



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: 20th October 2022

Appeal Ref: APP/Y0435/W/22/3296005

25 Dickens Road, Old Wolverton, Milton Keynes MK12 5QF

- 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 Auto Globe Limited against the decision of Milton Keynes Council.
 - The application Ref 21/03253/FUL, dated 22 October 2021, was refused by notice dated 24 February 2022.
 - The development proposed is extension of used car display area and erection of security fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submits that hard surfacing could have been installed on site under permitted development rights when the building was in industrial use. However, the building use has since changed and there is no evidence to conclude that the land would be returned to industrial use again. Therefore there is no real prospect of that permitted development right being implemented on the appeal site. As such, it does not amount to a genuine fallback position in the context of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on
 - the character and appearance of the surrounding area; and
 - highway safety, with particular regard to parking provision.

Reasons

Character and appearance

4. Buildings on the same side of Old Wolverton Road as the appeal site are typically separated from the road by a grass verge and mature boundary planting. Roads leading off Old Wolverton, including Dickens Road, generally have grass verges that follow the curved line of the junction, some with pavements along the road edge. This creates a pleasant, spacious and verdant character, softening the appearance of the area. The consistency and prevalence of soft landscaping is a positive defining feature of the character and appearance of the area.

5. The proposal would not be particularly visible on approach from the east due to the retention of trees and a strip of grass on the Old Wolverton frontage. However, longer views of the site are afforded on approach from the west. The proposal would also be highly visible at the entrance to Dickens Road. From there, the position of the proposed mesh fencing and hard surfacing at the edge of the pavement along Dickens Road would appear prominent.
6. Mesh fencing is commonly used in the locality, typically alongside areas of grass or landscaping which softens its appearance. As proposed, without intervening grass or vegetation, it would appear stark, in noticeable contrast with the grassed, open character of site frontages prevalent in the area. Without space between the proposed fence and adjacent pavement it is unclear how landscaping secured by condition could soften its appearance in a manner in keeping with the spacious landscaping characteristic of the locality. In any event, details of such a proposal are not before me.
7. Policy L2 of Plan:MK 2016-2031 (2019) (Plan:MK) directs that proposals for the loss of amenity open space should be assessed against Policy L3 of Plan:MK. Though of relatively small scale, it has not been demonstrated that the appeal site open space is surplus to requirements (Policy L3 criterion 1). Rather, given its position at the entrance to Dickens Road, it provides an important role in greening this part of the estate.
8. As reasoned above, the proposal would result in a harmful loss of site frontage landscaping that makes a positive contribution to the appearance of the area (Policy L3 criterion 2). Though not necessarily of particular ecological value in its own right, the landscaping proposed for removal could, if retained, provide a stepping stone for wildlife between areas of existing mature landscaping (Policy L3 criterion 3). Given the extent of hard surfacing proposed it is unclear how additional landscaping could be incorporated to make a meaningful contribution to continuity of landscaping for wildlife.
9. Each development proposal must be considered on its merits. However, if the appeal were to be allowed there would be potential for other sites in the locality to similarly seek to extend hardstanding into areas of roadside landscaping to create more usable space. Cumulatively that would have a detrimental impact on the quality of the area (Policy L3 criterion 4). The continued maintenance of the landscaping proposed to be removed would not be particularly onerous (Policy L3 criterion 5). Also, no replacement landscaping of equivalent size has been proposed (Policy L3 criterion 6). Furthermore, the proposal has not been advanced under Policy L3 part C relating to improvements to amenity space elsewhere. On that basis, the proposal would be contrary to Policy L3 as a whole.
10. Consequently, the proposal would unacceptably harm the character and appearance of the surrounding area. As such it would not comply with Policies L2 and L3 of Plan:MK with respect to the loss of amenity open space. It would also conflict with Policy D1 of Plan:MK which amongst other matters, seeks to ensure developments continue the verdant character of Milton Keynes. Similarly it would be contrary to Policy D2 of Plan:MK which seeks to ensure landscaping and boundary treatment makes a positive contribution to the character of the area. It would further conflict with the requirement in Policy D5 of Plan:MK for proposals to achieve an attractive and coherent street scene.

Highway safety

11. Policy CT10 of Plan:MK requires that proposals meet the relevant parking standards, unless mitigating circumstances indicate otherwise. It is not a matter in dispute between the main parties that the scale of the proposal would require provision of an additional six parking spaces in order to comply with the Council's standards in the Parking Standards Supplementary Planning Document (January 2016) (the SPD).
12. Evidence is submitted to demonstrate how the appellant's appointment system manages the number of customers visiting the site at any one time. Combined with a proportion of sales being online, it is submitted that even in the assumed worst case scenario, three car parking spaces would remain available on site. I accept that the appellant intends to continue this booking system and online sales. The Council's highways officer did not object to the proposal on that basis. I note also the evidence in respect of personal injury collision data indicating no existing collision trends.
13. At the time of my late morning site visit, availability of on-street parking on Dickens Road was relatively limited, with vehicles parked on both sides of the road. The Council's Waste and Environment Officer also refers to existing parking pressures on Dickens Road and raises road safety concerns. This is particularly due to delivery vehicles having to load and unload on Old Wolverton. I appreciate the appellant takes steps to manage that process and the duration of any disruption from delivery vehicles may be relatively limited.
14. However, there is no guarantee that the current appointments system and proportion of online sales would continue as such in the long term. In addition, greater visibility of cars for sale as a result of the proposal would be reasonably likely to attract more passing trade, even if it is not the intention to move away from the appointments system. Therefore evidence of excess parking capacity on site over the long term is not persuasive. Whilst it may be possible to access the site by non-car modes, the site is not so accessible as to indicate that such a shortfall relative to the parking standards is appropriate here.
15. Consequently, in the absence of any additional parking provision it appears reasonably likely that the proposal would lead to additional on-street parking. The site is located within a busy industrial estate, where on-street parking is on roads that are in use by a mix of traffic including large scale vehicles and trailers, staff and customers. In this context, the lack of any additional parking provision would result in unacceptable risks to highway safety.
16. Accordingly, the proposal would conflict with Policy CT10 of Plan:MK with respect to parking standards. No substantive mitigating circumstances have been put forward to justify departing from those standards. Policy CT1 of Plan:MK is of limited relevance to the appeal scheme. However, the proposal would not be in accordance with Policy CT2 of Plan:MK which seeks to ensure proposals do not compromise highway safety. For the reasons given, the proposal would not comply with the SPD.

Other Matters

17. The proposal is required for security purposes and to enable the expansion of the existing business. This comprises an economic benefit. The National Planning Policy Framework (Framework) requires that significant weight is

placed on the need to support economic growth and productivity, taking into account local business needs (paragraph 81). I note the supportive comments submitted by Wolverton and Greenleys Town Council in that regard.

18. However, this must be balanced against the delivery of high quality places which is a key aspect of sustainable development (Framework, paragraph 126). For the reasons given, the proposal would result in considerable and enduring harm to the character and appearance of the surrounding area. It would also risk harm to highway safety. Accordingly, the benefits of the proposal would not outweigh the harms or the conflict with the development plan.

Conclusion

19. 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