



Appeal Decision

Site visit made on 27 July 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2021

Appeal Ref: APP/Y0435/D/21/3272935

38 Coberley Close, Downhead Park, Milton Keynes, MK15 9BJ

- 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 Enea Qirjako against the decision of Milton Keynes Council.
 - The application Ref 20/02598/FUL, dated 15 October 2020, was refused by notice dated 2 March 2021.
 - The development proposed is extensions and first floor balcony.
-

Decision

1. The appeal is allowed and planning permission is granted for a two-storey side and rear and single storey rear extensions and roof terrace, at 38 Coberley Close, Downhead Park, Milton Keynes, MK15 9BJ, in accordance with the terms of the application Ref 20/02598/FUL, dated 15 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020/0080/0001 Rev C (Revised); and 2020/0080/0002.
 - 2) Prior to first use of the roof terrace hereby approved, a 1.8 metre high privacy screen positioned along the entire south-west side of the roof terrace shall be installed and thereafter retained at all times. The privacy screen shall be obscurely glazed to a minimum level 3 within the Pilkington range of Textured Glass, or equivalent, so to prevent any persons obtaining views of neighbouring property through it. The screen shall not be altered to clear glazing or opening without the specific grant of planning permission from the Local Planning Authority.

Procedural Matters

2. The description of the development in the banner heading above is taken from the planning application and appeal forms. This differs from the description contained in the Council's decision notice. I consider that the Council's description more accurately reflects the proposal. Consequently, I have used this in the formal decision in paragraph 1 above.
3. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In my opinion, the revised document does not materially alter the policy context in relation to the main issue and, in reaching my decision, it was not necessary to seek comments from the main parties.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupants of neighbouring dwellings, with particular regard to privacy.

Reasons

5. The appeal property is a detached two storey dwelling, which is situated at the start of a small cul-de-sac in a residential area. The dwelling occupies an irregular shaped plot and it is bounded by other residential gardens of properties on Coberley Close and Brockhampton. Conifer hedging and other types of vegetation provide an element of screening, particularly at ground floor level.
6. The proposal is to construct a two storey and single storey side and rear extension and a single storey rear extension with a first-floor terrace. At the time of my site visit, the works were well advanced.
7. The proposed extensions increase the bulk and mass of the dwelling. However, the overall design and external materials complement the original building and the proposal does not have an adverse impact on the character or appearance of the host property or on the streetscene. Accordingly, I find no conflict with Policies D1, D2, D3 and D5 of the adopted Plan:MK 2016-2031 (LP), which (amongst other things) seek to ensure that the design and scale of new development (including extensions) relate well to existing buildings and surroundings and has a positive impact on the area.
8. With regard to amenity considerations, the Council Officer's assessment is thoroughly detailed in the report presented to the Development Control Panel on 25 February 2021. Policy D5 of the LP requires new development to create and protect a good standard of amenity for buildings and surrounding area. This includes ensuring a reasonable degree of privacy to new and existing private living spaces and gardens.
9. The appeal property is bounded on both sides and at the rear by dwellings on Colesbourne Drive and Brockhampton. The Council's officer refers to the separation distances between the extended appeal property and the neighbouring dwellings and has concluded that the proposal is acceptable. I have no reason to diverge from that view.
10. However, without the screening proposed on the south-west side of the rear roof terrace, I consider that there would be a threat to the privacy of the occupants of number 4 Brockhampton. Accordingly, a condition is imposed to ensure the proposed screening is installed and retained. Subject to this condition, I consider that the proposal would not conflict with Policy D5 of the LP.

Other Matter

11. During the application stage, concerns were raised by a number of parties regarding the impact of the proposal on parking provision at the property. I observed during my site visit that there is space on the drive for one vehicle. The Council Officer states that the proposal will not generate an additional parking requirement, because the number of bedrooms will not change. Whilst I accept that it would be normal to have a greater amount of off-street parking in such a location, there is space for vehicles to park on the opposite side of

Coberley Close without causing an obstruction or danger to road users or pedestrians. Consequently, I consider the proposal to be acceptable in that regard.

Conditions

12. The Council has suggested conditions in the event of the appeal being allowed. As the extensions are in the process of being constructed, the standard time condition for commencement is not necessary. Likewise, the materials that have been used on the external surfaces match the existing dwelling and, therefore, a further condition is not necessary.
13. Although the Council's appeal questionnaire does not refer to a condition requiring screening to the proposed balcony, it was a recommended condition in the officer's report to the meeting of the Council's Development Control Panel. I consider such a condition to be both reasonable and necessary in order to protect the living conditions of the occupants of the neighbouring dwelling. Given that the condition was part of the officer's recommendation, its imposition should not be a surprise to the appellant.

Conclusion

14. For the reasons given above, it is concluded that the appeal is allowed.

Ian McHugh

INSPECTOR