The Planning Inspectorate

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: 15 September 2020

Appeal Ref: APP/Y0435/W/20/3251581
Long Acre, 38 Cranfield Road, Wavendon, Milton Keynes

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Pete Foster on behalf of Tilsworth Developments against the decision of Milton Keynes Council.
- The application Ref 20/00374/REM, dated 10 February 2020, sought approval of details pursuant to condition No 1 of a planning permission Ref 18/00448/OUT, granted on appeal (Ref APP/Y0435/W/18/3206192) on 15 November 2018.
- The application was refused by notice dated 8 April 2020.
- The development proposed is Reserved Matters: Construction Of Three Dwellings.
- The details for which approval is sought, as set out upon the application form, are: Appearance, Landscaping, Layout and Scale.

Decision

1. The appeal is allowed and approval, relating to the reserved matters of appearance, layout and scale, is granted for the construction of three dwellings at Long Acre, 38 Cranfield Road, Wavendon, Milton Keynes, in accordance with the terms of the application, 20/00374/REM, dated 10 February 2020, subject to the conditions set out at the end of this decision.

Procedural Matters

2. The application form indicates that approval is sought for details of landscaping. However, landscaping is not listed as a reserved matter under Condition 1 of the related outline planning permission. Indeed, the 15 November 2018 appeal decision[1] clearly indicates that the outline proposal included landscaping details for consideration. I shall consider the appeal that is before me on this basis and am content that no party with an interest in this appeal is prejudiced by me doing so.

3. It has come to my attention that full planning permission for the erection of 3 dwellings and the formation of a new access was granted on appeal[2] at the site on 1 June 2020. The red line that depicts the extent of that site covers a slightly greater area when compared to the red line under consideration here, but the general layout and composition of development is very similar. Indeed, in recognition of this, the Council has indicated that they are not contesting this appeal. Nevertheless, in the interests of fairness to all parties with an interest

[1] APP/Y0435/W/18/3206192
[2] APP/Y0435/W/20/3246673

in the outcome of this appeal, I have formulated the main issue having had regard to the Council's reason for refusing to grant reserved matters approval.

Main Issue

4. The effect upon the character and appearance of the area.

Reasons

5. The full planning permission that was granted on appeal in June 2020 is a material consideration of significant importance to my considerations. This is because of the very similar nature and composition of development that is now under consideration. I find no reason to suppose that the appellant would not seek to pursue the June 2020 permission should this appeal be unsuccessful. It thus represents a fallback position of great weight and I shall consider the proposal's effect upon the character and appearance of the area in this context.

6. The appeal site is comprised of a sizeable proportion of a large residential garden that serves Long Acre, a detached dwelling. The site is situated at Lower End, a hamlet near Wavendon. Other properties exist in the vicinity of the site, which include tightly spaced linear rows of dwellings that front Crow Lane and Cranfield Road as well as other more sporadically and loosely spaced properties. Consistent with the June 2020 findings of the previous Inspector, there is no single consistent style, size, age, materials, layout or density of development locally. Thus, even when noting the closeness of the dwellings as proposed and the intention to provide upper floor living spaces, the proposed development would respond appropriately to its local context.

7. For the above reasons, the proposal would not cause harm to the character and appearance of the area. The proposal accords with Policies D1 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.

Other Matters

8. It is apparent from the documentation before me that nearby 5 Crow Lane (Chimney Cottage) is Grade II Listed. Its heritage significance is drawn in-part from its historic form and architectural detailing. The proposal, which is comprised of the construction of dwellings upon garden land setback from Chimney Cottage, would have a neutral effect upon its setting and would thus not result in a loss of heritage significance.

9. When factoring in the fallback position that exists and my own experiences at inspection, I am content that the proposal would not result in any undue overshadowing or loss of privacy for neighbouring residential occupiers. I also see no clear reason why full details of surface and foul water drainage could not be appropriately dealt with by way of the related planning condition that is already attached to the outline planning permission granted on appeal in November 2018.

10. I have noted reference by interested parties to conflict with Policy DS5 of Plan:MK, which I understand, in broad terms, seeks to limit development within areas designated as open countryside. However, in this instance, outline planning permission has already been granted and, furthermore, full planning permission for the development of three dwellings is in place. It is not

therefore appropriate to resist this proposal based upon its open countryside location.

Conditions

11. I am mindful that various planning conditions were imposed upon the outline planning permission that was granted in November 2018, which continue to apply and do not thus need to be repeated. These relate to such matters as approved plans, materials, hard and soft landscaping, access construction, a Biodiversity Enhancement Scheme and Management Plan and a foul and surface water drainage scheme.

12. The Council has suggested further conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes.

13. In the interests of certainty, I have also added a condition that lists the approved plans and documents. On the basis that a scheme of soft landscaping is secured via a planning condition that is attached to the outline consent, I have viewed plan CRWAV01 in an informative capacity rather than for determination. As a further note, it is not listed as a refused drawing upon the Council's Decision Notice.

14. In the interests of ensuring a high standard of development and of promoting sustainable modes of transportation, conditions are reasonable and necessary that secure full details of intended refuse and cycle storage facilities as well as their subsequent provision and retention (including of garages, which would offer cycle storage opportunities).

15. The approved plans condition attached to the outline consent references an earlier January 2018 iteration of the Tree Survey Report (and related tree protection details) when compared to updated documentation that is now before me. Indeed, it is the case that the precise position and specification of intended tree protection measures has evolved to reflect the final layout of the scheme. Nevertheless, the differences that have resulted are limited and to my mind, having visited the site, immaterial when looked at in the context of the scheme when considered as a whole. Indeed, the same composition of prominent trees along the site's eastern boundary are intended to be protected and retained.

16. I am content that a planning condition can suitably be imposed to ensure full compliance with the recommendations and protection measures set out in the latest Tree Survey Report, which includes the production of a detailed arboricultural method statement with respect to key trees that occupy the site's eastern boundary (which would need to be submitted to and approved in writing by the Council prior to the commencement of related groundworks). Indeed, such requirements are reasonable and necessary in the interests of ensuring that existing trees of value are retained and properly protected during the construction phase of development.

17. To ensure consistency with the full planning permission recently granted on appeal in June 2020, and in the interests of highway safety, a condition to secure a Construction Management Plan is both reasonable and necessary. The

appellant was offered an appropriate opportunity to make any observations as regards the imposition of this pre-commencement condition.

Conclusion

18. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

1) The development hereby approved shall be carried out in accordance with the following approved plans and documents: 2019/937/10A; 2019/937/11; 2019/937/12; 2019/937/13; 2019/937/14; 2019/937/15; 2019/937/16A; 2019/937/17; Tree Survey Report (November 2019, Rev A).

2) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

3) Prior to the commencement of development above slab level, full details of the cycle stores and refuse storage areas depicted upon approved plan 2019/937/10A shall be submitted to and be approved in writing by the Local Planning Authority.

4) Prior to the first occupation of the development hereby approved, the garages, cycle stores and refuse storage areas depicted upon approved plans 2019/937/10A and 2019/937/14 shall be provided and then retained at all times thereafter.

5) Notwithstanding any tree-related documentation accepted under the outline planning permission that foreshadows this approval, the development hereby approved shall be carried out entirely in accordance with the various recommendations and Tree Protection Plan that are contained in the approved Tree Survey Report (November 2019, Rev A). These recommendations include the production of a detailed arboricultural method statement, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any groundworks being undertaken in proximity to existing trees. The development shall be carried out in accordance with the approved method statement.