



Appeal Decision

Site visit made on 14 June 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/Y0435/D/22/3295587

2 The Approach, Two Mile Ash, Milton Keynes MK8 8BJ

- 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 Mrs Smiera Numan against the decision of Milton Keynes Council.
 - The application Ref 21/03696/FUL, dated 9 December 2021, was refused by notice dated 15 March 2022.
 - The development proposed is the removal of existing garage/annexe and construction of new annexe
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While not included within the reasons for refusal, within the officer report and consultation responses concern is raised regarding a loss of light to the outside space serving 4 The Approach. The appellant has had the opportunity to comment on this within their appeal submission. Therefore, they would not be prejudiced by my including this matter as part of the main issues.

Main Issues

3. The main issues in this appeal are;
 - The effect of the development upon the character and appearance of the area;
 - The effect of the development upon the living conditions of the occupiers of 16 Clay Hill and 4 The Approach, with particular regard to daylight, sunlight and outlook; and
 - Whether or not the proposed development would create a separate residential unit.

Reasons

Character and appearance

4. The appeal site is located within a residential area on the corner of Clay Hill and The Approach. Houses within both Clay Hill and The Approach are generally setback from the highway, and many have prominent hedgerows along their roadside boundaries. A number of the properties have single storey garage buildings between the rear of the highway and the front of the houses. The hedgerows screen large parts of the built form when viewed from the public realm, creating a green and pleasant street scene which adds positively to the character and appearance of the area.

5. The development would be smaller in scale and height than the main dwelling, it would incorporate materials to match those on the house, and there would be no more than glimpsed views from the public realm within The Approach. Nevertheless, the development which would be 2 storey and have a gable roof, would be of a greater scale than similarly positioned buildings within the area. It would also project closer to the Clay Hill than both the main house and other two storey buildings within the area. As a result, the development would be both incongruous with the general pattern of development in the area and prominent within the Clay Hill street scene. The absence of a roadside hedge between the development and the highway would exacerbate the prominence of the development. Due to its height and location, the development would therefore appear dominant within the Clay Hill street scene, significantly detracting from the aforementioned distinctive character and appearance of the area.
6. Therefore, the proposed development would unacceptably harm the character and appearance of the area. It would thereby be contrary to the objectives of Milton Keynes Local Plan Policies D1, D2, and D3 which seek to ensure that the design of development will create high quality places which will add positively to the character of the area.

Living conditions

7. The effect of the development upon sunlight/daylight to the outside space serving number 4 The Approach (number 4) is not addressed within the sunlight/daylight assessment. Levels of sunlight to the small rear garden serving number 4 are already restricted by the presence of the garage at number 16 Clay Hill (number 16) and the house at 2 The Approach (number 2). The addition of a 2 storey structure within the gap between the existing house at number 2 and the garage at number 16, which would be in close proximity to the garden of number 4, would further reduce the amount of sunlight to the garden of number 4. The reduction would be most pronounced during the middle of the day and during the autumn, winter and spring. Given the timing, frequency and extent of the reduction in sunlight to the garden of number 4, the development would cause significant harm to the living conditions of the occupiers of number 4. No compelling evidence has been provided to the contrary.
8. The existing garage building serving number 16 already severely limits the amount of sunlight and daylight to the ground floor window in the side elevation of number 16. It also reduces sunlight to the rear garden of number 16, especially during the afternoon and evening, and particularly so during winter months. The proposed development, due to its elevation, height and projection towards both Clay Hill and 4 The Approach, will result in a small reduction to the level of sunlight and daylight available to both the window and the garden of number 16. However, this effect would be minimal in extent due to; the greater distance between proposed development and the house and garden of number 16, the presence of the intervening garage building, and for sunlight, limited to late afternoon/evening only.
9. The development would be taller and project closer to both Clay Hill and the rear garden of number 16 than the existing garage on the appeal site. However, the garage serving number 16 has a pitched roof and currently features prominently in the outlook from the ground floor side window and rear

garden of number 16. Although two storey, the proposed development would be located further from both the side window and the rear garden of number 16 than the existing garage at number 16. As a result the appeal scheme would not cause undue harm to the occupiers of number 16 in respect of loss of outlook.

10. Nevertheless, the proposed development would cause unacceptable harm to the living conditions of the occupiers of number 4 with regard to sunlight. The development would therefore conflict with the part of the Milton Keynes Local Plan Policy D5, which seek to ensure that satisfactory levels of light are available within buildings and gardens.

Separate residential unit

11. The proposed annex would provide accommodation over 2 storeys, and it would enlarge the footprint of buildings within the site. However, it would be subordinate in scale when compared to the height, massing and footprint of the main house.
12. The appellant indicates that the proposed annex would be used for multi-generational living for the host dwelling. Whilst having an independent access from the main house and internally comprising facilities capable of independent day-to-day living, the plans do not include the subdivision of the car parking areas or garden serving the appeal site, nor is an independent means of vehicular access proposed to serve the proposed accommodation. The development would be attached to the main house, it would share services utility connections, and a shared covered walkway would be provided. Given the extent of connectivity and shared services between the annex and the house, the development would function as an integrated part of the main dwelling whilst allowing for a degree of independence for the occupants.
13. Whilst potentially capable of functioning as a separate dwelling, the development proposal is for an annex not for a separate dwelling. If allowed, and if the development were not to be either built or used as proposed or subject of a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required.
14. Therefore, the proposed development would not be a separate residential unit. It would comply with Policy D6 of the Milton Keynes Local Plan which requires that annexes be both modest in size and subordinate to the main dwelling, and that they can function as an integrated part of the main dwelling.

Other Matters

15. Concerns have been raised regarding the level of car parking provision within the appeal site and the effects of the proposed development on the occupiers of 6 The Approach. However, as I am dismissing the appeal, there is no need to further consider these matters.

Conclusion

16. I have found that the development proposals would be harmful to both the character and appearance of the area, and the living conditions of the occupiers of number 4 The Approach. Whilst I have also concluded that the development would result in no unacceptable effects upon the living conditions of the occupiers of number 16 Clay Hill, and that it would not be a separate unit, the

absence of harm associated with these considerations does justify a different conclusion being reached regarding the acceptability of the development.

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
18. For the reason given above I conclude that the appeal should be dismissed.

V Simpson

INSPECTOR