



Appeal Decision

Site visit made on 6 January 2026

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Appeal Ref: APP/K0425/C/24/3340370

Haven Hill, Roundwood Road, High Wycombe HP12 4HD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
 - The appeal is made by Ms Azra Parveen Khan against an enforcement notice issued by Buckinghamshire Council - West Area (Wycombe).
 - The notice was issued on 2 February 2024.
 - The breach of planning control as alleged in the notice is *the construction of hip to gable roof extension and dormer window*.
 - The requirements of the notice are:
 1. *Demolish the hip to gable roof extension and dormer window as shown by the black line of plan 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: *Within four months of this Notice taking effect.*
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (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.
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Formal Decision

1. It is directed that the enforcement notice is varied by:
 - Deleting the text in the time for compliance paragraph at section 6 of the enforcement notice and substituting with the text *"Six months (6) after the date on which this notice takes effect"*.
2. Subject to this variation, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a) and the deemed planning application

3. A ground (a) appeal is that planning permission should be granted for the matters alleged in the enforcement notice, in whole or in part. Consequently, the deemed planning application is for the construction of a hip to gable roof extension and dormer window.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

5. The appeal site is a semi-detached property located on the eastern side of Roundwood Road in High Wycombe. The area has a suburban feel and has an undulating topography with Roundwood Road located on a slope running down

and away from Bookerhill Road to the south. The properties in the immediate vicinity have a regular rhythm and design consisting of mainly hipped roofed two-storey semi-detached dwellinghouses, finished in white render, albeit the appeal site and the properties at the bottom of the road have brick external finishes. Despite the regularity to the facades of the properties many of the rear elevations have been altered over time with a variety of single and two storey rear additions.

6. The development subject to this appeal is a rear roof extension which occupies a significant proportion of the roof of the host property, including the full width of the main house and extending to the ridgeline, although a small 'skirt' of tiles is maintained under the dormer at the eaves level. Unlike the lower levels, I noted that most of the roofs in Roundwood Road have not been extended externally and retain their original hipped treatment. That said, during my site observations, I did note other large roof extensions in the neighbouring roads, in particular Nos 20, 21 and 25 Bookerhill Road. Nevertheless, these limited examples do not provide an overriding influence over the character of the area, in my view.
7. The roof extension is of generous proportions creating a gabled roof treatment and providing additional bulk at the roof level, unlike the original hipped roofs on the majority of properties in Roundwood Road. In addition, the gable and the rear extension are highly visible from public vantage points, given the slope of the road, and thus provide additional visual bulk and mass at roof level, which is not in keeping within the locality.
8. The Wycombe District Council: Householder Planning and Design Guidance Supplementary Planning Document (SPD), adopted January 2020, indicates that roof dormers should not be substantially larger than the window it is designed to contain¹. The dormer as constructed is significantly larger than the windows within it. Additionally, the dormer is not set below the ridgeline, it is not set 1 metre from the edge of the roof, nor do the windows align with the windows below, which are also design guidelines of the SPD. Consequently, the scheme provides a disproportional addition in relation to the host dwelling and its surroundings. The increased mass is further exacerbated through the provision of the gable wall, providing a bulky appearance which I find harmful to the character and appearance of the host property and the surrounding area in general.
9. In regard to a potential fallback position, I acknowledge that a lawful development certificate (LDC)² has been issued for a roof extension at the site. However, Article 3(5)(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) states permission granted by Schedule 2 does not apply if in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful. Neither party disputes that the alterations to the roof are either existing or unlawful, thus the development subject to the LDC is incapable of implementation.
10. The appellant has not progressed an appeal under ground (f) in that the requirements of the enforcement notice exceed what is necessary, and that lesser steps could be taken to remedy the breach of planning control. However, even if this ground of appeal had been progressed, case law³ indicates that the requirements of an enforcement notice cannot be varied so as to result in a grant

¹ Page 10 of the SPD

² Buckinghamshire Council Planning Ref: 21/08281/CLP

³ *Ioannou v SSCLG & Enfield LBC [2014] EWCA Civ 1432*

of deemed planning consent under section 173(11) of the 1990 Act (as amended), for operations that were not in existence when the enforcement notice was issued. In this instance given its existing and unlawful status, the operations could not benefit as permitted development and would require planning permission, which would not be forthcoming, given my findings on ground (a) above.

Conclusion on ground (a) and the deemed planning application

11. Overall, the development would be contrary to the relevant provisions of policies CP9, DM35 and DM36 of the Wycombe District Local Plan, adopted August 2019; the aims and objectives of the SPD and the National Planning Policy Framework, which collectively requires development to have a high quality and respect the character and appearance of the existing property and the surrounding area, amongst other things.

Appeal on ground (g)

12. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with section 173(9) of the 1990 Act (as amended) falls short of what should reasonably be allowed.
13. The appellant highlights that the four month period is too short to undertake the necessary works as stated in the enforcement notice. The appellant also highlights that the changes required to remedy the breach, would necessitate further contractors at additional cost to the appellant.
14. In response to these concerns, I am unaware of any financial constraints of the appellant and the availability of any suitable contractors to undertake the necessary works. Nevertheless, in my view an increase of two months from four to six for compliance, would give ample time for the appellant to make the arrangements and carry out the remedial works. Furthermore, the six month timeframe would strike an appropriate balance between the remedial rather than punitive requirements of the enforcement notice whilst also maintaining public confidence in the planning system. I will therefore vary the enforcement notice accordingly.
15. To that extent, the appeal succeeds on ground (g).

Overall Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed, and the enforcement notice is upheld with a variation.

Robert Naylor

INSPECTOR