



Appeal Decision

Site visit made on 10 March 2020 by S Watson BA(Hons) MSc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 22 April 2020

Appeal Ref: APP/Y0435/D/19/3242062

7 Thames Drive, Newport Pagnell MK16 9DS

- 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 & Mrs Ross Oxtoby against the decision of Milton Keynes Council.
 - The application Ref 19/01811/FUL, dated 18 June 2019, was refused by notice dated 9 September 2019.
 - The development proposed is two storey side, part ground floor rear & front single storey extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The planning application form includes reference to the appeal site being at 7 Thames Close and not 7 Thames Drive. However, it is clear from the appeal form, decision notice and other information available to me that the site address is 7 Thames Drive. For clarity I have therefore, used this address in the header above.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers at No 4 Waveney Close, with particular reference to outlook.

Reasons for Recommendation

5. The appeal site contains a semi-detached dwelling set perpendicular to Thames Drive, its garden wraps around the front, side and rear of the dwelling. The proposal would include single storey extensions at the front and rear, and a part two-storey side extension, with the first floor within the roof.
6. No 4 Waveney Close backs on to the side of the appeal site where the extension is proposed. Due to the siting of No 4 the rear windows face the

appeal dwelling. However, with the exception of the patio doors serving the lounge, the rear windows currently have a relatively open outlook due to the distance between the appeal dwelling and No 4. Outlook to the lounge window is restricted by extensions on either side which limit views to only the side of the appeal site.

7. The proposal would result in a part two-storey extension very close to the boundary with No 4. Although I note that the extension would not be a full two-storey height, its closeness to the rear boundary of No 4 and the raised terrace at the end of the garden, would result in the extension being a tall, imposing feature. However, given the existing restricted outlook from the lounge, and the position of the extension in relation to it, I find there would be no additional harm to outlook from that room. Nevertheless, the proposal would appear as a prominent, dominant feature in the garden, that would be particularly imposing and intrusive. The result of the restricted outlook and overbearing nature of the development would make the garden a less pleasant place to use, as such it would be materially harmful to the living conditions currently enjoyed by the occupiers of No 4.
8. Given the orientation of the extension in relation to the neighbouring properties, it would be unlikely for there to be more than a minimal loss of light above that caused by the existing dwelling at the appeal site. I find that as such, the loss would not be unacceptable. Moreover, the relationship of the proposal to neighbouring dwellings is unlikely to result in a loss of privacy. However, this does not outweigh the harm identified above.
9. Given my findings, I conclude that the proposal would be harmful to the living conditions of the occupiers of No 4 Waveney Close. The proposal would therefore conflict with Policy D5 of the Plan: MK 2016-2031, which seeks, amongst other things, for development to not be overbearing or harm outlook.

Other Matters

10. While I note that the appellant was not happy with the way in which the previous planning application (Ref 19/00372/FUL) was handled by the Council, this does not affect the appeal before me. Furthermore, whilst I have no doubt that the provision of an extra bedroom would be of benefit to the appellant, it does not carry more than little weight in my assessment of this appeal and the benefit does not outweigh the harm I have identified.

Conclusion and Recommendation

11. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

Kenneth Stone

INSPECTOR