The Planning Inspectorate

Appeal Decision

Site visit made on 30 July 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2019

Appeal Ref: APP/Y0435/W/19/3228704
4 Rothersthorpe, Giffard Park, Milton Keynes MK14 5JL

- 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 Paresh Deshmukh (Rendals Limited) against the decision of Milton Keynes Council.
- The application Ref 18/00592/FUL, dated 7 March 2018, was refused by notice dated 20 December 2018.
- The development proposed is the change of use from C3 Dwellinghouses to C4 Houses in Multiple Occupation with 5 bedrooms and 5 occupants. Remove and reconfigure part of the fencing to allow two additional car park spaces.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from C3 Dwellinghouses to C4 Houses in Multiple Occupation with 5 bedrooms and 5 occupants. Remove and reconfigure part of the fencing to allow two additional car park spaces at 4 Rothersthorpe, Giffard Park, Milton Keynes MK14 5JL in accordance with the terms of the application, Ref 18/00592/FUL, dated 7 March 2018, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matters

2. The description as set out in the banner and formal decision above comes from Part E of the appeal form and the Council's decision notice and is different from that as set out on the application form. Despite Part E of the appeal form stating the description has not been changed, it is apparent from the submissions that amended plans formed the basis of the Council's decision. The above description is used by both main parties and reflects the appeal plans and submissions, so I have based my assessment on the above description.

3. The appeal plans show the removal of a 1m high wooden fence and part of a 2m high wooden fence that lie outside the defined appeal site boundary. As such, I have taken these works as not forming part of the appeal proposal.

4. Plan:MK 2016 - 2031 dated March 2019 (Plan:MK) has been adopted since the Council's decision notice was issued. I have therefore made my determination having regard to Plan:MK rather than the former development plan referred to in the Council's refusal reasons. I have also had regard to relevant policies of the Great Linford Neighbourhood Plan 1 (North Area) 2016 (GLNP), which is not referred to in the Council's refusal reasons but nonetheless forms part of the development plan. Both main parties have had the opportunity to comment on

the implications for the appeal and I am satisfied that no interested party would be prejudiced by my approach.

5. The National Planning Policy Framework (the Framework) was revised on 19 February 2019 and this post-dates the Council's refusal notice. I have considered the Framework as part of the determination of this appeal.

Main Issue

6. The main issue is the effect of the proposal in terms of parking provision.

Reasons

7. The appeal property is a 6 bedroom house located on a residential cul-de-sac. To the front is a parking space partly within the appeal site boundary, but that in any case can accommodate a car without obstructing the road.

8. Policy CT10 of the Plan:MK and the Council's Housing in Multiple Occupation Supplementary Planning Document 2012 (HiMOSPD) seeks to ensure off-street parking for HiMO developments meet the Council's parking standards. The Council's Parking SPD[1] requires 4 spaces to serve the proposed development, but only 3 spaces would be provided. As such, the proposal would have 1 space less than the Council's parking requirements and would therefore not accord with Policy CT10 of the Plan:MK or the HiMOSPD.

9. The Council's Parking SPD states a 6 bedroom house should provide 2 parking spaces and so the appeal property as it stands provides 1 space less than the Council's parking standards. This shortfall in parking provision is the same as the appeal proposal, suggesting that the proposed development would result in no significant extra on-road parking compared to the existing situation.

10. Furthermore, the appeal site is on a short spur road that serves 4 properties with some off-road parking facilities and so street parking is likely to be limited. The shared-surfaced carriageway is wide enough to let 2 cars pass and vehicles can park on parts of the road without causing an obstruction. In this context, the minor shortfall of parking provision against the Council's standards is unlikely to result in additional on-road parking that prejudices highway safety or that causes any other harm.

11. For the reasons outlined above, I conclude that the development would not, in terms of parking provision, cause harm to highway safety or cause any other harm. Consequently, and in this regard, it would accord with the Framework, which seeks to ensure development does not have an unacceptable impact on highway safety. The appeal proposal would not accord fully with policy CT10 of the Plan:MK, Policy GLPC N3 of the GLNP, the HiMOSPD and the Council's Parking SPD as parking standards would not be adhered to. However, the other considerations set out above are of sufficient strength to collectively outweigh that non-compliance such that planning permission should be granted.

Other matters

12. There is no evidence before me to suggest the proposal would cause issue with regards to refuse storage, crime and anti-social behaviour or noise and disturbance. The removal of the boundary wall to provide vehicular access would be acceptable as it contributes little to the appearance and character of

[1] Milton Keynes Council Parking Standards Supplementary Planning Document 2016

the area. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds, the concerns raised do not override or affect my conclusions on the main issue.

Conditions

13. I have considered the list of conditions suggested by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to provide certainty and to confirm the approval only relates to development within the defined appeal site boundary. A condition is required to limit the numbers of occupants to ensure the development does not lead to unacceptable levels of on-road parking. For the same reason, conditions are imposed requiring the approval of details and provision of on-site parking and bicycle storage facilities.

14. A condition is necessary to ensure waste bins are stored sensitively on the site. Finally, to ensure satisfactory living conditions for future occupiers, a condition is required to ensure the recommendations set out in the submitted Acoustic Design Review report are carried out. Where appropriate, I have amended the wording of the suggested conditions for reasons of precision.

Conclusion

15. For the reasons given above, and taking into account all other matters raised, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

Schedule of Planning Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with plan numbered 1707_P_P1 Rev C, except in respect of the removal of 1m high wooden fencing and 2m high wooden fence shown on this plan as lying outside the boundary line of the site.

3) The house in multiple occupation hereby permitted shall not have more than 5 occupiers at any time.

4) Prior to the first occupation of the house in multiple occupation hereby permitted, details including materials for the proposed parking spaces, access strips and dropped kerb/crossover, shall be submitted to and be approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details prior to the first occupation of the house in multiple occupation and the parking spaces and access shall thereafter be retained.

5) Prior to the first occupation of the house in multiple occupation hereby permitted, details of the proposed bicycle parking and storage facilities shall be submitted to and be approved in writing by the local planning authority. Bicycle parking and storage facilities shall be provided in

accordance with the approved details prior to the first occupation of the house in multiple occupation and retained thereafter.

6) Prior to the first occupation of the house in multiple occupation hereby permitted, details of on-site bin storage for household refuse and recyclables, shall be submitted to and be approved in writing by the local planning authority. Bin storage facilities shall be provided in accordance with the approved details prior to the first occupation of the house in multiple occupation and retained thereafter

7) Prior to the first occupation of the house in multiple occupation hereby permitted, the recommended acoustic works as set out in the Acoustic Design Review Report by KP Acoustics and dated 1 September 2017 shall be undertaken. Subsequent to this and prior to the first occupation of the house in multiple occupation, testing shall be undertaken to demonstrate that the acoustic works have been carried out and written evidence of this shall be submitted to and be approved in writing by the local planning authority. The acoustic works shall be retained in that form thereafter.