



Appeal Decision

Site Visit made on 20 December 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2022

Appeal Ref: APP/Y0435/D/21/3278876

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 21/00604/FUL, dated 26 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is for a two-storey side and rear single storey extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey side and rear single storey extension at 38 Coberley Close, Downend Park, Milton Keynes MK15 9BJ in accordance with the terms of the application, Ref 21/00604/FUL, dated 26 February 2021, and the plans submitted with it, subject to the following condition:
 - 1) Prior to the first use of the master bedroom hereby approved, a 1.8 metre high privacy screen, positioned along the entire south-west side of the roof of the single-storey extension, 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 the 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.

Preliminary Matters

2. An appeal decision on the site was allowed¹ in September for a two-storey side and rear and single storey rear extensions and roof terrace. This proposal appears to be different to that scheme in so much as it excludes the use of the roof terrace and no longer includes a rear window for the master bedroom.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of 4 Brockhampton (No 4) with particular respect to privacy.

Reasons

4. The appeal dwelling is within a modern housing estate with a relatively close-knit pattern of development. The site is an irregular shape and includes

¹ Planning Appeal Reference: APP/Y0435/D/21/3272935

boundary planting that affords some screening to neighbouring development, especially at ground floor level.

5. At the time of my visit the development was largely complete apart from the addition of railings for the Juliette balcony. The proposed master bedroom would be served by this opening as its single source of natural light. When closed, these obscurely glazed doors prevent an external view. Nevertheless, when open, views encompass some of the first-floor rear elevation of No 4 including two-bedroom windows and a landing window.
6. The Council's Residential Development Design Guide (2012) (SPD) requires a separation distance of 22 metres to be achieved between back-to-back relationships to protect privacy. Although the Juliette balcony is on a side elevation, it represents a back-to-back relationship being the sole source of light for the room.
7. The outlook towards No 4, with the doors open, is partially obscured due to the parapet edge of the single-storey extension and some hedge planting. Also, the relationship between these dwellings is not perpendicular, with the footprint of No 4 being oriented in a manner that reduces direct views into habitable rooms. Therefore, although the separation distance of the SPD is not achieved, the distance to neighbouring habitable rooms results in limited scope for overlooking. Furthermore, a privacy screen, that could be secured by planning condition, would ensure that overlooking from the master bedroom would be prevented. Accordingly, on this basis the proposal would not affect the living conditions of occupiers of No 4 with respect to privacy.
8. Consequently, the proposal would accord with policy D5 of the Milton Keynes Plan 2016-2031 (2019). This seeks, among other matters, for development to create a reasonable degree of privacy for new and existing private living space and for overlooking to be limited to an acceptable degree.

Other Matters

9. The proposed extension is to the southwest of 44 Colesbourne Drive and to the east of 3 Brockhampton. As such, these properties may receive reduced sunlight in the afternoon/evenings and mornings respectively. However, due to the separation distances and proximity of existing built form, the effects of sunlight and daylight to the habitable rooms of these dwellings would be negligible.
10. The rear outlook from the windows and gardens of surrounding development would have changed following the erection of the extension. Nevertheless, the design proposed extensions complements the existing dwelling and does not dominate the outlook from neighbouring properties to result in an unacceptable development.

Conditions

11. The Government's Planning Practice Guidance (PPG) allows conditions to be used where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. Accordingly, I have imposed a condition for a privacy screen to be installed to prevent overlooking towards the occupiers of No 4.

12. The Council has suggested a condition to prevent the Juliette balcony being altered. However, such a condition was not imposed by the previous appeal decision. To impose this would therefore be inconsistent with the previous decision. Furthermore, a condition to prevent change to the Juliette balcony would be unnecessary in the interests of privacy as the required screen would be adequate to provide sufficient privacy in isolation.
13. Furthermore, as the proposal is largely complete, conditions with respect to the commencement of development and approved plans would not be necessary. Also, as the materials used are a good match to the original dwelling, a condition seeking the use of matching materials is not required.

Conclusion

14. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

B Plenty

INSPECTOR