

# Appeal Decision

Site visit made on 4 January 2017

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

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

**Decision date: 12<sup>th</sup> January 2017**

---

**Appeal Ref: APP/Y0435/D/16/3161571**

**59 Trueman Place, Oldbrook, Milton Keynes MK6 2QU**

- 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 A Ahmed against the decision of Milton Keynes Council.
  - The application Ref 16/01722/FUL, dated 23 June 2016, was refused by notice dated 19 August 2016.
  - The development proposed is the erection of a first floor extension, new ground floor door and extended wall on north west elevation.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. An earlier appeal for a first floor extension to the property was dismissed by a previous Inspector (Ref APP/Y0435/D/16/3153120). However, the full details of this previous scheme have not been provided and this appeal has, therefore, been assessed on its own planning circumstances.

## Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the property and the surrounding area and (b) the living conditions of the occupiers of the neighbouring properties.

## Reasons

### *Character and Appearance*

4. The appeal property is a bungalow which, although extended, is of modest size and occupies a small corner plot within a close-knit courtyard of residential properties. These courtyard properties are predominantly bungalows but 57 and 63 Trueman Place are 2-storey dwellings and this is the predominant form of property within the surrounding area. However, by reason of its siting, the courtyard is a discrete development which has its own character and appearance that is principally associated with the modest size and form of the bungalows.
-

5. The proposed development includes a first floor extension which, because of its scale, would not be a subservient addition to this modest sized bungalow. By reason of scale and siting, there would be a material increase in the bulk of the property which would be noticeable from both the courtyard and the neighbouring properties. The scale of the resulting property would visually compete with the adjoining modest sized bungalow (No. 61) to a point whereby it would be visually overbearing. Accordingly, there would be an awkward visual juxtaposition between the enlarged property and No. 61.
6. Although similar in height, there would not be a particularly harmonious visual relationship between the enlarged property and No. 57. This lack of harmony would be associated with the valley gutter between the properties and the proposed roof being hipped with an elongated ridge rather than an apex roof form. For all the reasons given, the proposed extension would introduce an incongruous feature into this courtyard development.
7. The scale of the proposed extension and the awkward relationships with Nos. 57 and 61 would equally be noticeable from other neighbouring dwellings, in particular their gardens. From the gardens of 77 to 81 The Boundary. the dormer windows would also be notable features within the roofslope and such windows are not a characteristic of other dwellings within the surrounding area. Further, in the absence of any openings, the solid expanse of the proposed extension's north east elevation would possess a bland and unattractive appearance when viewed from 221 Arlott Crescent.
8. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the property and the surrounding area and, as such, it would conflict with Policies D2 and DA2 of the Milton Keynes Local Plan 2001-2011 (LP). Amongst other matters, these design policies require development to be in scale with other buildings within the immediate vicinity, relate well to and enhance the surrounding environment and reinforce better quality and locally distinctive design elements. These policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design and paragraph 64 which refers to permission being refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. No specific conflict has been identified with LP Policy D1.

#### *Living Conditions*

9. By reason of the close-knit character of the surrounding residential development, including the modest length of rear gardens, the scale and bulk of the proposed first floor extension would be an overbearing and visually intrusive form of development which would be materially detrimental to the outlook of the occupiers of 79 and 81 The Boundary. This unacceptable harm would be particularly associated with the outlook from the garden of these neighbouring properties rather than the windows within the rear elevations which serve non-habitable rooms. This unacceptable harm would be accentuated by the difference in ground level between the appeal property and Nos. 79 and 81.
10. From the small garden of No. 61 the proposed extension would have an adverse effect on the outlook of the occupiers of this neighbouring bungalow by

reason of the visual intrusion associated with the resulting scale and siting of the enlarged property. For the same reasons, there would be an adverse impact on the outlook of the occupiers of No. 221 from their garden albeit the visual intrusion would not be as great.

11. The appellant has proposed a design that would minimise concern about potential loss of privacy. The proposed rooflights and dormer windows would generally be at high level and would limit the potential to overlook neighbouring properties. The potential reduction in levels of daylight and sunlight reaching the gardens of Nos 79 and 81 would not be a reason for this appeal to fail. However, these matters are demonstrably and significantly outweighed by the unacceptable harm which has been identified.
12. On this issue, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties and, as such, it would conflict with LP Policy D1 which requires development not to cause unacceptable visual intrusion. This policy is consistent with the Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.

*Other Matters*

13. The appellant has identified that there are family reasons associated with the need for the proposed accommodation. Although these needs have been carefully noted they are demonstrably and significantly outweighed by the unacceptable harm which has been identified. Other matters raised by local residents, including parking and construction impacts, do not alter the main issues which have been identified as the basis for the determination of this appeal. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should be dismissed.

*D J Barnes*

INSPECTOR