
Appeal Decision

Site visit made on 15 July 2020

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/07/2020

Appeal Ref: APP/Y0435/D/20/3249772

26 West Street, Olney, MK46 5HR

- 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 Edwards against the decision of Milton Keynes Council.
 - The application Ref 20/00012/FUL, dated 3 January 2020, was refused by notice dated 28 February 2020.
 - The development proposed is a reduction in built footprint and additional storey over existing bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for a reduction in built footprint and additional storey over existing bungalow at 26 West Street, Olney, MK46 5HR in accordance with the terms of the application, Ref 20/00012/FUL, dated 3 January 2020, subject to the conditions contained in the attached Schedule.

Main Issue

2. The main issue is the effect of the development on the availability of single storey dwellings in the area.

Reasons

3. In order to provide for an ageing population and for those with impaired mobility or specific needs, Policy HN9 of the Plan:MK (2019) imposes a presumption against the loss of bungalows through conversions to two storey dwellings. The proposed development would involve the addition of a first floor to a bungalow suitable for meeting such needs and would reduce the stock of single storey dwellings in the area. As such, there is a clear conflict with Policy HN9.
4. Whilst this is so, the appeal property is located in the Olney Conservation Area where I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
5. The appeal site is surrounded by traditional properties reflecting the local vernacular and at the front of a modern mews style development that has been designed to reflect traditional local design and materials. The existing bungalow is a relatively contemporary structure built from brick that is insensitive to the surrounding area and presents little architectural merit.

6. The proposed development would see the existing bungalow, which is located in a prominent street facing position, replaced with a stone and slate built property reflecting the 1.5 storey design and materials of others in the mews. The Council accepts that the development would be of a scale, design and finish that would be in keeping with the local area and would contribute positively. I am inclined to agree and consider that the proposal would in fact enhance the character and appearance of the appeal property and the conservation area. This weighs positively in favour of the development.
7. Although the development would result in the loss of a single storey dwelling, the proposed dwelling has been designed to be adaptable with wide openings to improve accessibility, open plan living areas and the potential for a ground floor bedroom and bathroom. Adaptable buildings are supported by Planning Practice Guidance and the development, albeit two-storey, could continue to meet the needs of an ageing population, including those with mobility impairments of other needs.

Conditions

8. The Council has suggested a range of conditions if the appeal is allowed, which I have reworded as necessary to improve their precision and ensure compliance with the tests for conditions. I have attached the standard time period for the commencement of development and a requirement for construction in accordance with the approved plans in the interests of certainty.
9. To ensure suitable parking provision is made for the development, a specific condition will require the area shown on the approved plans to be provided. In addition, a requirement for an electric vehicle charging point is necessary to support the development plan's objective to lower emissions.
10. I have not found it necessary to attach a condition removing permitted development rights. Such conditions should only be imposed in exceptional circumstances. The Council has not identified any such circumstances in this case and I can see no reason why minor development in the future should be harmful or why additional control need be imposed.

Conclusion

11. Overall, whilst the development would result in the loss of a bungalow in conflict with Policy HN9 of the Plan:MK, the harm arising from a reduction of such stock would be mitigated to some extent by the adaptable design of the proposed building. In addition, the proposed building would enhance the character and appearance of the conservation area, a matter that I attach significant weight. Together, these material considerations are sufficient to outweigh the conflict with the development plan.
12. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR

Schedule of 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 the following approved plans (including the stated materials): A_1917 EX100 A, A_1917 PL050 A, A_1917 PL200 and A_1917 PL100.
- 3) No building or extension hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been constructed, surfaced and permanently marked out. The car parking area so provided shall be permanently maintained ancillary to the development and shall be used for no other purpose thereafter.
- 4) No building or extension hereby permitted shall be occupied until an electric charging point has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.

End of Schedule