
Appeal Decision

Site visit made on 9 May 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 2 June 2017

Appeal Ref: APP/Y0435/D/17/3172077

13 Brockhampton, Downhead Park, Milton Keynes MK15 9BT

- 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 Urfan Khan against the decision of Milton Keynes Council.
 - The application Ref 16/03315/FUL, dated 17 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is a Rear extension on 2 storeys.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has indicated that he would be willing to revise the proposal by changing the position of a window within the proposed extension. However, the Planning Inspectorate's guidance¹ explains that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I have therefore considered the appeal on the basis of the originally submitted plans.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of occupiers of nearby dwellings in respect of privacy, visual intrusion and lighting.

Reasons

4. Number 13 Brockhampton and its neighbouring dwellings comprise substantial detached houses set within extensive plots. Whilst numbers 13 and 14 occupy plots which front directly onto the highway, number 12 is set much further back. A driveway which runs alongside the appeal dwelling provides access to numbers 11 and 12.
5. The proposed extension would project to the rear of the appeal dwelling by about 4 metres on 2 storeys across almost its entire width, and result in the dwelling being much closer to the front of number 12 than it is at present. Furthermore, there would be views between a proposed first floor rear facing

¹ 'Procedural Guide Planning appeals – England', The Planning Inspectorate – paragraph M.2.1

window, which would provide the only means of outlook to a new bedroom, and primary windows in the first floor, front elevation of number 12. Due to the proximity of the extension to the boundary between the two properties there would be little scope for any substantive landscaping to be provided within the appeal property to screen these views. Whilst I have noted the appellant's willingness to re-site the bedroom window this does not form part of the proposal before me. I conclude that, for these reasons, the appeal proposal would cause a material loss of privacy for occupiers of number 12.

6. In relation to the visual effects of the proposal, I note that the extension would have a pitched roof and other architectural detailing which would reflect those on the appeal dwelling and other houses in the area. I have also noted the existence of a fence alongside the boundary with number 12. However, the side of the extension facing number 12 would only be slightly set back from the alignment of the side of the appeal dwelling. Furthermore, this side elevation would, due to its substantial width, height, and position very close to the property boundary cause a notable degree of visual intrusion when viewed from number 12.
7. In relation to daylight, the method that the Council has used to address the '45 degree' guideline referred to in its officer report is unclear. The extension would also be separated to some extent from the nearest window in number 12, which is within its ground floor front outrigger. The position of the extension to the east of number 12 would, as indicated in the appellant's sunlight analysis, mean that it would not cause loss of sunlight within that property except during short periods in the mornings. Nevertheless, due to its height, width and position the proposal would be likely to cause some limited loss of daylight and sunlight to number 12 which would add to the harm that I have identified earlier.
8. Having regard to the points set out above, the proposal would cause material harm to the living conditions of occupiers of number 12. As a result its approval would conflict with the relevant provisions of saved policy D1 of the Milton Keynes Local Plan 2005, policy CS13 of the Milton Keynes Core Strategy 2013 and the National Planning Policy Framework related to this matter.
9. I accept that, for reasons set out in the Council officer report, the proposal would retain a satisfactory degree of separation from 38 and 40 Colesbourne Drive. I have also noted the appellant's comments regarding the Council's processing of the application. However, these points do not outweigh the harm that I have identified.
10. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR