

Appeal Decision

Site visit made on 8 September 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/Y0435/D/22/3302632

64 Challacombe, Furzton, Milton Keynes MK4 1DP

- 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 Marco Encarnacao against the decision of Milton Keynes Council.
 - The application ref. 22/01046/FUL, dated 26 April 2022, was refused by notice dated 24 June 2022.
 - The development proposed is "*Erection of first floor extension with Juliette balcony*".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposed development upon the mix of housing and inclusiveness in the local community and upon parking provision and highway/pedestrian safety.

Reasons

3. The determination of this appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan includes Plan:MK 2016-2031, adopted in March 2019.
 4. To accommodate an ageing population and for those with impaired mobility or specific needs, Part B of Policy HN9 of Plan:MK states there will be a presumption against proposals that would result in the loss of a bungalow (or single-storey dwelling) via demolition or its conversion to 2 or more storeys. The appeal scheme would see a full first floor added to the original core of a single-storey dwelling which is suitable for meeting those identified needs.
 5. Reducing the stock of single-storey dwellings in the locality in the manner proposed would be in conflict with the aims of Part B of Policy HN9 of Plan:MK and out of step with the National Planning Policy Framework (the Framework) which expects the housing needs of different groups in the community to be addressed and seeks to promote healthy, inclusive and safe places.
 6. No. 64 forms a terrace with 2 other properties (nos 62 and 63), both of which have 2 storeys. There are a number of terraces in this residential area which include a bungalow, no. 65 being another example next to the appeal site. The
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appeal scheme, if permitted, could legitimately result in nearby occupiers seeking to do the same as proposed, thus compounding the harm I have found.

7. No. 64 has been extended pursuant to a planning permission granted on appeal under ref. APP/Y0435/D/21/3267803 in April 2021. As part of that planning permission, it was accepted that the bungalow's roof pitch could be steepened and its roof ridge raised in height by just one metre. Those approved roof works have not been implemented as yet. No material change in eaves height was approved. The approved roof ridge would be well below that of the adjoining dwelling, no. 63. The previous Inspector said there was no indication that the proposed roof space would be used to provide habitable accommodation. This contrasts markedly with the appeal proposal before me where a full first floor would be added without any material use of the roof space above it.
8. Under the approved scheme, there was no removal of any permitted development rights for alterations or extensions to the roof planes as the appellant seems to think. His representations, instead, point to the possible inclusion of a window in the gable end of the building after its approved minor vertical extension. Without accurate section and floor plan drawings, it is exceedingly difficult to envisage what sort of upper floor space could be created in this way. It would be unlikely to challenge the extent and floor to ceiling height of the first floor now being proposed. The fallback presented to me would not be significantly more harmful than the appeal scheme, thereby limiting the weight I attach to it. A building would not necessarily cease to be a bungalow if it had some sort of upper loft or attic storage space set in the roof. Moreover, the majority of single-storey properties will have permitted development rights.
9. I find no material considerations of sufficient weight to justify setting aside the important aims of Part B of Policy HN9 of Plan:MK. I find on the **first main issue** that the loss of a single-storey dwelling would have an adverse impact upon the mix of housing and inclusiveness in the local community.
10. Turning to parking provision and highway/pedestrian safety, there is currently a rear car parking area and a ramped vehicular access serving it. The Council's Parking Standards Supplementary Planning Document 2016 (SPD) indicates that 2 on-site parking spaces would suffice in this case. It is proposed to construct a parking area of slabs and gravel in the triangular-shaped front garden. It is not clear if a properly constructed vehicular access with a crossover and dropped kerb would be provided to serve that area given the negative answer to this point on the application form and the very sketchy plan details of what is intended which only seem to appear on the "Proposed roof plan".
11. The appellant refers to a lack of objection from the Highways Authority. This is incorrect. The Senior Engineer – Highways Development Management supported a refusal and added that second accesses are not permitted.
12. Further confusion arises around the rear parking area approved in April 2021 under the aforementioned appeal decision. That car parking area now contains only one space rather than 2 tandem car parking spaces following the construction of a shed in the rear garden and a sliding gate, both of which were not shown on the approved plans. There could well be conflict with condition 3 of

that April 2021 planning permission although that would be a matter for the parties to discuss and resolve in the first instance.

13. Even though the scheme would relate to a single dwelling the proposed front parking area could be used several times a day each day. Vehicles would need to reverse into or out of that on-site parking area and cross over a wide grass verge and the pavement. There is likely to be a degree of pedestrian activity along the footway. The plans do not demonstrate a site layout which would avoid vehicles in the front garden overhanging the adjacent footway. As such, the appeal scheme would not create a place that is safe or minimize the scope for conflicts between pedestrians and vehicles. Without that space at the front, the off-street parking provision at the site as a whole would also be substandard and not in accordance with the SPD.
14. I saw that no. 64 is located on the inside of an appreciable bend in the road and visibility between emerging vehicles and oncoming traffic approaching downhill would be further hindered by vegetation growing in front of no. 62. This would also not be in the best interests of highway safety, as it has not been shown that the scheme would provide a safe vehicular access.
15. I find on the **second main issue** that as the proposed parking scheme would lead to a reduction in highway and pedestrian safety, there would be conflict with Policies CT2 and CT10 of Plan:MK which, amongst other things, seek to secure safe, suitable and convenient access for all potential users, avoid compromising highway safety and expect all development to meet the Council's full parking standards. These policies are not inconsistent with the Framework.
16. My findings on the main issues are decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations.
17. For the reasons given above and taking into account all other matters raised in the written representations, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR