
Appeal Decision

Site visit made on 17 August 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/Y0435/W/20/3252802

5 Whetstone Close, Heelands, Milton Keynes MK13 7PP

- 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 Brian Cooper against the decision of Milton Keynes Council.
 - The application Ref 19/03309/FUL, dated 3 December 2019, was refused by notice dated 3 March 2020.
 - The development proposed is erection of a new single storey, 3 bedroom dwelling with off street parking on land adjacent to existing dwelling. Alterations to existing dwelling including demolition of garage and entrance porch, a new entrance, driveway and single garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Various plans¹ have been submitted at appeal stage that were not before the Council when it made its decision to refuse the planning application that is now the subject of this appeal. These additional plans illustrate matters including development density, separation distances, sightlines and boundary treatment/building frontage comparisons. The newly submitted plans provide additional detail but do not materially alter the proposal that was submitted to the Council. I am thus content that no party with an interest in this appeal is prejudiced by me accepting them for information purposes.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area;
 - The effect upon the living conditions of neighbouring residential occupiers at Nos 11 and 13 Gibsons Green and No 4 Whetstone Close, having particular regard to outlook and privacy; and
 - The effect upon the living conditions of future occupiers of the proposed development, having particular regard to privacy.

¹ 3-1000; 3-1001; 3-1002; 3-1010; 3-1011; 3-1012; 3-1020; 3-1021; 3-1022

Reasons

Character and appearance

4. The site is located within a residential area where properties can generally be observed to be detached, of generous size and positioned upon spacious plots that are often characterised by plentiful planting. Properties in the area take a variety of different forms and finishes. A spacious and mixed residential character and appearance can thus be identified.
5. The proposal involves the intended sub-division of the appeal site and the erection of a new single-storey dwelling alongside demolition/alteration works at the site. The new dwelling's intended single-storey scale would assist in limiting visual prominence and I acknowledge the presence of other single-storey properties locally. The proposed dwelling would also complement the external appearance of the existing dwelling on-site and its relationship to Whetstone Close (including through the introduction of new boundary planting).
6. Nevertheless, within an area characterised by spacious plots, the new dwelling would cover a sizeable footprint area and be sited in proximity to various plot boundaries. The new plot that is intended to be created would be of limited depth given the tapered layout/shape of the appeal site.
7. Density plans² have been submitted that illustrate the low-density nature of development locally. These plans are also annotated to highlight the intended staggered front building line as well as instances of properties being located close to each other and to site boundaries. However, the relatively small size of the newly intended plot, when considered in conjunction with the extent of built coverage proposed, necessitates construction in proximity to three of the plot's four boundaries. Indeed, whilst the proposal would not be anticipated to greatly alter dwelling-per-hectare calculations across the entirety of the areas depicted upon the density plans, the proposal would not respond appropriately to its spacious local context.
8. I have noted reference to planning permission³ having previously been granted at the site (but not implemented) for works including the erection of a triple garage and the conversion and extension of the existing on-site garage. Nevertheless, notwithstanding the sizeable additional ground coverage that would have resulted, a sub-division of the site was not permitted. This is an important distinction when compared to the proposal that is now before me, where a new self-contained unit of accommodation would be provided within a newly created and tightly defined plot. I find that an unduly compact and cramped form of development is proposed.
9. For the above reasons the proposal would cause harm to the character and appearance of the area. The proposal conflicts with Policies D1, D2 and D3 of Plan:MK 2016-2031 (adopted March 2019) (Plan:MK) in so far as these policies require development proposals as a whole to respond appropriately to the site and surrounding context.

² 3-1010 & 3-1011

³ 03/00625/FUL

Living conditions of neighbouring residential occupiers

10. The New Residential Development Design Guide Supplementary Planning Document (April 2012) (the SPD) guides that, as a rule of thumb, for new residential developments, back-to-back privacy distances of 22m (measured from first floor level) should be the objective. Furthermore, with respect to infill development, the SPD indicates that minimum distances of 22m (back to back) or 13.7m (rear to flank) must be applied. Whilst these required distances provide relevant context, I also need to factor-in the intended single-storey height of the proposal and the site-specific circumstances to hand.
11. With respect to No 11 Gibsons Green (No 11), a generous degree of separation would be achieved. Furthermore, as confirmed at inspection, existing planting, including an evergreen hedge, is situated along and in proximity to the intervening boundary line. Whilst various north-east facing window openings are proposed and No 11 sits at a higher level comparative to the appeal site, when taking account of the distances involved and the single-storey nature of the proposal, no harmful loss of outlook or privacy would be experienced by the occupiers of No 11.
12. In terms of No 13 Gibsons Green (No 13), it is evident that the proposed dwelling would be orientated such that either a direct back-to-back or back-to-flank relationship would be avoided. It is also the case that windows would be positioned to avoid any obvious potential privacy issue and that existing intervening boundary treatment and planting is in place. I note that the site sits at a lower level when compared to No 13. This does not raise privacy issues (for the aforementioned reasons) and would assist in ensuring that the newly proposed dwelling would not appear prominent or overbearing when viewed from neighbouring properties situated to the rear (including from No 13). The living conditions of existing occupiers at No 13 would be safeguarded.
13. In terms of No 4 Whetstone Close, the Council has referred, within their officer report, to the proximity of the proposed new garage, access and associated parking provision. However, these newly intended features would be limited in scale and extent and do not raise undue concerns in a living conditions context.
14. For the above reasons the proposal would not cause harm to the living conditions of neighbouring residential occupiers at Nos 11 and 13 Gibsons Green and No 4 Whetstone Close, having particular regard to outlook and privacy. The proposal accords with Policy D5 of Plan:MK in so far as it requires the outlook and visual amenity afforded from within buildings and private/communal garden to be satisfactory, and that a reasonable degree of privacy should be ensured to new and existing private living space and main private garden areas.

Living conditions of future occupiers

15. Notwithstanding the neighbouring property relationships that exist, it is the case that Nos 11, 13 and 15 Gibsons Green are all positioned in setback locations relative to the site's rear/side boundaries. I am unpersuaded that any undue loss of privacy (for future occupiers of the proposed development) would materialise. This is even when factoring in the changing land levels that exist. It must also be noted that the land in question already serves as residential garden.

16. For the above reasons the proposal would not cause harm to the living conditions of future occupiers of the proposed development, having particular regard to privacy. The proposal accords with Policy D5 of Plan:MK in so far as it requires a reasonable degree of privacy to be ensured to new and existing private living space and main private garden areas.

Planning Balance

17. In terms of the scheme's benefits, an additional residential unit is proposed, and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making effective use of land. It is also the case that bungalow accommodation could appeal to a range of potential future occupiers with reduced mobility. Furthermore, it has been stated that the appellant wishes to self-build the development for his own occupation and, on this basis, the proposal would specifically cater for a person wishing to build their own home. However, merely a single unit of housing is proposed. The associated benefits would be modest and would not outweigh the significant harm to the character and appearance of the area and the associated policy conflict that I have identified.
18. The development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

19. Whilst I have found that no harm would be caused by the proposal to the living conditions of existing and future residential occupiers, I have identified that significant harm would be caused to the character and appearance of the area. That harm is the overriding consideration in this case.
20. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR