



Appeal Decision

Site visit made on 9 March 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

Appeal Ref: APP/Y0435/D/20/3264453

106 East Street, Olney MK46 4DJ

- 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 and Mrs Angus MacGillivray against the decision of Milton Keynes Council.
 - The application Ref 20/02214/FUL, dated 8 September 2020, was refused by notice dated 29 October 2020.
 - The development proposed is described as 'two storey front and rear extensions with new size and style windows, render and re-roof, canopy to front and take down garage to rear'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application sought consent for a range of works, including a rear extension, a front extension, rendering, re-roofing, new windows and the demolition of a detached garage in the rear garden. The Council's reason for refusal relates only to the proposed rear extension and its Officer Report confirms it has no objections to all other works proposed. Given that these other works are not a point of contention between the parties, and I have no reason to disagree, these proposals have not been determinative in considering this appeal.

Main Issue

3. The main issue is the effect of the proposed two storey rear extension on the living conditions of the residents of the neighbouring property, No 108 East Street, in terms of outlook and levels of light.

Reasons

4. The proposed two-storey rear extension would be constructed close to the shared boundary with neighbouring property, No 108. Whilst space would be retained between the two dwellings, the proposed extension would enclose a courtyard which sits between the neighbours' rear extension and the joint boundary, creating a tunnelling effect. Given the height, depth and position of the proposed extension it would appear visually intrusive from the neighbours' property and would create a sense of overbearing to both their courtyard and the

ground floor windows which look onto this space. Consequently, the proposed rear extension would significantly harm the outlook of the residents of No 108.

5. Whilst I acknowledge that the neighbours' dwelling is at times already subject to some shadowing from the appellants' home, the appeal proposal would worsen this situation. In my view, given its scale and position, the proposed extension would unduly restrict the level of daylight to both the neighbours' courtyard area and dwelling.
6. In view of the above, the proposed rear extension would unacceptably harm the living conditions of the residents of neighbouring property, No 108, in terms of both loss of outlook and daylight. The proposal would therefore be contrary to Policy D5 of the Plan:MK (2019) which advises that proposals should not be overbearing, harm outlook or unduly restrict daylight.

Other Matters

7. I have considered a number of matters raised by the appellants in support of their proposal. I note the orientation of the appeal property and the neighbours' home, the width of the neighbours' kitchen window, that the proposed extension would give rise to a better level of privacy to both properties, that the proposed removal of the appellants' garage would increase light to No 108 and that the main garden of the neighbouring property would not be affected by the appeal proposal. However, these matters do not outweigh the unacceptable harm that I have identified to the neighbours' living conditions.

Conclusion

8. For the reasons given, the appeal is dismissed.

Rebecca McAndrew

INSPECTOR