



Appeal Decision

Site Visit made on 14 September 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/Y0435/D/21/3274929

95 Victoria Street, Wolverton, Milton Keynes MK12 5HQ

- 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 F Hussain against the decision of Milton Keynes Council.
 - The application Ref 21/00574/FUL, dated 24 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is single storey rear extension and loft conversion and extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of Wolverton Conservation Area (the CA), and (ii) its effect on the living conditions of occupiers of 93 Victoria Street (No 93) in respect of access to light and outlook.

Reasons

Character and appearance

3. The CA at least partly gains its significance through the presence of several roads, such as Victoria Street, which are lined with terraced housing from the Victorian period and early 20th century. While there have been alterations such as changes to roofing materials and windows, in most cases the dwellings have retained their original form and design. As a group they provide an attractive regularity and retain a sense of the area's history. The appeal property (No 95) is typical of the locality being 2 storeys high with a rear wing projection and simple pitched roof form. Therefore, it contributes to the CA's qualities.
4. The proposed dormer would not be seen from Victoria Street. However, despite the screening effect of a line of trees, it would be visible by users of the lane and recreation ground to the rear of the property, particularly during times of leaf fall. The dormer would have a flat roof and it would extend across almost the entire width of the house as well as down part of the rear wing. As such, it would be a sizeable enlargement that would be seen above the projections to the back of the appeal property and adjoining houses.
5. The dormer would stand out as a unusual, modern feature amongst the nearby houses which all retain their original, simple roof forms. Also, its box-like shape would lead to No 95 gaining an incongruous, top-heavy appearance. While seen

against a small length of the terrace, the dormer would still interrupt the regularity of the row and so it would undermine its attractiveness and interest. The use of sensitive materials would not address this detriment.

6. Other dormers have been added to houses elsewhere in the CA. However, most of these are not visible from the street, the rear lane or the recreation ground. As such, they do not affect the area that immediately surrounds the appeal property. In any event, the few examples referred to me illustrate how dormers can impair the simple form of houses and so spoil the CA's qualities.
7. The rooflights would not be entirely alien features as there are others on Victoria Street. Also, conservation style lights would retain the shape of the roof and No 95's contribution towards the local uniformity. However, acceptability in these regards would not address the dormer's harmful effect.
8. The proposal would only affect a small part of the CA and so it would cause less than substantial harm to the heritage asset. In such circumstances, the National Planning Policy Framework dictates the public benefits of the scheme should be assessed against the identified detriment. The development would enhance the occupants' enjoyment of No 95 but this would be more of a private rather than a public benefit. In any event, this factor fails to outweigh the harm that would be caused to the significance of the CA. The fact the dormer would benefit from permitted development rights if outside the CA has little bearing on my views.
9. As such, I conclude the development would not preserve or enhance the character or appearance of the CA. In these regards, it would not accord with policies D1, D2, D3 and HE1 of the Milton Keynes Council Plan:MK 2019 (Plan:MK). These aim, amongst other things, to ensure development sustains or enhances the significance of conservation areas and is appropriate to its surroundings.

Living conditions

10. The side wall of the proposed single storey extension would lie on the boundary with No 93. It would be very near to a ground floor window in the rear elevation of the neighbouring property and it would project a significant distance along the boundary. Also, the addition would be directly in the line of views from ground floor windows in the side elevation of No 93's rear wing.
11. The extension would be markedly taller than the existing boundary wall. By virtue of its height, length and proximity, it would be highly noticeable from No 93's rear ground floor windows. Views to the outside would be curtailed and the development would lead to a significant sense of enclosure. Also, the extension would be nearer to No 93 compared to No 95's existing rear wing. Therefore, it would reduce daylight and sunlight to the windows.
12. No objection has been raised by the occupier of No 93 and I am advised that the neighbour would want to share the side wall of the proposal for their own extension. However, there is no evidence that shows it is likely that an addition to No 93 would be forthcoming. Also, from the evidence before me, it would seem the extension would be higher than any boundary treatment allowed under permitted development rights and so it would be more harmful. As such, these factors do not affect my conclusion on this main issue.

13. The appellant claims the appeal scheme would have a similar effect on its neighbour compared to that of an approved extension to 89 Western Road. However, from the information provided, this appears to be a much shorter extension and so the appeal proposal is not comparable. In any event, an example of a development permitted elsewhere fails to justify the particular harm that would be caused by the appeal scheme.
14. The development would enhance access to daylight for occupants of No 95. However, at the same time, I conclude the proposal would harm the living conditions of the occupiers of No 93 in respect of access to light and outlook. In these regards, it would not accord with Plan:MK policy D5 which, amongst other things, requires development to retain a good standard of amenity.

Conclusion

15. For the above reasons, the proposal would be contrary to development plan policies when read as a whole. The benefits of the scheme and other factors are of insufficient weight to justify granting planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR