



Appeal Decision

Site visit made on 30 September 2025 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/J0405/D/25/3369114

44 Stocklake, Aylesbury, Buckinghamshire HP20 1DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Satchidanandam against the decision of Buckinghamshire Council.
 - The application Ref is 25/01193/APP.
 - The development proposed is a rear raised patio.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The development has already been implemented. The planning application was submitted retrospectively, and I am considering the appeal on that basis.

Main Issues

4. The main issues are the effect of the development on:
 - i) the living conditions of the occupiers of 43 Stocklake (No 43) and 45 Stocklake (No 45), in terms of privacy; and,
 - ii) flood risk.

Reasons for the Recommendation

Living conditions

5. The appeal site comprises an end terraced dwelling located in a predominantly residential area. The rear gardens of the dwellings on this part of Stocklake are narrow and they slope slightly downwards towards the rear boundary. For the most part, the side boundaries to the rear gardens of No 43 and No 45 are formed of low fences. Although the low fences allow for intervisibility between the gardens, this is more towards the middle and the end of the gardens, rather than the immediate area closer to the dwellings. The rear gardens of No 43 and No 45 have seating in the areas immediately adjacent to the dwellings, generally in line with the rear raised patio at the appeal site.

6. Due to the elevated height of the rear raised patio together with its close proximity to the side boundaries, it provides direct views into the immediate rear garden area of No 43 and No 45, as well as towards their rear elevations. Consequently, users of the patio can easily overlook the immediate rear gardens at the neighbouring properties, including their outdoor seating areas, to the detriment of the neighbour's privacy. Furthermore, given the size of the patio, it is probable that it could be used by the appellants for sitting out for extended periods, which would increase the likelihood of its users overlooking the neighbouring properties. The development is therefore significantly harmful to the living conditions of occupiers of No 43 and No 45, in terms of their privacy.
7. I observed on my site visit that it is possible to see into the rear gardens of No 43 and No 45 from the rear elevation of the appeal property. However, these views are generally directed towards the end of the rear gardens. In contrast, the patio provides a more direct and obvious view into the immediate rear gardens and the rear elevations of the neighbouring properties than from the rear elevation. Therefore, any mutual overlooking between the properties does not justify the development as it has a significantly more harmful effect on privacy at the neighbouring properties.
8. The appellant refers to installing obscurely glazed screens at the side elevations of the patio to prevent views towards the neighbouring properties, the details of which could be secured by condition. While there are no plans before me of such an installation, the screens would need to be of such a height that they would be likely to have an impact in terms of appearance and on outlook for neighbours that has not been considered by the Council or interested parties. Therefore, it would be procedurally unfair to condition such details, which I am, in any event, not convinced that the use of would overcome the harmful effects on privacy.
9. I therefore conclude that the development is significantly harmful to the living conditions of occupiers of No 43 and No 45, in terms of privacy. It therefore conflicts with Policy BE3 of the Vale of Aylesbury Local Plan (LP) (2021), which requires that developments do not unreasonably harm any aspect of amenity of existing residents.

Flood risk

10. The Council have confirmed that the appeal site is located within flood zone 2/3. I note the appellant's comments on the Council's officer report, which they indicate confirms that the development does not increase the risk of flooding. However, the National Planning Policy Framework (the Framework) sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The Framework specifies that a site-specific flood risk assessment is required for all developments in flood zones 2 and 3.
11. There is no site-specific flood risk assessment for the development before me. Consequently, I cannot be certain that the development is protected from flooding, that occupiers of the site are not subject to unacceptable flood risk, and that the development does not lead to unacceptable flood risk elsewhere. While the appellant indicates that they could provide a site-specific flood-risk assessment via condition, given that the Framework is clear on its requirement for all development in flood zones 2 and 3, it would not be appropriate to defer this matter to condition.

12. For these reasons, I conclude that it has not been demonstrated that the development is safe from flooding and/or does not lead to flood risk elsewhere. It therefore conflicts with Policy I4 of the LP which requires that developments ensure that there would be no increase in flood risk on the site or elsewhere.

Conclusion and Recommendation

13. The development conflicts with the development plan as a whole and there are no other material considerations which would alter this conclusion. I therefore recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR