

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: 10 October 2016

Appeal Ref: APP/Y0435/W/16/3151434

34 Bantock Close, Browns Wood, Milton Keynes MK7 8DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Chris Akers against the decision of Milton Keynes Council.
 - The application Ref 16/00752/DISCON, dated 21 March 2016, sought approval of details pursuant to condition No 4 of a planning permission Ref 15/00707/MMAM, granted on 29 May 2015.
 - The application was refused by notice dated 26 May 2016.
 - The development proposed is minor material amendments to approved plans attached to planning permission 14/02144/FUL to reduce size of ground floor extension.
 - The details for which approval is sought is: a scheme of landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I note that the appellant states that the application sought to discharge all conditions relating to planning permission Ref 15/00707/MMAM. However, condition No 4 is the only condition that requires details to be submitted and approved. I have therefore determined the appeal on this basis.
 3. The appeal form indicates that the reason for the appeal is the failure of the Council to give notice of its decision. However, a copy of the Council's decision notice has been provided. Moreover, the appeal form is dated subsequent to the date of the Council's decision notice. I have therefore dealt with the appeal on the basis of the Council's refusal to approve a matter required by a condition on a previous planning application.
 4. The Council has confirmed that the description of development on its decision notice for planning permission Ref 15/00707/MMAM should specify minor material amendments in respect of planning permission Ref 14/02801/FUL rather than Ref 14/02144/FUL, which relates to a withdrawn planning application. I am satisfied that this administrative error does not materially alter my consideration of the appeal and I have dealt with it on this basis.
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Main issue

5. The main issue is whether the submitted details satisfy the requirements of condition No 4.

Reasons

6. The appeal property is a semi-detached dwelling located within a wider residential area. Dwellings in the locality tend to display a good level of planting in front gardens, including in many instances tree planting, which strongly and positively contributes to the area's verdant character and appearance.
7. The development permitted by the planning permission in question, Ref 15/00707/MAMM, has been substantially completed. The requirements of the condition are clear that a scheme of landscaping is required, that shows the numbers, types and sizes of trees, shrubs and plants to be planted. However, the details of the proposed scheme of landscaping submitted by the appellant is limited to a photograph of the front garden laid to turf.
8. I observed that the front garden of the appeal property, as shown in the photograph, appears in stark contrast to other well vegetated gardens in the streetscape and area. The front garden therefore, in my judgement, considerably detracts from the area's verdant character and appearance without any further additional planting. The lack of planting also fails to adequately soften the appearance of the consented side extension and fails to adequately assimilate it within the streetscape.
9. There is no requirement for a submission of details to encompass all of the matters which might be needed to satisfy a particular condition and a succession of submissions can be quite proper for a condition to be fully satisfied. Nevertheless, the appellant has not provided any substantive evidence that he intends to follow the application subject to this appeal with further planting details via subsequent applications. Rather, it is clear that the appellant relies on the details submitted as part of this appeal to fully discharge the condition.
10. I therefore conclude that the details submitted are inadequate to allow the condition to be discharged and therefore the proposed scheme of landscaping would be contrary to saved Policy D2- Design of Buildings, of the Milton Keynes Local Plan 2001-2011 adopted 2005. This policy requires, amongst other things, development to include landscaping and boundary treatments that integrate with those of the surrounding area.

Other matters

11. I acknowledge that the appellant has raised some concerns over the Council's procedures in dealing with his application. Nevertheless, this is not a matter for my consideration in an appeal under section 78 of the Town and Country Planning Act 1990.

Conclusion

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

Alex Hutson

INSPECTOR