



Appeal Decision

Site Visit made on 1 February 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2021

Appeal Ref: APP/Y0435/W/20/3255213

38 Queensbury Lane, Monkston Park, Milton Keynes MK10 9PQ

- 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 A Al Shaikh against the decision of Milton Keynes Council.
 - The application Ref 20/00823/FUL, dated 29 March 2020, was refused by notice dated 21 May 2020.
 - The development proposed is the erection of a four storey family dwellinghouse, inclusive of basement floor and light-well.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against Milton Keynes Council. This application is the subject of a separate decision.

Preliminary Matter

3. The appellant states that the description of the development given on the application form reproduced above in the banner header to this decision was changed by the Council to 'erection of a four storey dwelling with basement'. As this was not agreed by the appellant I have determined the appeal on the basis of the description of the development given on the application form.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposed development on the living conditions of the occupiers of 12 Perivale with regard to outlook and privacy, and its effect upon the living conditions of the residents of 40 Queensbury Drive and 36 Queensbury Drive in terms of outlook.

Reasons

5. The appeal site is a vacant self-build plot located within the defined settlement limits of Milton Keynes. In accordance with the housing strategy contained within policy DS2 of Plan:MK 2016-2031 ('Plan:MK') residential development of the site is therefore acceptable in principle.

Character and appearance

6. Queensbury Lane is a street of two distinct parts. The first part of the street is characterised by closely spaced modest detached and terraced houses and

occasional apartment buildings. The varied design of these two and three storey buildings and their position set close to the back edge of the pavement results in a street scene that is intimate and human in scale. However, from 34 Queensbury Lane onwards plot sizes and the detached houses built upon them become far larger.

7. The appeal site is located firmly within this latter part of the street. Here dwellings almost without exception occupy almost the full width of these large plots to three storeys in height, with the third storey accommodated within the roof space.
8. The appeal site is located on the outside of a bend in the lane. As a result, it is narrower at the front than other plots on this part of the lane and progressively widens towards its rear. The footprint of the house would be close to and follow the diverging site's side boundaries which other houses on the bend do not do. However, given the extent to which I have noted that in general houses occupy the vast majority of the width of their plots on this part of the lane, this would not be problematic to the extent that it would be harmfully out of keeping with the street scene. Similarly, although many of the houses along this part of the street have steeply pitched roofs within which the third storey is contained, by virtue of the high eaves and gentle roof pitch of the house currently under construction at No 34, which the appeal proposal mimics, this aspect of the scheme would also fit in.
9. Many of the front elevations of houses along this part of the street have mixtures of windows: some fenestration is tall and narrow, whilst other windows are very wide. However, all are comfortably framed within the front elevation and the overall effect is of houses with balanced, well-proportioned façades that are domestic in scale. This is not the case though with the front elevation of the proposed house. A wide full height gable dominates its front elevation and half its width, from just above ground level to just below eaves height, would be covered by frameless structural glazing panels. The large expanse of glazing and its vertical emphasis would unbalance the dwelling and, with the scale of the building at the limit of what would be acceptable on the plot, would result in the dwelling appearing more like an office building than a house. As a consequence of its poorly proportioned façade, the proposed house would appear out of context with the rest of this part of the lane.
10. For the reasons given above, I therefore conclude that whilst the scale, mass and roof shape of the proposal would be acceptable the poor design of its façade would cause unacceptable harm to the character and appearance of the street scene and would not constitute good design. As a result, the proposal would be contrary to policies D2 and D3 of Plan:MK, the Council's New Residential Design Guide 2012 and the National Housing Design Guide. These policies and guides require the protection of the character and appearance of a locality through high quality design that respects context and identity.

Living conditions

11. The tall flank elevation of the proposed house set close to the side boundary with 40 Queensbury Lane would project several metres forward of the front elevation of the main part of this neighbouring house. However, a previous lapsed 2015 permission for a large house on the appeal site projected further forward and was found to be acceptable in terms of its effect on outlook from the ground floor main habitable room at No 40. As a result, I find that the

extent to which the appeal proposal would extend across the outlook of No 40 would be acceptable.

12. Given that the front elevation of the proposed house and No 36 would be level with each other, and there are no windows within the flank elevation of No 36 facing the appeal site, the outlook from this house on the eastern side of the appeal site would not be affected by the development.
13. 12 Perivale is a detached house whose back garden abuts the rear of the appeal site at an acute angle. The rear garden to this house is small in size and together with a lawn it is occupied by a patio with a table and chairs as well as a swing seat. As the only private amenity space serving this dwelling it is of high amenity value. In comparison to the previous permission for a dwelling on the appeal site, the equivalent central and eastern part of the rear elevation, at some 8m to 12m distant, would be materially closer to the boundary with 12 Perivale and would contain a larger expanse of windows.
14. Whilst some of the facing balconies within the proposed rear elevation would be inset, thereby partly restricting views, in my judgement, the extent of overlooking, both real and perceived, would exceed the point of acceptability and would have a significant adverse effect on the living conditions of the occupiers of 12 Perivale. The proximity and height of the rear elevation would also be overbearing in views from the rear garden and in views from the habitable rooms within the side of the rear elevation No 12 closest to the proposed building.
15. Tree planting is proposed along the rear boundary. However, when it would grow to be tall enough to be an effective screen it would have an oppressive enclosing effect on the outlook from the rear garden at No 12. As a result, this would not be an acceptable solution to the problems of overlooking and outlook described.
16. 36 and 34 Queensbury Lane also back onto houses along Perivale. However, a significant proportion of their rear elevations face the blank flank walls of the neighbouring houses on Perivale. As a result, I am not persuaded that the extent of overlooking and adverse effect on outlook is as significant as that which would be experienced by the occupiers of 12 Perivale if the proposed development went ahead.
17. Notwithstanding my favourable findings in relation to the effect of the proposal on outlook experienced at 36 and 40 Queensbury Lane, I conclude for the reasons given above that the effect of the proposed development on privacy and outlook of the occupiers of 12 Perivale would cause unacceptable harm to living conditions. This would be contrary to policy D5 of Plan:MK which, amongst other matters, seek to prevent such harm.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, the appeal should therefore be dismissed.

Ian Radcliffe

Inspector