The Planning Inspectorate

Appeal Decision

Site Visit made on 13 January 2021 by Gareth Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/Y0435/D/20/3262017
60 Porthleven Place, Fishermead, Milton Keynes MK6 2AU

- 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 Zef Doka against the decision of Milton Keynes Council.
- The application Ref: 20/01796/FUL, dated 24 July 2020, was refused by notice dated 21 September 2020.
- The development proposed is converting existing carport/garage and add a new external side door.

Decision

1. The appeal is dismissed insofar as it relates to the external side door.

2. The appeal is allowed in part and planning permission is granted for converting existing carport/garage at 60 Porthleven Place, Fishermead, Milton Keynes MK6 2AU in accordance with the terms of the application, Ref: 20/01796/FUL, dated 27 July 2020, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following plans: Location Plan 60 Porthleven Place MK6 2AU and Existing and Propoaed Layout, Layout ID 5046 Rev A, only insofar as it relates to the conversion of the car port/ garage and not the external side door which does not form part of the approved development.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the host dwelling.

Appeal Procedure

3. 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

4. The main issues are:

   i. The impact of the proposed development upon highway safety.

   ii. The impact of the proposed development upon the safety of the occupiers of the dwelling and crime prevention.

Reasons for the Recommendation

Highway safety

5. No.60 is an end terrace dwelling which is separated from the next run of terrace buildings by a small alleyway. The buildings are generally three storeys tall and most of the dwellings either have a car port or garage on the ground floor. Opposite this run of dwellings are further terrace properties and between these buildings, in the middle of the road, are public parking bays. Given the road layout, parking directly in front of the dwellings is not always possible and most cars park either in the car ports and garages or in the central parking bays.

6. The car port provides parking for a single vehicle and this parking space would be displaced by the development. The occupiers of the dwelling would have to park their vehicles on the shared parking area in the middle of Porthleven Place or on a nearby road. The road in front of the dwelling does not have any parking restrictions on it and the roads further afield do not appear to have overly restrictive parking restrictions either. The site visit was undertaken in the midst of the Covid 19 pandemic during a lockdown, when it was expected that most people would remain at home. As a result, most of the occupiers of the surrounding dwellings would have parked their cars near to their dwellings and despite this there was a surfeit parking bays available in the central parking area as well as parking spaces on the roads near to the site. I recognise that this was only a snapshot in time, but no evidence has been provided to demonstrate that there is acute pressure on parking in the area at other times to an extent that causes harm to highway safety.

7. Given the number of car parking spaces available near to the site, I am satisfied that there would be sufficient on road parking spaces to accommodate the shortfall of one parking space without causing harm to highway safety. Therefore, the proposal would accord with Policy CT10 of Plan:MK 2016-2031 (adopted 2019) (Plan:MK) which requires development to provide parking in accordance with the Parking Standards Supplementary Planning Document (adopted 2016), unless mitigating circumstances dictate otherwise. Furthermore, the proposed development would not cause harm to highway safety and consequently would be in accordance with paragraph 109 of the Framework.

Crime prevention

8. The proposal would insert a door on the flank wall of the dwelling which is located along a narrow alleyway between the dwelling and the neighbouring property. There are no windows on the flank walls of either dwelling and the alleyway extends the length of the houses either side of it, including the gardens and is not lit by any artificial lighting. The view of this alleyway from the dwellings on the opposite side of the road is blocked by the trees that bound the central car parking area. The alleyway opens out onto the public open space to the rear of the dwellings and the alleyway is connected to a wider network of alleyways that are also not overlooked. Therefore, the proposed development would create a point of egress into the property which would have little to no natural surveillance and this would increase the likelihood of the dwelling being a target for crime.

9. The appellant has referred to doors that have been installed on the flank wall of other houses that open out onto alleyways nearby. It is not clear if planning permission was granted for those doors and, in any event, each case must be assessed on their own merits. I have found that the position of the door would be likely to encourage crime and the existence of similar doors elsewhere would not justify the further harm that would arise from these proposals.

10. As a result, the proposal would not be accordance with Policy D1 of Plan:MK which notes that the layout of development should maximise surveillance of the public realm, prevention of crime and minimise the perception of crime.

Conditions

11. Further to the statutory commencement condition, in the interest of the character and appearance of the area it is also necessary to ensure that the development is completed in accordance with the approved plans and the materials to match those on the existing dwelling.

Conclusion and Recommendation

12. In this case it seems to me from the plans that the conversion of the carport/garage and the new external side door would be capable of being constructed independently of each other. As such, it would be appropriate in these circumstances to issue a split decision.

13. The loss of the off street car parking space would not have an unacceptable impact on highway safety. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed insofar as it relates to the conversion of the car port. Given that the proposed door would create an unsafe point of egress into the property the appeal is dismissed insofar as it relates to the external side door.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed, subject to the conditions set out above, insofar as it relates to the conversion of the existing carport/garage and dismissed insofar as it relates to the new external side door.

Chris Preston

INSPECTOR