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## Appeal Decision

Site visit made on 20 July 2020

**by David Carter BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> September 2020**

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**Appeal Ref: APP/Y0435/W/20/3246205**

**162 Wolverton Road, Newport Pagnell MK16 8JQ**

- 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 R Mynett against the decision of Milton Keynes Council.
  - The application Ref 19/03105/FUL, dated 20 November 2019, was refused by notice dated 15 January 2020.
  - The development proposed is a detached dwelling rear of existing retained dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling rear of existing retained dwelling at 162 Wolverton Road, Newport Pagnell MK16 8JQ in accordance with the terms of the application, Ref 19/03105/FUL, dated 20 November 2019, subject to the conditions set out in the attached schedule.

### Preliminary Matter

2. The appeal proposal is a resubmission of Ref 19/01201. The earlier proposal was for a detached 3 bedroom, detached dormer bungalow with a garage whereas the appeal proposal would be a 2 bedroom, detached bungalow at ground floor-only, with no garage.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. No 162 Wolverton Road is an extended, detached dwelling with a long rear garden. The proposed new bungalow would be facilitated by the demolition of the existing garage and first floor extension above. The space created by this would enable the provision of a new driveway to service the new dwelling.
5. While the new development would result in the subdivision of the plot at No 162, it would not result in a cramped, over development of the site. Both the new dwelling and the existing dwelling would have rear garden space significantly in excess of the minimum requirements and broadly comparable in size to the garden spaces of the adjacent dwellings on Walnut Close. The provision of 2 car parking spaces with space for turning reinforces this point. There is also adequate separation between the frontages of the main elevations of the new dwelling with No 162 and No 5 and 7 Walnut Close. Additionally,

since the new dwelling would have windows at only ground floor level, there is no risk of overlooking into the habitable rooms of existing dwellings.

6. Several of the existing dwellings on Wolverton Road have outbuildings to the rear, at a scale not dissimilar to the appeal proposal. No 3 Walnut Close would be the closest existing dwelling to the appeal proposal but, the positioning of the proposed new building would be broadly alongside and in-line with the existing dwelling. This would not look out of place in the context of the prevailing linear layout of existing dwellings. The new development would not significantly affect existing views from Wolverton Road and, from Walnut Close, views would be restricted to the new roof. The main effect on views would be from the upper floors of adjacent properties.
7. Due to the configuration of nearby plots, it seems unlikely to me that other similar proposals might be encouraged to come forward. The introduction of the new driveway would lead to vehicle parking and movements to the rear of No 162 but, given that the development is for a single dwelling alone, these are unlikely to be detrimental to the underlying character of the locality. It has been suggested that the part demolition of the host dwelling might harm the character and appearance of the area. However, the first storey element of the part to be demolished was itself an extension so its removal would restore the gap between host dwelling and neighbouring property. This would not have a harmful effect on the character and appearance of the area.
8. I conclude that the proposed bungalow would not lead to cramped over development of the appeal site and that the placing of the building broadly in line with No 3 Walnut Close would neither undermine the prevailing linear pattern of development or streetscene. Accordingly, I find that the appeal proposal would not be harmful to the character and appearance of the area. As such, it is consistent with the approach set out in Policies D1, D2 and D3 of the adopted MK Plan 2016 – 2031 (adopted 2019) (LP). Collectively, the LP policies seek a high quality of development that responds positively to the site and surrounding locally inspired context. The approach in the LP is consistent with that set out in the Government's National Planning Policy Framework (the Framework). The Council officer's report also refers to Policy NP4 of the Newport Pagnell Neighbourhood Plan (2016). This policy recognises that small, well-designed residential development on windfall sites within the settlement boundary will be permitted where there is no detrimental effect on the surrounding area and amenity of nearby properties.

### **Other Matters**

9. In its decision on the previous proposal, the Council had raised a number of matters relating to the living conditions of neighbouring occupiers, several of whom have maintained their objections to the appeal proposal. Amongst these are concerns over the effects of the proposal on the kitchen window in the side elevation of No 3 Walnut Close, overlooking and noise and disturbance to existing nearby occupiers. Changes from the earlier scheme would include removal of the garage with its gable end, shifting the side elevation more than 3m from the boundary, the provision of a hipped roof and removal of windows from the side elevation. These features assist in mitigating the concerns and, additionally, since the development is for a single bungalow, the proposal is unlikely to add disproportionately to the background levels of noise and disturbance within a residential area.

10. The shortcomings of that earlier proposal have, therefore, been satisfactorily addressed so that there are no outstanding matters relating to amenity. I have noted that the Council concur with that assessment, subject to the removal of permitted development rights. I return to this matter below.
11. With reference to a recent appeal decision, the appellant has indicated that the Council cannot identify a 5-year supply of housing land (5YHLS) and the tilted balance would be engaged. The Council dispute that position. However, in the light of my conclusion on the main issue above, there is no need for me to further consider matters relating to the 5HYLS in order to determine this appeal.

### **Conditions**

12. The Council have provided suggested conditions in the event I allow this appeal. I have made some additions and changes in order to ensure that the development is carried out satisfactorily, meeting the six tests set out in paragraph 55 of the Framework.
13. Conditions 1) and 2) relate to time period and approved plans and are required as this provides certainty. Condition 3) requires the materials on external surfaces to be agreed and is required in the interests of protecting the character and appearance of the area. This is different to the condition suggested by the Council since the application form and plans are not precise in this regard. Condition 4) requires details of surface water drainage to be provided in order to ensure this is effectively managed. Conditions 5) and 6) deal with the arrangements for access and parking and are necessary in the interests of public highway safety. Conditions 7) and 8) require details of the arrangements for cycle parking and the provision of an electric vehicle charging point respectively, both in the interests of encouraging sustainable travel. Condition 9) requires details of proposed boundary treatments and soft landscaping. This is required to protect the character and appearance of the area. Condition 10) covers the removal of permitted development rights so that any future changes to the proposed bungalow would be subject to scrutiny and, is required to ensure the amenity of adjacent occupiers is protected.

### **Conclusion**

14. For the reasons stated above, I allow this appeal and grant planning permission subject to conditions.

*David Carter*

INSPECTOR

**SCHEDULE OF CONDITIONS [10 in total]**

1) The approved development shall be carried out in accordance with the following drawings/details:

- i) Location Plan: Scale 1:1250.
- ii) Site Layout Plan: Drawing No 191876.
- iii) Proposed Alts to Existing dwelling (Access): Drawing No 191876-4.
- iv) Proposed Site Layout: Drawing No 191876-7.
- v) Proposed dwelling: Drawing No 191876-8.
- vi) Entrance: Drawing No 191876-9.

2) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

3) No development above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4) No ground works above slab level shall commence until a detailed surface water drainage scheme for the site edged in red has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

5) Prior to the initial occupation of the development the means of access shall be altered in accordance with the approved drawing and constructed in accordance with Milton Keynes Council's guide note "Residential Vehicle Crossing Details" and shall be permanently retained thereafter.

6) Prior to the occupation of the development hereby permitted the car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose and permanently maintained thereafter.

7). Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and be permanently maintained thereafter.

8) A scheme showing the provision of EV Charging Points at the new dwelling shall be submitted to and approved by the local planning authority prior to the commencement of works above slab level. Once approved, the scheme shall be implemented and the EV Charging Points operational prior to the occupation of the development and permanently maintained thereafter.

9) Notwithstanding the approved details, no development shall take place above slab level until details of the proposed boundary treatments and soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include a boundary treatment plan detailing the position of all proposed boundary treatment, specifying the type, height, composition, appearance and installation method throughout the site. Details should also include soft landscape works and shall include planting

plans at a minimum scale of 1:200 with schedules of plants noting species, plant supply sizes and proposed densities; The development shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall be permanently maintained thereafter and retained in that form.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Classes A, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the specific grant of planning permission from the Local Planning Authority.