



Appeal Decision

Site visit made on 15 October 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/Y0435/D/20/3252228

16 Nhyira House, Booker Avenue, Bradwell Common, Milton Keynes MK13 8AR

- 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 Emmanuel Agyei against the decision of Milton Keynes Council.
 - The application Ref 20/00654/FUL, dated 9 March 2020, was refused by notice dated 5 May 2020.
 - The development proposed is described as "proposed part garage conversion, internal alterations and first floor side 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.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring residents at No. 18 Booker Avenue with particular regard to outlook and whether the proposal would have an overbearing impact.

Reasons for the Recommendation

4. The appeal site is located on the southern side of the residential Booker Avenue cul-de-sac. It comprises a two-storey link detached dwelling whereby the garage is attached to that of the neighbouring property at No. 18. To the rear the properties appear similar in nature, both benefitting from conservatories and modest gardens. However, at the appeal site an additional element of single storey built form extends from the rear of the linked garage, projecting beyond the rear building line of both properties.
5. The proposal relates to the erection of a first floor side extension, along with part conversion of the garage and internal alterations. From the front elevation the first floor side extension would sit behind the ridge of the garage roof. To the rear, it would be built above the rooms extending from the linked garage, projecting beyond the rear elevation of No. 18 and visible from both the back garden and rear windows at this property.

6. The presence of the proposal would create a change in the outlook experienced from the rear windows at No. 18 when looking towards the appeal property. However, the rear facing windows are set some distance from the boundary such that the side wall of the extension would only be glimpsed at an angle. The main outlook from the ground and first floor windows is experienced when looking towards the rear garden of the property, which would remain unchanged.
7. However, the side elevation of No. 18 benefits from a window at first floor level and a glazed door and window at ground floor level, both of which face the appeal site. It is acknowledged that the first-floor window is to a non-habitable room. The rear door and side window serve the kitchen, from which the outlook is already diminished due to the presence of the rear projection at the appeal site; in effect, the side wall of the existing extension encloses the space and creates a small courtyard to the rear of No. 18 onto which those side facing windows look.
8. The proposal would significantly worsen the outlook from the ground floor side facing window and glazed door by introducing a solid element of built form at first floor level directly along the boundary line. The proposal would tower above the adjacent windows on account of its proximity and scale and would create an undue sense of enclosure in the small courtyard area to the rear. I recognise that the kitchen is also served by a window to the rear but the outlook offered through the side window and glazed door remain important to the internal environment. The kitchen forms one of the key habitable spaces within the dwelling and the reduction in outlook and overbearing impact would cause an unacceptable degree of harm to the living conditions of residents of No.18. In addition, the substantial, featureless, side wall would have an oppressive impact when viewed from the patio and garden immediately to the rear of the dwelling. That would impair enjoyment of the garden and create an unduly dominant feature.
9. For the reasons given above I find that the development would have a significant adverse effect on the living conditions of neighbouring residents at No. 18 Booker Avenue with particular regard to outlook. Accordingly, it would accord with Policy D5 of the Milton Keynes Council Plan: MK 2016 - 2031, adopted March 2019, which seeks to ensure that new development is not overbearing.

Other matters

10. It is acknowledged that there are no objections to the proposal from the occupiers of No. 18 Booker Avenue. However, notwithstanding that point it is necessary to ensure that satisfactory living conditions are maintained, not only for existing residents but also any future residents of the property. Consequently, the lack of an objection is not sufficient to outweigh the harm identified above.
11. The appellants have referred to other similar developments that have been approved by the Council. However, no plans of those schemes have been provided and I cannot be satisfied that the circumstances are directly comparable. In particular, the relationship between the appeal site and the side facing windows and courtyard to the rear of No.18 is quite specific and it is not clear that was replicated in other examples. Even if that was the case, harmful development elsewhere would not justify permitting further harm in this case.

Conclusion and Recommendation

12. Having had regard to all matters raised I recommend that the appeal is dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, agree that the appeal should be dismissed.

C Preston

INSPECTOR