



Appeal Decision

Site visit made on 14 September 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2021

Appeal Ref: APP/Y0435/W/21/3273124

107 London Road, Loughton, Milton Keynes MK5 8AG

- 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 Adebayo Akinbade against the decision of Milton Keynes Council.
 - The application Ref 20/03399/FUL, dated 24 December 2020, was refused by notice dated 18 February 2021.
 - The development proposed is the demolition of the existing bungalow and its replacement with a 1.5 storey house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019, and both main parties were therefore asked to comment on the relevance of the revised Framework to this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - Living conditions for occupiers of the neighbouring dwelling at 105 London Road, with particular regard to whether or not it would be overbearing and loss of sunlight and daylight; and
 - The supply of single-storey housing.

Reasons

Character and appearance

4. 107 London Road is a detached bungalow, the southernmost in a row of seven between "The Fountain" public house to the north west and modern detached housing on Thorwold Place to the south east. The bungalows are set back from London Road behind a broad grass verge, which has several small clusters of mature trees and dense shrubs. I saw on my site visit that because of alterations and extensions over the years, including changes to facing materials, the addition of roof lights, and so on, the bungalows in the group are not identical in appearance. However, all have street-facing gable ends with main

roof ridges perpendicular to London Road, and the gaps between the roof slopes consequently give a degree of spaciousness to the character and appearance of what are otherwise modestly-sized and relatively closely-packed dwellings. The bungalows also have a rhythm and consistency of scale which, notwithstanding the differences in detailing arising from alterations over time, means that they remain a visually coherent grouping.

5. The proposed development is the demolition of the bungalow on the appeal site, and the construction of a new house in its place. It would be wider, deeper and taller than the existing building, and would be built closer to the boundary with the neighbouring bungalow at No 105 London Road. It would also have a large projection at the front which would accommodate a double garage. At the end of the front elevation closest to No 105 would be a prominent gable bay facing the street, and unlike the neighbouring bungalows the main roof ridge of the dwelling would run parallel to London Road. As a result of its scale and form, notably the height and form of the roof as well as the size and siting of the large front garage wing, the proposed dwelling would be visually incongruous when viewed from the street alongside the six remaining bungalows. The massing of the gable end and high side elevation facing No 105 would visually dominate that neighbouring property in particular, and would give the house a discordant prominence in the street scene. Taken together, the proposed development would be at odds with the character and appearance of its neighbours to the north west.
6. In design and scale the proposed house would be more in keeping with the neighbouring modern houses on Thorwold Place, and larger dwellings further along London Road. However, in views from the south east the appeal site is visually separated from Thorwold Place by the trees and shrubs at the entrance to the public footpath which runs between them. These trees and shrubs help to break the streetscene up onto different and distinctive sub-groupings, and consequently in medium and longer views this part of London Road is visually distinct from the part between The Fountain and the appeal site. While the proposed dwelling would provide an acceptable backdrop when seen from the south east past Thorwold Place, this would not outweigh the harm I have found would be caused to the streetscene closer to the appeal site.
7. I accept the appellant's observation that along London Road through Loughton as a whole the majority of dwellings have two storeys. Furthermore, I do not think it has been suggested that either the appeal property or its neighbours warrant any specific protection in heritage terms, and they are not special in terms of their design or, as far as I am aware, any other factor. However, as I have described above the grouping of seven bungalows including the appeal site creates an area of distinctive character with a degree of unity within the streetscene, and this would be disrupted and significantly diminished by the proposed development.
8. I therefore conclude that the proposed development would conflict with Policies D1, D2 and D3 of the 2019 Plan:MK 2016-2031 ("Plan MK"), which together seek to ensure that development responds to local context and relates well to the surrounding area, and is appropriate in massing and scale.

Living conditions

9. London Road rises gently from north west to south east, and the appeal site is at a slightly higher level than No 105. The proposed development would put a

taller building on the site closer to the boundary with No 105 than at present; it would also have a relatively high gable wall close to the boundary. There are four rooflights on the south-east roof pitch of No 105 facing the appeal site. While I have not been provided with any shadow diagrams, based on the submitted drawings and my observations on site it seems likely that as a result of the height of the proposed house and its siting there would be a considerable degree of overshadowing of the neighbouring property's rooflights. While the rooflights are angled towards the sky rather than directly facing the appeal site, and the proposed house would not therefore be overbearing when seen from within No 105, given the close proximity between the two I cannot be satisfied that there would not be a harmful loss of sunlight or daylight reaching the rooms served by the rooflights.

10. There is also a dormer on the north west facing slope of No 105, but it is not clear from the evidence before me whether this serves all the rooms which might be affected. Similarly, although the appellant has provided photographs of upper rooms at No 105 showing two rooflights, it is not clear to me that the north west facing rooflights would provide adequate compensation for a loss of sunlight or daylight reaching the south east facing rooflights. I note the appellant's comment that having been put to various uses over the years No 105 is "not a conventional property" but there is nothing before me to suggest that the upper floor does not provide habitable bedrooms for which a significant loss of daylight or sunlight could be significantly harmful.
11. Taking all of this together, I cannot be satisfied that the proposed development could go ahead without causing significant harm to living conditions for the occupiers of No 105 arising from a loss of sunlight or daylight. The proposal therefore conflicts with Policy D5 of Plan MK, which seeks to provide a good standard of amenity for buildings and surrounding areas.

Supply of single-storey housing

12. The proposed demolition of the existing property on the appeal site and its replacement with a house would result in loss of bungalow. This would be contrary to the requirements of Policy HN9 of Plan MK, which specifically seeks to retain single-storey housing. The proposed replacement house would be designed to provide an adaptable dwelling which would comply with the sixteen criteria of the Lifetime Homes Standard. Although the provision of an adaptable modern dwelling would be a positive factor in favour of the proposal and would therefore provide some mitigation, in my view this would not on its own outweigh a reduction in the supply of single-storey housing in clear conflict with the development plan.
13. The appellant has drawn my attention to an appeal decision relating to a site elsewhere in Milton Keynes where a proposal to replace an existing bungalow was allowed¹. However, as well finding that the loss of a bungalow would be "mitigated to some extent by the adaptable design of the proposed building", the Inspector in that case also found that the scale, design and finish of the proposed dwelling would be more in keeping with the local area than the existing building. He therefore attached significant weight to the enhancement of the character and appearance of the Olney Conservation Area, and concluded that these factors together outweighed the conflict with the development plan. For the reasons I have set out in respect of the first main matter above, this is

¹ PINS Ref: APP/Y0435/D/20/3249772

not a consideration which applies in this appeal, and I do not consider the two cases to be analogous.

14. I conclude therefore that the proposal conflicts with Policy HN9 of Plan MK, for the reasons set out in the preceding two paragraphs.

Other matters

15. The appellant has referred to the possibility of adding an additional storey to the existing bungalow on the appeal site using permitted development rights, and that this therefore represents a “fallback” position. As the appellant acknowledges, the current scheme is a rebuild and so would not be permitted development. While various changes could be made to the existing building under the provisions of the GPDO², there are limits on the extent of these. This would mean that any permitted development scheme would be unlikely to be as substantial, or to have such an impact either on the streetscene or on neighbours’ living conditions, as the scheme now before me.
16. In respect of the construction of additional storeys permitted by Part 1 Class AA of the GPDO, this requires prior approval from the local planning authority in respect of impact on amenity and external appearance. While it is not for me to attempt to address any hypothetical future scheme which might come forward, taking into account my conclusions on the first and second main issues in this appeal I cannot be certain that such prior approval would be granted. The possibility that permitted development rights may allow the erection of some form of less substantial, and therefore less harmful, extensions to the existing bungalow is not a fallback position which adds weight in support of the scheme before me.
17. The appellant’s statement also commented that “it is extraordinary that a Council can refuse an application [...] on the grounds that the rooms are too big”. However, while this matter was addressed briefly in the Council’s officer report it was not among the reasons for refusal on the decision notice, nor has it formed part of my consideration of this appeal.

Planning balance and conclusion

18. The proposal would be harmful to the character and appearance of the area, would result in the loss of single storey housing, and would be likely to be harmful to living conditions for neighbouring residents. I have had regard to the benefits of the scheme put forward by the appellant, but these do not outweigh the harm which I have found.
19. The proposal would conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)