



Appeal Decision

Site visit made on 8 February 2023

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

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/Y0435/D/22/3311399

134 Daniels Welch, Coffee Hall, Milton Keynes MK6 5DX

- 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 Abdul Attia against the decision of Milton Keynes Council.
 - The application Ref 22/00361/FUL, dated 15 February 2022, was refused by notice dated 1 September 2022.
 - The development proposed is a single storey side extension with rear facing dormer creating additional ancillary areas including a room within the loft space.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension with rear facing dormer creating additional ancillary areas including a room within the loft space at 39 Shakespeare Road, Bedford, MK6 5DX in accordance with the terms of the application ref. 22/00361/FUL, dated 15 February 2022, subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: SAS-DWC-01.Rev.PL1 (location plan); SAS-DWC-01.Rev.PL1 (Site plan); SAS-DWC-01-150.Rev.PL1 (proposed ground floor plan); SAS-DWC-01-151 (proposed first floor layout); SAS-DWC-01-152 (proposed roof plan) and SAS-DWC-01-250 (proposed elevations).
 - iii. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - iv. Prior to the commencement of development, full details of the proposed foundations to show the prevention of damage to the adjacent hedge shall be submitted to and approved in writing by the local planning authority and shall thereafter be implemented in accordance with the approved details.

The Main Issues

2. The main issues are the effect of the proposed development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of the appeal property in respect of light.

Reasons

Character and appearance

3. The appeal property is located at the end of a row of single storey, terraced properties which have a generally uniform design in terms of double pitched unbroken roofs with a stepped ridge line. The area is generally residential in character in a bosky setting and with similarly designed terraces in the immediate area. These attributes add positively and distinctively to the character and appearance of the area.
4. The proposed extension would have a ridge height greater than the existing dwelling, but it would be consistent in appearance with the stepped ridge of the terrace as a whole.
5. The proposed flat roofed, rear dormer window would not be consistent with the unbroken roof plane of the terrace, though on my site visit I was able to observe that other alterations to existing elevations occur at 100 Daniels Welch and at 65 Garraways. However, notwithstanding such extensions, I have determined the appeal proposal on its individual merits.
6. While the proposed dormer window would not be reflective of the unbroken roof plane of the terrace, I do not consider that it would be materially out of place, especially when its position would be at the end of the terrace as opposed to being located elsewhere within it and where its interruption to the roofline would be more intrusive.
7. Adjoining the proposed extension to its side is a hedge which has been allowed to grow into tall bushes and small trees. The local planning authority (LPA) considers that the extension might adversely affect its roots and therefore the hedge as a whole, to the detriment of the character and appearance of the area. However, the Council's arboricultural officer considers that any such damage might be prevented by a condition relating to the type and depth of foundations for the proposed extension. In its officer report, the LPA gives no supportive reasoning as to why it disagrees with its arboricultural adviser.
8. Therefore, I conclude that the proposal would accord with policies D1, D2 and D3 of the Plan:MK 2005 (LP) which require development to respond appropriately to the site and its surroundings. In addition, subject to a condition, I do not consider that the proposed development would conflict with policy WN7 of the Woughton Community Neighbourhood Plan which aims to avoid the unnecessary loss of a tree or group of trees, or with its policy WN9(d) which requires building forms generally to be terraced or semi-detached houses adhering to long and straight building lines on a rectangular grid road pattern.

Light

9. The proposed plans include a ground floor window in the south facing gable of the extension, directly next to the existing hedge and with little space between them. However, this would be a secondary window to the proposed lounge/living room with the main source of light coming from the much larger window to the adjoining elevation.
10. Therefore, I conclude that the proposed development would accord with policy D5 of the LP which requires a satisfactory level of sunlighting and daylighting within buildings.

Conditions

11. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. In the interests of good design, it is necessary to impose a condition relating to external materials.
12. I have imposed a condition requiring the approval of foundation details. In this case, there is clear justification for this condition to be pre-commencement as it is important that there is certainty that the roots to the adjoining hedge can be protected. The appellant has expressly agreed to the imposition of this pre-commencement condition.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR