



Appeal Decision

Site visit made on 13 August 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/Y0435/W/19/3230258

25 Gurnards Avenue, Fishermead, Milton Keynes, Bucks MK6 2BL

- 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 Anees Badurudeen against the decision of Milton Keynes Council.
 - The application Ref 19/00184/FUL, dated 21 January 2019, was refused by notice dated 12 March 2019.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined planning application Ref 19/00184/FUL, the Council adopted Milton Keynes Council Plan:MK 2016-2031 ('Plan:MK') on 20 March 2019 and I therefore give full weight to the relevant policies of Plan:MK. The decision notice refers to Policies CT10 & D5 of the emerging Plan:MK. It also refers to Policy T15 of the Milton Keynes Local Plan (2001-2011) and Policy CS18 of the Milton Keynes Core Strategy (2013), which have now been replaced by Plan:MK and therefore have had no bearing on my decision.

Main Issues.

3. The main issues are:
 - The effect of the proposed development on the environment of the shared residential circulation and bin storage space, with particular regard to the living conditions of the occupiers of the upper floor flats and safety; and,
 - The effect of the removal of an off-street parking space in respect of highway safety and the living conditions of the occupiers of neighbouring properties.

Reasons

Environment of the shared residential circulation space

4. The appeal site relates to a ground floor undercroft, which is the main entrance from the street to residential flats on the first and second floors of the building. The undercroft includes bin storage facilities and 2 parking spaces for the upper floor flats. Security railings and a gate separate the parking spaces from the residential circulation/bin storage area. There is inter-visibility through the

metal railings between the residential circulation/bin storage area and the street.

5. The proposed single storey extension would be positioned to the front of the bin storage area, which would restrict natural surveillance of the space from the street. The extension would cause the residential circulation/bin storage area to become more enclosed and a poorly daylighted space. Whilst there are security railings and a gate within the undercroft, it would be an unwelcoming environment, which would be harmful to the living conditions of the occupants of the upper floor flats and would be likely to create a fear of crime.
6. I have had regard to the appellant's suggestion of a condition to require the installation of a gate to prevent a person accessing the gap between the proposed extension and the existing security railings. Whilst this would prevent an individual using the space for potential criminal purposes, it would not address my concerns in relation to the unwelcoming environment and the fear of crime. Furthermore, the provision of artificial lighting would not achieve a welcoming environment and it should not be relied upon to mitigate the effects of poorly designed spaces.
7. The appellant's statement refers to a neighbouring development at 26 Penryn Avenue (Ref 17/00745/FUL) for a similar side extension, however this development was approved prior to the adoption of the current development plan and I therefore afford it limited weight. In any event, I have considered the appeal scheme on its individual planning merits.
8. For the above reasons, I conclude that the proposed development would create an unwelcoming environment in the shared residential circulation and bin storage space, which would be harmful to the living conditions of the occupants of the upper floor flats and would be likely to create a fear of crime. The proposed development would therefore be contrary to Policy D5 of Plan:MK, which seeks to protect a good standard of amenity for buildings and states, amongst other things, that shared circulation space and routes to private entrances within flat development should be of sufficient width, be welcoming, and wherever possible be naturally lit.

Car parking

9. The appeal site is located within walking distance of shops and services, and there are nearby bus stops in Pentewan Gate. It is also in close proximity to Milton Keynes town centre and is therefore in a sustainable location. Off-site parking is available in the area in un-allocated on-street parking bays, which are not subject of parking controls. The parking bays are delineated from the main carriageway by block paving.
10. Policy CT10 of Plan:MK states, amongst other things, that on-site parking should not be reduced below the Council's full expectations if this would increase additional pressure in off-site parking that could not be resolved by on-street parking controls. The Parking Standards Supplementary Planning Document (January 2016) ('PSSPD') sets out the parking standards for proposed development. The Council has not indicated what the full parking expectation is for the existing upper floor flats.
11. I acknowledge that the Highway Authority and Parish Council have objected to the proposed development due to the loss of one on-site parking space for the

upper floor flats. However, during my site visit I observed that off-site parking spaces were available in the street parking bays, which could accommodate vehicles without impeding traffic flows. Furthermore, from my observations, there was little evidence of unsafe parking of vehicles on pavements or close to road junctions, and the surrounding roads did not appear to be heavily trafficked.

12. Whilst I acknowledge that there may be more off-site parking in the evening and at weekends, there is no substantive evidence before me to show that there is significant parking pressure in surrounding roads or that unsafe parking is taking place. The proposed removal of one on-site parking space for the upper floor flats would not significantly increase pressure for off-site parking in the area, particularly given the sustainable location of the site. For this reason, and bearing in mind my site observations, I am satisfied that the carrying out of a parking survey is not necessary to demonstrate that existing off-site parking could accommodate any displacement parking as a result of the proposed development. As such, I find that the proposed development would not cause significant harm to highway safety.
13. Furthermore, given the sustainable location of the appeal site within walking distance of shops and passenger transport facilities, the removal of one on-site parking space would not cause significant harm to the living conditions of the occupiers of the upper floor flats. In addition, it would not cause significant harm to the living conditions of the occupiers of other neighbouring properties by reason of increased competition for off-site parking.
14. I therefore conclude that the removal of an off-street parking space would not cause significant harm to highway safety or the living conditions of the occupiers of neighbouring properties. The proposal would therefore comply with Policy CT10 of Plan:MK and guidance in the PSSPD, which, amongst other things, state that on-site parking should not be reduced below the Council's full expectations if this would increase additional pressure in off-site parking that could not be resolved by on-street parking control.

Other Matters

15. I have had regard to the economic benefit of the small increase in floorspace to the shop and the benefit of moving the staff W.C. further away from the counter. However, these considerations do not outweigh the harm that I have identified above.

Conclusion

16. I have found that the proposed development would not cause harm to highway safety nor would it result in harm through increased competition for parking spaces. However, it would cause harm to the living conditions for the occupiers of the upper floor flats in respect of the outdoor environment and fear of crime and these are sufficient reasons to dismiss the appeal. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR