

## Appeal Decision

Site visit made on 1 July 2022

**by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 20TH July 2022**

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**Appeal Ref: APP/Y0435/W/22/3291214**

**3 Hill View, Wolverton Road, Newport Pagnell MK16 8BE**

- 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 and Mrs Hall against the decision of Milton Keynes Council.
  - The application Ref 20/03412/FUL, dated 22 January 2021, was refused by notice dated 2 August 2021.
  - The development proposed is for a new build dwelling following the demolition of garages.
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### Decision

1. The appeal is dismissed.

### Main Issues

The main issues are (i) whether the proposed development within a garden is acceptable having regard to development plan policies and including its effect upon the character and appearance of the area and (ii) the sustainability of the method of construction.

### Reasons

#### *Suitable location*

2. The appeal property is a two-storey detached dwelling in a residential area and falling within a defined settlement boundary. Dwellings adjoining it are mainly two storeys in height and are a mixture of detached and semi-detached properties set back from the road. There are several gaps of differing widths between the properties, some of which are occupied by associated single storey garages and outbuildings.
3. To the side of the appeal property and where the proposed dwelling would be situated is a garage which would be demolished to make way for it. To the front of the property is an area of hard standing and a copper beech tree which is the subject of a tree preservation order (TPO).

4. The proposed dwelling would be a 4-bedroom detached property with an associated outbuilding, landscaping and parking. The existing vehicular access would be relocated.
5. The new dwelling would be sited within the curtilage of the existing property. Policy DS2 of Plan:MK 2019 (LP) is supportive of development within defined settlement boundaries, subject to such development complying with all other relevant policies in the plan and also with policies in neighbourhood plans.
6. The Newport Pagnell Neighbourhood Plan 2021 (NPNP) policy NP4 is generally supportive of *'small, well designed residential developments on brownfield sites within the settlement boundary which do not have a detrimental effect on the surrounding area'*. However, it also states specifically that *'proposals to subdivide residential plots to develop new homes on rear or side garden land will not be supported'*. Therefore, the proposed development would be contrary to this policy requirement. While the appellant considers that this policy should more appropriately apply to only certain areas, it does not make exceptions.
7. The appellant refers to the character and appearance of the area and contends that the proposal would not harm it despite the policy objection. However, the proposed house would have a much narrower frontage than the majority of adjacent dwellings and which provide a positive and distinctive characteristic to the appearance of the area.
8. I accept that there is an infill dwelling close to the appeal site. However, this type of development is the exception rather than the norm in the street scene. In this context, and contrary to the findings of the local planning authority (LPA), I find that, owing to the position and scale of the proposed development, coupled with its steeply sloping roof and narrow width, it would appear as a squeezed and out of keeping form of development. It would remove what the appellant describes as an incongruous gap in the street scene, but on my site visit I noticed that this adds to the generally pleasant, spacious character and appearance of the area.
9. Therefore, I conclude that the proposal would cause an unacceptable degree of harm to the character and appearance of the area, and that this adds to the policy objection to the subdivision and development of side garden plots as stated in the NPNP policy NP4(A).

#### *Sustainability of the method of construction*

10. One reason for the refusal of the application was because of a lack of information relating to the sustainable construction of the proposed property and as required by policy SC1 of the LP. However, such information has been submitted with the appeal and the LPA considers that the matter could be dealt with by way of a suitable condition. Had I been minded to allow the appeal, I do not disagree. Therefore, I conclude that in this way, the proposed development would have accorded with LP policy SC1.

## **Other Matters**

11. The appellant refers to similar approved development and, on my site visit, I observed a similar infill dwelling close by, though this would appear to pre-date the making of the NPNP. Given my reasoning above, the existence of this infill dwelling does not alter or outweigh my conclusion on the first main issue.
12. The proposed development would help, in a small way, to boost the delivery of new housing and would be a small site of the sort described in paragraph 69 of the National Planning Policy Framework. It would therefore make an important contribution to the overall delivery of new housing, and this weighs in favour of the appeal.
13. In addition, the LPA raises no concerns relating to the effect of the development upon the living conditions of nearby residents, to matters of ecology or biodiversity, to flood risk, to car parking provision or to the repositioning of the access. However, these are neutral matters in the planning balance.
14. None of the other matters, whether individually or as a whole, carry sufficient weight to outweigh my conclusion on the main matter concerning the suitability of the location of development within a garden and its adverse effect upon the character and appearance of the area.

## **Conclusion**

15. Given my conclusions above, and taking into consideration all other matters raised, there are no identified material planning considerations that would justify departing from the in-principle policy objection to erecting a dwelling on this site. Therefore, the appeal should be dismissed.

*Steven Hartley*

INSPECTOR