alterations to garden levels, provisions of private amenity gardens and installation of boundary treatment as per drawing no. 24-OMAR-9E hereby permitted have finished and completion of works in full and in accordance with the approval of details and plan numbers. Thereafter, the approval details shall be retained for the lifetime of the development, unless first agrees in writing with the Local Planning Authority.
 - 2) The sub-division of the dwelling permitted shall be reverted back to the internal layout of a single pre-development dwellinghouse and all proposed alterations to the rear including garage block hereby permitted shall be demolished and debris removed from the site, unless within 4 months of the date of this permission, the cycling storage and parking provisions including the vehicle access to Hillview Gardens, two parking space in front of dwelling, a detached garage and one rear car parking space hereby permitted would have finished and completion of works in full and in accordance with the approval of details and plan numbers. Thereafter, the scheme for cycling store, garaging and parking indicated on the submitted plans shall be retained in full and that area shall not thereafter be used for any other purpose other than parking of private vehicles, bikes and motorcycles, unless first agrees in writing with the Local Planning Authority.
- The reason given for condition 1 is:

To ensure the specified works will be carried out as approved, and to avoid any detriment to amenity or environment by reason of works remaining uncompleted.
- The reason given for condition 2 is:

To ensure the specified works will be carried out as approved and enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

Decision

1. The appeal is allowed and the planning permission Ref 24/07023/FUL for the conversion of existing dwellinghouse into 2 x self contained flats with associated amenity areas and bin and cycle storage (part retrospective) at 11 Hillview Road,

High Wycombe, Buckinghamshire HP13 6XY granted on 18 November 2024 by Buckinghamshire Council is varied by deleting conditions 1 and 2 and substituting them for the following condition:

(1) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

i) Within 2 months of the date of this decision a parking scheme demonstrating 4 car parking spaces and cycle storage for 4 bicycles shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved parking scheme specified in this condition, that parking scheme shall thereafter remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Background and Main Issues

2. In November 2024 planning permission was granted for the conversion of the existing dwellinghouse at 11 Hillview Road into two self-contained flats with associated amenity areas and bin and cycle storage.
3. The disputed conditions required the approved works of alterations to garden levels, the provision of private amenity gardens and the installation of boundary treatments, along with parking provision and cycle storage, to be carried out within four months of the date of approval. As the Council's decision was issued on 18 November 2024, the works were required to be completed before 18 March 2025.
4. The appellant considers that conditions 1 and 2 fail tests on being necessary, relevant to the permission and reasonable in all other aspects.
5. Therefore, the main issues are whether or not conditions 1 and 2 are necessary, relevant to the permission and reasonable in all other aspects, having regard to the living conditions of the occupiers of the two self-contained flats with regard to the provision of outdoor amenity space, and highway safety.

Reasons

Living conditions

6. Disputed condition 1 relates to the provision of private amenity spaces and boundary treatments at the rear of the property, to serve the occupants of the self contained flats. It was imposed to ensure that the specified works would be carried out as approved and to avoid any detriment to amenity or environment by reason of works being uncompleted.
7. The condition stipulated that the works should be completed within four months of the date of the original approval.
8. I saw from my site visit that the works have been undertaken. As it is not possible to have a condition requiring works or actions within a specific time scale before start or completion if the development has been carried out, this condition is not necessary. Accordingly, the condition would not meet the tests contained in Paragraph 57 of the National Planning Policy Framework (the Framework) and in the Planning Practice Guidance (PPG).
9. Consequently, condition 1 should be deleted.

Highway safety

10. Condition 2 relates to the provision of cycling storage and parking and was imposed to ensure that vehicles belonging to the occupiers of the flats would be able to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
11. The officer report for application 24/07023/FUL highlighted that for each self-contained flat, two car parking spaces and two spaces for bicycles would be required. The rear of the site was deemed to be acceptable for the provision of one garage space and one parking space on the rear driveway. It was considered that the area in front of the property could provide for two parking spaces.
12. The flat would be in an accessible location, close to facilities and public transport links, and future occupiers may not rely on the private car for transport. Nevertheless, on my site visit I observed that there was high on-street parking pressure in the vicinity, despite it being during the day when it is likely that peak parking pressures would not normally occur. A lack of appropriate off-street parking at the flats would lead to additional parking pressure in the locality, resulting in conflicts between pedestrians, vehicles and other road users. This would fail to comply with Policy DM33 of the Wycombe District Local Plan 2019 which requires development to provide for parking sufficient to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking.
13. It is therefore necessary to have a condition requiring adequate parking provision for both cars and bicycles to make the proposal acceptable in planning terms.
14. Condition 2 states that the parking works should be provided within 4 months of the date of the permission. The appellant has argued that as condition 3 states that the development should be built in accordance with the approved plans, condition 2 duplicates this requirement and as such is unnecessary. Moreover, the

appellant considers that it is not necessary or reasonable to have a specific timescale to undertake the parking works.

15. In order to ensure that parking issues are addressed from the outset, it is not unusual for planning approvals to have specific conditions relating to parking alongside a condition requiring proposed developments to be in accordance with submitted plans. Such conditions generally refer to parking provision being in place prior to associated dwellings being occupied. In this instance, as the proposal is retrospective and occupancy has been undertaken, it is not unreasonable for the condition to have a time period stipulated in order to ensure that parking provision is provided in a timely manner, and thus minimise the likelihood of any highway issues.
16. Moreover, the submitted plans referenced in condition 3 do not show the parking spaces at the front of the property. The Council could not therefore enforce against the works not being carried out in accordance with the approved plans.
17. A condition relating to parking is reasonable and necessary, relevant to planning and the development to be permitted, and is reasonable in all other respects. However, condition 2, as currently drafted is not precise nor enforceable insofar as it references submitted plans which do not show all the parking spaces. It would not meet the six tests for conditions contained in the Framework and the PPG.
18. Condition 2 therefore should be deleted and replaced with a condition requiring the submission of an appropriate parking scheme in order to enable vehicles belong to occupiers of the flats to be parked and turned safely and minimise danger, obstruction and inconvenience to other users of the highway.
19. The replacement condition includes a strict timetable for compliance because the development is retrospective, and it is not possible to use a negatively worded condition to secure the approval and implementation of the parking scheme before the development takes place. The new condition will ensure that the development can be enforced against if the requirements are not met.

Other Matters

20. Civil and legal matters relating to the private road at Hillview Gardens are outside the scope of this appeal. I have considered the appeal on the basis of the approved permission which is for two self-contained flats. The number of planning proposals at the appeal property has had no bearing on my decision.
21. My attention has been drawn to other part retrospective approvals that the Council has granted which have not had time limits imposed to complete certain aspects of work. No details of these cases have been put before me, and I have determined this appeal on its own merits.

Conclusion

22. For the reasons given above I conclude that condition 1 should be deleted and condition 2 should be deleted and replaced with a modified condition detailed in this decision. Accordingly, the appeal should succeed.

L C Hughes

INSPECTOR