



Appeal Decision

Site Visit made on 12 January 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal Ref: APP/Y0435/D/20/3258673

26 Tweed Drive, Bletchley, Milton Keynes, MK3 7QR

- 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 Richards against the decision of Milton Keynes Council.
 - The application Ref 20/00926/FUL, dated 14 April 2020, was refused by notice dated 10 June 2020.
 - The development proposed is a first floor infill extension, two-storey front extension and detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A first floor infill extension to the side of the house has already been built. I have assessed the first floor fenestration along the side of the house and the infill extension against the submitted plans, rather than against the fenestration I saw during the site visit.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of 28 Tweed Drive, with regard to outlook and overlooking.

Reasons

4. In keeping with the alternating pattern of development along Tweed Drive, the house at the appeal address, No 26, is set to the rear of the house at No 28. As a result, the two storey flank wall of the appeal property, which is set close to the side boundary, encloses the rear half of the back garden. In contrast, the front half of the back garden nearest to the rear elevation of No 28 is only partly enclosed by a flat roofed single storey garage set in front of No 26.
5. The proposed development would fill in the space above the garage and the gap between it and the front of the house to create a two storey front extension of similar depth to the existing dwelling that would project several metres forward of the front elevation of the house. As a result, the proposal would result in an extended dwelling which to two storeys in height would fully enclose the side of No 28's rear garden. Consequently, the extension would enclose the outlook from within the adjacent main habitable rooms within the rear elevation of No 28 and its rear garden to an oppressive and overbearing extent.
6. In terms of overlooking, the rear garden at No 28 is the only private amenity space serving this house. With a patio across its rear elevation, wide open lawn and raised decking area it is of high amenity value. The fenestration shown on

the submitted plan for the 'Existing side elevation' shows no windows at first floor level. As a result, whilst two front first floor bedroom windows at the appeal property obliquely overlook the rear elevation and patio of No 28, in the past there has been no direct overlooking of the majority of rear garden of No 28. As part of the appeal proposal, two bedroom windows would be inserted in the flank wall at first floor level which would directly overlook the rear garden.

7. Planning permission has been granted for two windows as part of a permission that appears to be in the process of being implemented (ref 16/00983/FUL). However, as one of those windows serves a bathroom it would be obscurely glazed and the other is located towards the back of the flank wall which means that it would only directly overlook that part of the garden furthest away from the rear of the house at No 28. In contrast, the appeal proposal would overlook a greater proportion of the rear garden and significantly increase the overall area of glazing providing clear views of it. The slight projection of the flank of the front extension would not materially reduce the degree of overlooking. Such an extent of first floor glazing set close to the side of the rear garden would result in unacceptable levels of overlooking that would have a considerable adverse effect on privacy.
8. My attention has been drawn to other extended properties nearby. The circumstances in each proposal are likely to be different, and in any event the fact that such development has been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. The presence of these extensions is therefore not a consideration of material weight in favour of the proposal.
9. The proposal would complement the character and appearance of the area and so would comply with relevant policies of Plan:MK and the West Bletchley Neighbourhood Plan ('Neighbourhood Plan'). The absence though of harm is a matter of neutral rather than positive weight that weighs in favour of a proposal.
10. The proposal would also be consistent with the background and justification to the Neighbourhood Plan's policies on housing and employment which recognises that the demand for properties for older people is high and which seeks to support flexible new dwellings to enable home working. However, although material considerations that weigh in favour of the proposal they do not outweigh the significant harm that I have identified above to living conditions. As a result, the proposal would be contrary to policy D5 of Plan:MK and policy D2 of the Neighbourhood Plan which seek to prevent such harm. Consequently, I find that the proposed development would be contrary to the development plan considered as a whole.

Other Matters

11. The appellant states that the Council did not take a positive approach to the application, contrary to paragraph 38 of the National Planning Policy Framework. The reasonableness of the Council's behaviour though is not a matter for me to determine in this decision which is based upon the planning merits of a case.

Conclusion

12. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector