
Appeal Decision

Site visit made on 18 February 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2020

Appeal Ref: APP/Y0435/W/19/3242375

1 Montgomery Crescent, Bolbeck Park, Milton Keynes MK15 8PP

- 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 Imran Qureshi against the decision of Milton Keynes Council.
 - The application Ref 19/01436/FUL, dated 30 May 2019, was refused by notice dated 22 July 2019.
 - The development proposed is change of use from amenity land to residential garden land.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal the appellant has indicated they would consider reducing the extent of the fencing. I have not considered this as part of this appeal as I consider that this change would materially alter the nature of the application and would prejudice the interests of interested parties.¹

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Montgomery Crescent is a residential road forming part of the estate of Bolbeck Park. The appeal site is on the corner of Lacy Drive, a road with wide grass verges on either side, with a footpath located within the verge. On the opposite side of Lacy Drive, an avenue of trees are planted within the verge. The landscaping and open wide verges give the street a pleasant soft landscaped and open character.
5. The appeal property currently has a close boarded fence located along its boundary. Given its height and length it is already a prominent feature in the street scene. The appeal proposal would result in the fence being moved closer to the road, enclosing the existing grass verge and placing the fence directly adjacent to the footpath. This space currently fulfils a useful purpose in terms

¹ Annex M of the Procedural Guide Appeals – England advises 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.

- of contributing to the overall open character and landscaped appearance of the area.
6. I consider that the loss of the existing verge would lead to an erosion of the open character of the area and increase the visual prominence of the fence within the street scene. In addition, for pedestrians walking along the footpath the fence would be an overbearing feature and the loss of the verge would enclose the footpath making it less attractive for those walking along it.
 7. The appellant makes reference to other neighbouring houses having carried out similar development, however I have not been provided with details of these and from my site visit I could not see any other similar development within Lacy Drive. However, even if other similar development has taken place, the existence of these would not justify further harm to the character and appearance of the area.
 8. The Council's second reason for refusal sets out that the approval of this development could act as a precursor for further similar applications. There are other examples of end dwellings located at the junction of the estate roads and I consider the cumulative erosion of the open space provided by the existing verges, if other similar development were to be allowed, would be detrimental to the overall character and appearance of the area.
 9. I conclude that the development would harm the character and appearance of the area and conflict with Policies D2 and L3 of the Milton Keynes Council Plan:MK 2016-2031 (2019). Policy D2 seeks to ensure that development exhibits a positive character and policy L3 permits proposals for the change of use of amenity space only where the land does not fulfil a useful purpose in terms of its appearance.

Conclusion

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

G. Pannell

INSPECTOR