
Appeal Decision

Site visit made on 28 November 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 02 December 2016

Appeal Ref: APP/Y0435/D/16/3157629

6 Armstrong Close, Crownhill, Milton Keynes, Bucks MK8 0AU

- 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 Mr Adrian Dunn against the decision of Milton Keynes Council.
 - The application Ref 16/00883/FUL, dated 10 March 2016, was refused by notice dated 7 June 2016.
 - The development proposed is two storey side and rear extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 20 Riddings Grove and 5 Armstrong Close in terms of privacy and outlook respectively.

Reasons

3. The appeal property is a narrow detached two-storey house on the south side of Armstrong Close. The ground slopes down to the south both within the appeal site and beyond to the properties beyond in Riddings Grove. The proposal is for a two storey side extension on the east side of the property extending beyond the existing rear elevation of the property to approximately the same depth as the existing decking area.
 4. The Council has referred to its 'New Residential Development Design Guide Supplementary Planning Document' Adopted 2012 (the SPD). While this specifically refers to new residential development I consider that its principles should apply to alterations and extensions to existing properties as otherwise the benefits of applying the SPD to an original layout could otherwise be later undone by inappropriate incremental development. I therefore give the SPD considerable weight.
 5. The SPD indicates that as a rule of thumb for new residential developments, back-to-back privacy distances of 22 metres should be the objective. This does allow for some flexibility in design.
 6. Within an urban area such as this there will always be a degree of overlooking between properties but in order to protect the living conditions of occupiers this overlooking should not be direct at close distance, and if there is a change of
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level the separation distance should increase as it is possible to look over intervening fences more easily.

7. Despite the urban location when I visited the rear garden of 20 Riddings Grove I found it had a high level of privacy. While there were windows within the property to the side, 16 Riddings Grove, one was obscure glazed and I did not have the impression that the private rear area of No 20 was significantly overlooked. The proposal would locate a bedroom window directly behind this garden, at a considerably shorter distance than the 22 m set out in the SPD, and this would result in a significant loss of privacy for the occupiers of No 20. Because of the change in ground level between the properties this would exacerbate this harm.
8. I looked out of the existing first floor rear window of the appeal property, but this principally looked towards the rear of 22 Riddings Grove and, while there is some overlooking towards the rear of No 20, this is at an oblique angle and does not affect the living conditions of No 20 in the same way as would the proposal.
9. The adjoining property to the east, 5 Armstrong Close, is set an angle to the appeal property so that the northern end of the proposed extension would be closer to that property than the southern end. With the change in levels the apparent height of the extension would increase. In addition, the extension would reduce the gap between buildings behind No 6 and the rear of 16 Riddings Grove meaning that the western side garden of No 5 would be very enclosed to the point that the proposal would be overbearing and lead to a loss of outlook.
10. As such the proposal would be harmful to the living conditions of the occupiers of neighbouring properties in terms of loss of privacy and outlook. It would therefore be contrary to Policy D1(iii) of the Milton Keynes Local Plan 2001-2011 which indicates that planning permission will be refused for development that would be harmful and result in unacceptable visual intrusion or loss of privacy. It would be contrary to the provisions of the SPD as set out above. It would also be contrary to paragraph 17 of the National Planning Policy Framework which seeks a good standard of amenity for the occupiers of all existing and future occupants of land and buildings.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR