



Appeal Decision

Site visit made on 16 March 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 07 May 2026

Appeal Ref: APP/K0425/C/24/3345375

44 Shelley Road, High Wycombe HP11 2UW

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Chaudry Ansar Mahmood against an enforcement notice issued by Buckinghamshire Council.
- The notice was issued on 23 April 2024.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a raised patio, front boundary treatment and sliding gates.
- The requirements of the notice are to:
 1. Remove the patio, including the supporting walls and material, marked in the approximate position hashed on the attached plan.
 2. Remove the steps shown in photo 1.
 3. Remove the front boundary treatment and sliding gate marked in the approximate position marked dashed on the attached plan and shown in photo 2.
 4. Reinstate the levels as shown on photos 3, 4 and 5.
 5. Remove all materials and debris resulting from complying with steps 1 to 3 of this Notice from the Land.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Act. 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.

Summary Decision: The appeal is dismissed, the enforcement notice is upheld and planning permission is refused.

Preliminary Matters

1. Planning permission was granted for extensions and loft conversion at No.44 Shelley Road¹. The works were altered by amended plans² and have been carried out. Not in the description of development, the approved plans and submitted 3D images show a low patio in the back garden and low front garden boundary walls with no gates but did not accurately reflect the significant slope of the site. As built, the surface of the patio is at the same level as the internal floor of the rear extension, so is not low or close to ground level. Nor, as built, are the front garden boundary walls low and they incorporate gates. The appellant is entitled to pursue planning permission retrospectively for this development, including through the appeal process.

Ground (a)

2. Ground (a) is that planning permission ought to be granted for the breach of planning control set out in the enforcement notice, namely the erection of a raised patio, front boundary treatment and sliding gates.

¹ 20/07342/FUL

² 23/97994/VCDN

Main Issues

3. The main issues are:

- the effect of the raised patio on the living conditions of the occupiers of Nos.42 and 46 Shelley Road, having regard to privacy; and
- the effect of the front boundary treatment and sliding gates on the character and appearance of the area.

Reasons

Living conditions

4. The raised patio projects well beyond the end of the single-storey rear extension. Retaining walls mean that it is progressively higher above the downward slope of the back garden, ending in a significant height difference. It stretches across the full width of No.44, leaving a narrow margin to boundary fences with the back gardens of the houses at Nos.42 and 46. Steps in one corner to the back garden still leave an extensive surface area enclosed by a low perimeter wall. Considering also the table, seating and outdoor cooking facilities present, the raised patio is suitable for normal outside domestic use and activity, such as relaxing or entertaining.
5. The boundary fences follow the ground profile so are not sufficiently tall enough next to the raised patio to prevent unrestricted, panoramic standing views into most of the back gardens of Nos.42 and 46. Standing and seated views are also possible towards, or into, ground or first floor habitable room windows of each house. As well as actual direct overlooking, the obvious presence of people on the raised patio gives an uncomfortable perception of being surveyed from this unexpected vantage point. These circumstances significantly diminish the living environment at Nos.42 and 46 and unduly erode normal expectations for the enjoyment of these properties by those who live in them.
6. Sufficiently tall side privacy screens could restrict some views, but not from the open end of the raised patio or the steps, including past the edges of screens or conceal the presence of people and activity here. Opaque glass is not clear so the large surface area of each screen would have appreciable visual and physical form. The extent and close proximity of these structures would appear dominant and overbearing from the back gardens of Nos.42 and 46 and restrict some views from habitable room windows at these houses. Such incongruous structures projecting further upwards in this position would be manifestly at odds with the otherwise largely conventional arrangement of back gardens in this area.
7. A condition to require details of privacy screens for approval by the Council would not therefore be necessary or overcome these in principle objections. There is then little else to show that this is a 'very similar situation' or 'no different' to privacy screens at residential properties elsewhere³.
8. I appreciate that the raised patio is also a convenient, safe, level means of egress (and emergency escape) from this part of No.44, though bi-fold doors in the single-storey rear extension and then to the back garden using the steps. Also, that when open these doors ventilate this part of the house. However, there is little to suggest

³ 22/07984/FUL, 23/05544/FUL

that this is the only means to achieve these outcomes and the raised patio is, fundamentally, an unneighbourly form of development.

9. Consequently, the raised patio causes substantial harm to the living conditions of the occupiers of Nos.42 and 46 Shelley Road. It is therefore contrary to Policies CP9, DM35 and DM36 of the Wycombe District Local Plan 2019 (the DLP). These include that development should make places better for people, avoid harm by preventing significant adverse impact to preserve the amenities of neighbouring properties.

Character and appearance

10. Shelley Road forms part of the Poets Corner estate, with most houses still retaining mainly open front gardens and low, planted boundary treatments and no gates. This limited built form, with a verdant, spacious streetscene feel and impression is locally distinctive. The pre-existing front boundary treatment at No.44 was in-keeping and albeit in a small way made an important positive contribution to the character and appearance of this area.
11. The materials and colours of the current front boundary treatment and gates complement the contemporary external re-modelling of No.44. They are also inherently well designed structures and use quality materials. The sliding means of gated access is convenient and there is a very secure front garden.
12. However, the side walls are tall and do not step down in height to follow the slope as rapidly or progressively as others. Piers either side at the front, on the highest part of the plot next to the pavement are taller still and incorporate vertically spaced, horizontal black metal bar sliding gates. These stretch across the entire frontage at a similar height and obscure much of the lower part of the house behind. Matching piers at intervals in each side wall incorporate similar vertically spaced, horizontal black metal bars as infill panels.
13. Despite gaps between the bars and to walls or piers, these boundary treatments have appreciable scale, massing and overall form. This taller, 'harder' and entirely enclosed front garden space appreciably reduces openness. The dominant presence of these structures is visually and physically conspicuous and prominent in public views. Such a stark, discordant alien presence is not harmonious, jars in the streetscene and undermines the integrity and cohesion of residential properties in this part of Shelley Road.
14. A more conventional brick boundary wall at No.7 Shelley Road forms a greater proportion of the height of a boundary treatment that dips down and around this sloping corner plot, with shallower metal infill panels⁴. A tall metal gate forms only a small section at the back end of the long side boundary, with an open driveway still facing Shelley Road. The grass front and side gardens can readily be seen and this boundary treatment is largely subservient to the house higher up and set back, with a verdant sense of openness at this junction. This boundary treatment and sliding gate is therefore not directly comparable to No.44 and though in the same road these properties cannot be seen together because of distance and topography.

⁴ 20/06157/FUL

15. Even with No.44, this style of boundary treatment is the exception so not prevalent in Shelley Road and little to suggest it is elsewhere in the Poets Corner estate. While each case would need to be considered on its individual planning merits, because the arrangement of front gardens in the estate are broadly similar, there would be a realistic possibility of setting an undesirable precedent leading to more widespread harmful change if the development at No.44 was permitted. There is little else to justify the abrupt departure from these prevailing features of these residential properties.
16. Consequently, the front boundary treatment and sliding gates cause significant harm to the character and appearance of the area. They are therefore contrary to DLP Policies CP9 and DM35. These include that development should deliver a distinctive sense of place, make places better for people, improve the character of the area and demonstrate a positive response to its built context in terms of scale, form, layout and detailed design of structures and spaces around them.

Conditions

17. I am satisfied that no other conditions put to me would overcome the harm identified in the main issues.

Other Matters

18. Some interested parties do not agree that the Council should have granted the planning permission that it did or approve the amended plans for works at No.44. But it is not for me to re-visit those decisions. Other alleged non-compliance with what was granted and approved by the Council, or objection to external lighting and security cameras, are not matters pursued by the enforcement notice, so are beyond the remit of my decision.

Planning Balance and Conclusion on ground (a)

19. I appreciate the appellant's predicament, with likely significant consequences arising from the unauthorised development. Nevertheless, the largely personal preferences or circumstances involve mainly private benefits and as such have little weight in support of the appeal. Set against this, there is substantial harm to living conditions and significant harm to the character and appearance of the area. Each of these important considerations in the wider public interest carry appreciable weight against the appeal. The benefits of the development do not, therefore, outweigh the totality of harm.
20. There are no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole⁵. Consequently, for the reasons given above, the erection of a raised patio, front boundary treatment and sliding gates is unacceptable and planning permission should not be granted. There is then no basis for a split decision.
21. Accordingly, ground (a) fails.

Ground (f)

22. The appellant seeks to vary the requirements of the notice to retain the steps and the raised patio reduced in depth (though not width) out from the bi-fold doors as

⁵ Section 38(6) – Planning and Compulsory Purchase Act 2004, as amended

far as the 4th step. There is no plan before me from the appellant to show this suggested alternative but as I understand it, this is to prevent a sudden drop, next to the bi-fold doors so allow them to be safely opened for ventilation and still give access to the back garden from this part of the house.

23. I acknowledge that planning enforcement should be remedial, not punitive and that this alternative scheme would likely be at less cost and disruption to the appellant. But on the face of it this residual structure could still be used as a raised patio and, with the steps, result in the same or similar harm as outlined in the main issues.
24. While the reasons for issuing the enforcement notice refer to some amenity considerations, these set out why the Council considered it was expedient to take enforcement action. It is clear from the requirements of the notice – to remove the patio including supporting walls and remove the front boundary treatment and sliding gate – that the purpose of the notice is to remedy the breach of planning control under section 171A(1) of the Act.
25. Sections 173(3) and (4)(a) of the Act provide that a notice shall specify the steps required to be taken, including in order to wholly achieve restoring the land to its condition before the breach took place. The requirements in the notice are integral to achieving this outcome and the Council does not seek to under-enforce.
26. No other lesser steps were suggested for the raised patio and none for the front boundary treatment and sliding gates.
27. I am, therefore, satisfied that the steps required by the enforcement notice to be taken are consistent with remedying the breach of planning control, so are proportionate and not excessive. For these reasons ground (f) fails.

Overall Conclusion

28. Ground (a) and ground (f) both fail, so the appeal does not succeed.

Formal Decision

29. The appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan
INSPECTOR