



Appeal Decision

Site visit made on 4 April 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/Y0435/W/21/3283226

13 Parkway, Bow Brickhill, MK17 9JZ

- 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 D Nokes against the decision of Milton Keynes Council.
 - The application Ref 21/01172/FUL, dated 19 April 2021, was refused by notice dated 1 July 2021.
 - The development proposed is described as the demolition of existing detached garage and erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - The character and appearance of the area; and
 - The living conditions of future occupants in terms of access to private garden space and layout; privacy; and access to light, outlook, and sense of enclosure.

Reasons

Character and appearance

3. The appeal site is the undeveloped side garden and a detached garage of No.13 Parkway. The dwelling does not front Parkway, which is located to the west of the property, and has its access off Wolburn Sands Road where the detached garage is situated along the front boundary. No.13 Parkway is a semi-detached dwelling which appears to date from the mid-twentieth century and which appears to be a part of a speculative development of similar dwellings along Parkway and to the opposite side of Parkway along Wolburn Sands Road. The dwellings are quite functional in design being two storeys, brick construction, pitched and gabled concrete tiled roof forms with a similar setback from front and side boundaries with gardens to the rear. Visual gaps are located between buildings which together with larger rear gardens and vegetated setbacks gives an open, leafy and spacious feel in and around the dwellings. Along with the similar designs, massing, placement and materials of the dwellings, these elements contribute positively to the local character and distinctiveness of the locality.
4. Further along Wolburn Sands Road is Blind Pond Lane, a cul-de-sac with recently constructed dwellings which also have a frontage to Wolburn Sands

Road. These dwellings maintain some of the positive elements of the street scene such as consistent setbacks, two storey construction with pitched and gabled roof forms.

5. The proposed scheme is a bungalow with a square floorplan and forward projection with a shallow pitched hipped roof form. Whilst the side façade of the dwelling would be in line with the front setback of dwellings along Parkway, the proposed dwelling would be positioned considerably forward of No.s 13 and 14 Parkway (which front Wolburn Sands Road).
6. The proposed layout of the scheme would be at odds when considering the surrounding character and local distinctiveness of the area, particularly with regards to the lack of space in and around the proposed dwelling, the proximity to property boundaries and the dominance of a gravelled area to the front and lack of rear garden space when compared to neighbouring properties along Parkway. The proposal would present as a discordant appearance when taking into account the positive characteristics of the surrounding area as detailed previously.
7. I acknowledge comments in the applicant's Statement of Case (SoC) with regards to developments at Ivy Close¹ and Brook Close² for bungalows. Whilst I have not been given details of how the considerations are similar to the appeal site, based on the site plans submitted, the dwellings both are within different contexts, with the proposals having a similar or greater setback than those surrounding. Dwellings along Brook Close are much more 'tight-knit' in their placement than the appeal site with smaller gardens and spaces in and around dwellings. Ivy Close appears at the end of a cul-de-sac and maintains a similar setback and low scale design as the dwellings to the front of the site. Taking these examples into account, they are not analogous to the consideration of the appeal site.
8. In conclusion of this matter, the proposed development would not embrace the qualities of local distinctiveness and result in a cramped and overdeveloped site which would be harmful to the character and appearance of the area. The proposed scheme would therefore be contrary to Milton Keynes Plan MK:2019 (MK2019) Policies, D1, D2 and D3 which are all design-led policies which set a criterion to ensure development is of high quality, creates a positive character and are appropriate to their context.

Living conditions of future occupants

9. With regards to overshadowing of the front garden and the side windows of No.13 Parkway, this dwelling faces North-West. Whilst I agree that due to the positioning of the proposed dwelling that there will be some overshadowing of the front garden space, during the summer months this would be for a relatively limited amount of time in the middle of the day with the front garden able to receive sun during the morning and afternoon. Whilst I agree that this overshadowing to the front garden of No.13 would be increased during the winter months, I do not feel that this would not be materially detrimental to the living conditions of No.13. The windows to the side wall of No.13 leads to a kitchen which appears large enough to cater for meals and would therefore be a habitable space. Whilst I do not have a daylight/sunlight report which gives

¹ Council Planning Ref: 16/02785/FUL

² Council Planning Ref: 16/02706/FUL

reference to light levels, it is clear to me that these windows would lose a substantial amount of light as a result of the proposed dwelling. This impact would in turn detrimentally affect the living conditions of No.13 Parkway as a result of loss of light.

10. Turning to the design of the rear garden, MK2019 Policies HN4 and D5 are supported by the New Residential Development Design Guide (DG) which at section 4.13.1 that rear gardens should have a minimum depth of 10 metres, which could be shorter for wider plots and with consideration also given to the context of the area. As the surrounding area does have larger gardens, and the proposed garden is not particularly wide, it would be appropriate to apply the minimum of 10 metres as suggested by the DG. Whilst the rear garden of the proposed dwelling is square and a useable rear garden space, it would be under-sized when considered against the requirements as noted within the DG that supports Policies HN4 and D5.
11. Other aspects of the guidance are in relation to outlook. The rear garden and rear of the dwelling would directly look onto the two storey side façade of No.12 Parkway. Given the limited size of the rear garden, the poor outlook as a result of the sheer two storey wall of No.12 to the rear boundary would present a poor outlook and poor sense of enclosure that would cause material detriment to the living conditions of the future occupiers of this proposed dwelling.
12. Turning to overlooking, the relationship presented between the side habitable room window of No.12 Parkway at first floor level and the two habitable rear windows of the proposed dwelling is more comparable to a rear-to-rear situation as described by the DG. In this particular case No.12 Parkway has a higher ground level than the appeal site and in the proposed scenario, the first floor window of No.12 Parkway would have direct views of the rear garden space as well as only being approximately 12.5 metres from direct views into the rear windows of the proposed dwelling. This relationship leads to a poor amount of privacy for both No.12 and the proposed dwelling, resulting in material detriment to both existing and proposed occupiers.
13. Whilst I acknowledge comments in the applicant's Statement of Case (SoC) that there is a hedge along the boundary between No.12 and the appeal site, the presence of the hedge is not a permanent fixture and would not alleviate the concerns regarding the living conditions as discussed.
14. In conclusion of this matter, these factors mentioned above contribute to generating poor living conditions for future occupiers of the proposed dwelling and surrounding existing occupiers of No.s 12 and 13 Parkway. In conclusion of this matter, the proposal causes unacceptable detriment to the living conditions of the existing and future occupiers and would be contrary to MK2019 Policies D5 and HN4 which are supported by the DG as described previously.

Conclusion

15. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR