
Appeal Decision

Site visit made on 6 September 2016

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2016

Appeal Ref: APP/Y0435/W/16/3149272

17/19 Downham Road, Woburn Sands, Milton Keynes MK17 8NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss J Green and Mr and Mrs Seamarks against the decision of Milton Keynes Council.
 - The application Ref 16/00458/FUL, dated 19 February 2016, was refused by notice dated 19 April 2016
 - The development proposed is "Erection of a single storey rear extension with the installation of flues and front dormer windows to two adjoining dwellings. With the widening of the existing access and alterations to front block paving."
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have taken the description of development from the Council's decision notice as this provides a clearer and more concise description than that provided on the application form. Whilst not stated in the description of development on the application form or on the Council's decision notice, the submitted plans clearly show the proposal also includes a rear dormer on each of the dwellings. I have determined the appeal on the basis of the above.
3. During my site visit, I observed that single storey rear extensions and rear dormers were in the process of being constructed at the appeal properties. Nevertheless, it is not clear from the representations whether or not what I observed was the commencement of the development under consideration in this appeal or the implementation of development under previous planning consents or approvals¹ associated with the appeal properties. As such, I have determined the appeal on the basis of the plans before me.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal properties, streetscape and area.

¹ Ref 15/01889/FUL, Ref 16/00096/FUL, Ref 16/00097/FUL and Ref 16/01059/FUL

Reasons

Character and appearance

5. The appeal properties, 17 and 19 Downham Road, comprise a pair of semi-detached bungalows located within a wider residential area. Dwellings along Downham Road, which include two storey detached and semi-detached dwellings and detached and semi-detached bungalows, display a variety of architectural forms, styles and roofscapes. This architectural variety adds a level of visual interest along Downham Road. I also observed that individual dwellings and semi-detached dwellings, including Nos 17 and 19, tend to display a strong level of symmetry in their roof forms. These factors, notwithstanding that Nos 17 and 19 may otherwise be of little architectural merit, positively contribute to the character and appearance of the streetscape and area.
6. It is proposed to add a single storey rear extension, rooflights, a flue and a rear dormer to each of the appeal properties and to make some alterations to the vehicular access at No 19. The Council's officer's report and decision notice indicate that the appearance of these elements of the proposal is not a matter of contention for the main parties and no other parties have commented on these elements of the proposal in respect of their appearance. I also consider that these elements of the proposal would be appropriate additions to Nos 17 and 19 that would not harm the character and appearance of the surrounding area.
7. Turning to the remainder of the proposal, the front dormers would be set back considerably from the eaves, set down from the ridge and set in from the sides of each of the appeal properties. The window configuration within the front dormers would match the ground floor window configuration of each of the appeal properties and would provide a strong level of symmetry between Nos 17 and 19 when viewed from along Downham Road. Moreover, given that the rear dormers would not be easily visible in views from along Downham Road, the cumulative effect of the front and rear dormers would have very little effect on the overall massing or the appearance of Nos 17 and 19.
8. I therefore consider that the position, scale and proportion of the front dormers would respect the character of and would be an appropriate and subordinate addition to Nos 17 and 19 and would maintain a good level of symmetry between the appeal properties. The proposed front dormers would also, in my judgement, not appear out of keeping within the wider context and rhythm of the streetscape which frequently includes two storey dwellings and a varied roofscape.
9. Whilst the Council makes reference to an expectation for dormer windows not to occupy more than half the width or depth of a roof, I have not been provided with any policy requirement or adopted Council guidance which supports this expectation. Moreover, each case should be determined on its own merits.
10. Notwithstanding my above reasoning, I consider that were the proposed front dormers not implemented simultaneously, the characteristic balance between the roofscape of Nos 17 and 19 would be significantly harmed. This would have a harmful effect on the character and appearance of the appeal properties, the streetscape and the area, given that roofscape symmetry is a

strong and important characteristic of individual and semi-detached dwellings along Downham Road.

11. I do not consider that a condition to secure the simultaneous implementation of the proposed front dormers could be reasonably enforceable by the Council given that neither of the appellants has any control over their neighbour's land. I have also not been provided with any legal mechanism agreed by both appellants, such as an obligation under section 106 of the Town and Country Planning Act 1990, to secure the implementation of the development as one scheme.
12. I note that the appellants set out that front dormers at Nos 17 and 19 have recently been consented under Ref 16/01059/FUL, which indicates that the Council are not wholly adverse to the addition of front dormer elements on these properties. Nevertheless, I have not been provided with any further details of this consent, including whether or not the consent was subject to a legal agreement to secure the implementation of the development as one scheme. Given the lack of information regarding this consent, it is not, therefore, a material planning consideration which I can afford any significant weight to in my determination of this appeal and does not justify the development proposed in this instance.
13. I therefore conclude that, in the absence of any reasonable mechanism to secure the implementation of the development as one scheme, the proposed front dormers would result in significant harm to the character and appearance of the appeal properties, streetscape and area.
14. The proposal would therefore be contrary to saved Policy D2- Design of Buildings, of the Milton Keynes Local Plan 2001-2011 adopted 2005, which requires, amongst other things, extensions to buildings not to detract from the character of the original building. The proposal would also be contrary to the broad aims and objectives of the National Planning Policy Framework that seeks planning to secure high quality design and to take account of the different roles and character of different areas.

Other matters

15. I acknowledge that the proposal would improve access for those with mobility issues and would demonstrate a good level of energy efficiency. Nevertheless, I do not consider that these benefits would outweigh the harm to the character and appearance of the appeal properties, streetscape and area.
16. I also acknowledge the concerns of the occupiers of 17 Aspley Hill with regard to the effect of the proposed rear dormers on their privacy. Nevertheless, the Council did not object to the proposal on living conditions grounds and based on the evidence before me and given the considerable separation distance between the appeal properties and 17 Aspley Hill, I have no substantive reasons to take a different view.

Conclusion

17. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson INSPECTOR