
Appeal Decision

Site visit made on 28 August 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/N0410/C/24/3343452

61 Bathurst Walk, Iver, SL0 9EF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Sonia Ahluwalia against an enforcement notice issued by Buckinghamshire Council - South Area (South Bucks).
 - The notice was issued on 19 March 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a front boundary enclosure and gates.
 - The requirements of the notice are:
 1. Remove the front boundary enclosure and gates and shown marked as a dotted line on the attached plan and shown circled in photo 1.
 2. Remove all materials and debris resulting from complying with step 1 of this Notice from the Land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) 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.
-

Decision

1. The appeal is dismissed and the notice is upheld.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. No. 61 Bathurst Walk is a detached dwellinghouse located on the northern side of Bathurst Walk, and within a suburban area of primarily residential character. During my visit to the appeal site and the surrounding area I saw that front boundaries primarily tended to be open or with low level walls or fences, with and without supplementary planting in the form of hedgerows, trees and shrubs.
4. Slightly set back from the wide front boundary of the property a set of 1.8m high sliding solid panelled metal gates have been installed which when closed fully enclose the front forecourt of the property. When opened the gates slide back along the side boundaries of the property leaving the forecourt fully open.
5. In their closed position the gates are noticeably visible in the street scene from angled views towards the property and most visible when passing by them directly. A detailed character assessment of the area and of the gates has been submitted on behalf of the appellant¹. However, contrary to that assessment I find the gates to

¹ Evansjones Planning Appeal Statement

be overly dominant and prominently discordant with the prevailing character of the area, creating a 'fortress'-like setting to the front of the dwellinghouse. I acknowledge that the gates (in isolation) are of high quality construction and design, but in my view they are more suited and appropriate to a commercial or industrial setting rather than the residential character in which they are located.

6. I note the examples submitted on behalf of the appellant of other tall gates and enclosures in the wider area, some of which I saw for myself. However these are relatively few and are not typical of the forms of boundary treatments or of the prevailing character of the area I have described. Moreover, none of them have the jarring effect on their street scene settings as those subject of this appeal.
7. I agree that when the gates are fully open, slid back along the side boundaries, they are relatively inconspicuous but the gates are more likely to be closed far more often than they are open. While I do appreciate the appellant's concerns regarding the fear of crime and security, and privacy, other forms of enclosure and security measures are available which could mitigate those concerns without resulting in the significant harm I find in respect of the gates subject of the appeal. I have also taken account of the comments from the Ward Councillor and Neighbourhood Watch coordinator on this matter but they do not lead me to any different conclusion.
8. I have considered whether conditions could be imposed to mitigate the harmful effect of the development I have set out. However, there are none that would do so.
9. Upholding the notice to require the gates to be removed would be an interference with the appellants Article 1 rights under the Human Rights Act 1998. However, these are qualified rights. Such interference is justified in this case to uphold the integrity of the planning system which seeks to secure sustainable development in the wider public interest. Additionally, compliance with the notice requirements would not prevent the appellant from securing alternative forms of boundary treatment. Dismissing the appeal is therefore a proportionate and justified remedy.
10. For these reasons I find the development is significantly harmful to the character and appearance of the host property and the street scene. As such, it conflicts with the requirements of Policy IV4 of the Ivers Neighbourhood Plan (2022) and saved Policy EP3 of the South Bucks District Local Plan (1999), which taken together, among other matters, seek to ensure that new developments have regard to design features such as the contribution made by low front boundary walls, fences or hedges to defining the character of the street scene, and are compatible with the character of the site itself, adjoining development, and the locality in general in respect of scale, layout, siting, height, design and materials.
11. For all these reasons the appeal is dismissed.

Thomas Shields

INSPECTOR