



Appeal Decision

Site visit made on 13 September 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2022

Appeal Ref: APP/Y0435/W/22/3296044

103 Langcliffe Drive, Heelands, Milton Keynes MK13 7LB

- 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 Abraham Elfasi against the decision of Milton Keynes Council.
 - The application Ref 21/03593/ful, dated 29 November 2021, was refused by notice dated 29 March 2022.
 - The development proposed is erection of a new detached single storey dwelling house with room in the loft.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether it has been demonstrated that the proposal would make adequate provision for vehicle parking, with particular regard to parking stress and electric vehicle charging;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the living conditions of existing occupants of 103 Langcliffe Drive (No 103), with particular regard to access to private outdoor space, and whether the proposal would provide adequate private outdoor space for its future occupants.

Reasons

Vehicle parking

3. Policy CT10 of Plan:MK 2016-2031 (March 2019) (Plan:MK) requires that development proposals meet the Council's parking standards unless there are mitigating circumstances. The Council's Parking Standards Supplementary Planning Document (January 2016) (the Parking Standards) requires that a one bedroom house should be provided with one allocated parking space and access to one unallocated space (rounded up). No additional parking is proposed, however one unallocated space is identified as being available within the existing parking court. Therefore there would be a shortfall of one allocated space with respect to the Parking Standards.
4. The Parking Standards vary across four zones. These are defined by factors such as access to facilities and car ownership levels. The appeal site is in zone

- 3 which is considered to have generally higher parking levels than zones 1 and 2. The appeal site is within a relatively dense residential area where some services and facilities would be accessible by non-car modes. Nevertheless, it is not so accessible as to indicate that travel by non-car modes would be the preference for future occupiers. Further, in the absence of on-street parking controls in the locality, it appears reasonably likely that future occupants of the proposal would have a car.
5. I note that there were no objections to the proposal from local residents. However, at the time of my mid morning, weekday site visit, a number of vehicles were parked ad hoc along circulation routes within Langcliffe Drive, despite a small number of parking spaces being available within the parking court. Whilst the parking court may be somewhat larger than others in the vicinity, due to this ad hoc parking, circulation space appeared constrained. It is therefore reasonably likely that at certain times of the day, such as evenings and weekends, parking space is at a premium here. No parking survey or other robust evidence is before me to indicate otherwise. I note that the Council also observed such ad hoc parking on their site visits.
 6. The proposal is of limited scale being a one bed dwelling. However, in circumstances where parking and manoeuvring space already appears limited, even a small increase in demand would have a harmful effect on existing users with respect to parking stress. This stress would arise from the inconvenience of more constrained availability of parking, more limited manoeuvring space, and increased time required to locate a suitable parking space.
 7. In addition, the proposal would provide inadequate parking arrangements for future occupants of the proposal, with no allocated parking space and no priority of access to the unallocated space. Furthermore, it would not be reasonable or practical to limit the use of the parking court by future occupants of the proposal, as a means of limiting parking demand.
 8. I am satisfied that the anticipated increase in parking demand from the proposal would not unacceptably harm highway safety in this low speed environment. The Highways Authority also did not raise concerns in that regard. Nevertheless, for the reasons given, it has not been demonstrated that the proposal would make adequate provision for vehicle parking, with particular regard to parking stress. In addition, the proposal does not make provision for an electric vehicle charging point. In the absence of an allocated parking space, it appears that a charging point could not practically be made available for future occupants of the proposal.
 9. Accordingly, whilst I find no conflict with Policy CT2 of Plan:MK with respect to highway safety, the proposal would conflict with Policy CT10 of Plan:MK with respect to vehicle parking standards. No substantive mitigating circumstances have been put forward to justify departing from those standards. It would also conflict with Policy CT6 of Plan:MK. That requires new residential developments to provide one electric vehicle charging point per dwelling.
 10. Given its implications on the ease of access to parking spaces for existing and future occupants, it would also be contrary to paragraph 110 of the Framework. That seeks to ensure proposals achieve safe and suitable access for all users. Further, it would be contrary to paragraph 130 of the Framework which requires that proposals function and add to the overall quality of the

area, over the lifetime of the development. In addition, it would not comply with the Parking Standards SPD.

Character and appearance

11. The appeal site is one of a number of cul-de-sacs on Langcliffe Drive which appear to have been built at a similar time, to a similar typology. These comprise single storey terraced housing blocks with a central parking court. The high degree of consistency in the form, scale and appearance of building frontages is a positive defining feature of the character and appearance of the locality.
12. Buildings are commonly positioned close to one another. For example, the rear elevation of 106 Langcliffe Drive is only a short distance from the front of the adjacent terrace (Nos 107-109). No 103 fronts on to another similar block and is accessible only via a footpath that runs between their frontages. This creates a relatively high density feel. In the locality, intervening areas of informal open space are surrounded by mature vegetation. These provide welcome gaps in the built form.
13. Whilst detached from No 103, it is not a matter in dispute between the main parties that the proposed dwelling would be of a design, materials and scale that is consistent with the surrounding area. The building line would also appear consistent with that of No 103. The proposal would occupy the full width of the appeal site frontage. However, it would be positioned adjacent to a considerable area of open space. This would retain a sense of space ensuring that the proposal would not appear unduly cramped, particularly taking into account the relatively high density of development prevalent here.
14. In addition, due to the presence of mature landscaping in the public realm and the lack of visibility of the appeal site from surrounding roads, the consistency of its plot size and shape with others in the locality would not be readily appreciable. The need to store refuse and recycling bins at the front of No 103 and the appeal property is cited in the Council's reason for refusal. However it appears that many houses in the locality store such items at the front of the property. Furthermore, a condition could reasonably be imposed to ensure provision of suitably high quality bin storage areas at the front of the appeal site, in keeping with neighbouring houses, in the event that the appeal were to be allowed.
15. Therefore, the proposal would not harm the character and appearance of the surrounding area. Consequently, it would accord with Policies D1, D2, and D3 of Plan:MK. Amongst other matters these seek to ensure the layout and design of proposals are appropriate to their site context and surroundings. Similarly it would accord with the requirement in Policy D5 of Plan:MK with respect to the effect of proposals on existing buildings and open spaces (criterion A5).

Private outdoor space

16. Given the density of development here, many rear gardens in the locality are reasonably compact. The rear garden area of No 103 would be substantially reduced as a result of the proposed development, particularly taking into account its lawful development certificate for the rear extension. However, a footpath runs along the back of the existing garden with a backdrop of mature vegetation and trees. Therefore whilst reasonably small, the garden would

maintain a feeling of relative seclusion without being particularly overlooked. In addition it would not be so small as to make it unusable for activities such as sitting outside and drying clothes. Furthermore, there are sizeable pockets of open space in the locality, in close proximity to the appeal site.

17. The proposed rear garden for the appeal building would be tapered such that it would be considerably narrower at the end of the garden in comparison to at the rear of the proposed dwelling. Whilst not fully compliant with the garden depth recommended for family housing in the SPD, it would not appear excessively small for a single bed dwelling and in comparison to other garden sizes in the locality. Although an unconventional shape, it would nonetheless provide a small area of usable garden space. Furthermore, as reasoned above, the appeal site is immediately adjacent to an area of open space that would be readily accessible to future occupants for outdoor recreation.
18. Consequently, the proposal would not unacceptably harm the living conditions of existing occupants of No 103 with respect to access to private outdoor space. In addition, in the particular circumstances of this case the proposal would provide adequate private outdoor space for its future occupants.
19. It would therefore not conflict with the requirements of Policy D5 of Plan:MK in ensuring that the external garden space would meet the needs of its users. The gardens would not comply with the minimum depth of 10m advocated by the New Residential Development Design Guide (April 2012) (Design Guide). However, it would not unacceptably compromise the privacy of the dwelling or garden and would retain usable space in accordance with paragraphs 4.13.1 and 4.13.3 of the Design Guide. The proposed dwelling would also satisfy the requirements of the SPD at paragraph 4.13.4, in providing a small garden in close proximity to public open space.

Other Matters

20. Given constraints to the space available at the front of the proposed dwelling it appears likely that secure cycle storage would need to be provided in the rear garden. Although this might require the bike to be brought through the house, in my experience that is not an uncommon occurrence for housing in relatively high density areas. Therefore in the event that the appeal were to be allowed, provision of secure cycle parking could reasonably be addressed by a condition. As such, the proposal could comply with Policy CT3 of Plan:MK with respect to cycle parking.
21. The house at 109a Langcliffe Drive appears to be have been built after the original houses in Langcliffe Drive. As I have also found no harm with respect to the effect of the appeal scheme on the character and appearance area, the Council's acceptance of that house does not alter my reasoning in that regard. Without details of the Council's assessment of the parking provision for that house I cannot make a meaningful comparison with that of the appeal scheme.
22. The proposal would provide a single private dwelling within an existing urban area which would make a small contribution to delivering the Government's objective to significantly boost the supply of housing. It could also be constructed to high environmental standards, which would form a public benefit in environmental terms. The scheme would lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment. The absence of harm to character and appearance of the

area and to living conditions with respect to access to private outside space are neutral considerations.

23. It has not been demonstrated that the proposal would make adequate provision for parking. Consequently it would result in unacceptable harm to existing residents and future occupants with respect to parking stress and inconvenience for the lifetime of the development. This enduring harm would outweigh the limited benefits associated with the proposal. The appeal scheme would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

24. Therefore, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR