



Appeal Decision

Site visit made on 14 February 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/Y0435/W/22/3305513

38 Queensbury Lane, Monkston Park, Milton Keynes MK10 9PQ

- 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 Abdulaziz Alshaikh against the decision of Milton Keynes Council.
 - The application Ref 22/00397/FUL, dated 18 February 2022, was refused by notice dated 26 July 2022.
 - The development proposed is the erection of a three storey dwelling plus basement & light-well.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the living conditions of the occupiers of 12 Perivale in relation to: outlook, privacy and loss of sunlight, the living conditions of the occupiers of 36 and 40 Queensbury Lane in relation to loss of sunlight,
 - whether the development would provide acceptable living conditions for future occupiers in relation to outlook; and,
 - the effect on highway safety in relation to the provision of parking.

Reasons

Living conditions of the occupiers of neighbouring properties

4. 12 Perivale (No.12) is a detached house whose relatively small back garden abuts the rear of the appeal site at an angle. The appeal proposal would occupy much of the plot and would be located close to the boundary of No.12.
5. Although the proposal would not directly face the house at No.12, it would still provide views over the rear garden of No.12. The rear elevation contains expansive glazing at all levels that extends almost to the apex of each gable, the 1st and 2nd floor windows also contain balconies. This design, combined with the overall height, width, depth, bulk and proximity to No.12 would create an

overbearing, dominant and oppressive structure that would result in an unacceptable outlook for the occupiers of No.12.

6. The small garden at No.12 is the only private outdoor space for the property and, as such, it is of high value. The amount of sunlight received in the dwelling and rear garden would be reduced to an unacceptable degree throughout the year, as a result of the proposals overall height, width, depth, bulk and its proximity to No.12. This would be determinantal to the occupiers in being able to enjoy this space.
7. The vast amount of glazing and balconies would also mean that future occupiers would be able to view the garden of No.12. I note that obscured glass is proposed for the nearest balconies; however, other windows and balconies would have unrestricted views into the garden of No.12. For these reasons, the proposal would result in unacceptable loss of privacy for the occupiers of No.12. Notwithstanding the real overlooking, the expansive glazing and balconies would also give a constant perceived overlooking for the occupiers of No.12. This effect would also be enhanced at night and during the winter whereby rooms would likely be lit.
8. The appellant considers that the appeal proposal is similar to that which was previously granted and whilst I do not have the precise details of this previous scheme I note from the Council's officer's report that it was for a 2-storey, 6-bedroom dwelling. The ridge height of the appeal proposal is over 1 metre higher than the previously granted scheme, which would contribute to the harm I have identified to the living conditions for the occupiers of No.12. In any event, I have dealt with the appeal on the basis of the evidence, and my own site observations.
9. I note that the Urban Design Officer suggested that a built out or screen associated with the balcony could reduce overlooking and that design changes were made to accommodate this. However, for the reasons outlined above, I have found that the obscure glazing has not completely addressed the unacceptable overlooking.
10. There is little space left between the proposed dwelling and the neighbouring dwellings, 40 and 36 Queensbury Lane. This proximity, combined with the overall height and depth of the proposed dwelling would cause overshadowing and therefore substantially reduce the amount of sunlight reaching these dwellings to an unacceptable degree.
11. I have had regard to the Inspector's findings in the previous appeal¹ whereby no concern was raised about the size of the proposal, however it related to the effect of the proposal on the character and appearance of the area, specifically the street scene. I also note that the plot ratio of the proposal and that other properties nearby exceed this. However, these matters do not mitigate the harm I have identified in respect of living conditions.
12. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties. The proposal would therefore be contrary to Policy D5 of Plan:MK 2016 – 2031 adopted March 2019 (Plan:MK) which seeks to protect a good standard of amenity.

¹ Appeal Decision APP/Y0435/W/20/3255213

Living conditions of future occupiers

13. The proposal includes obscured glass on two of the rear balconies which extends to a height of 1.8 metres. These balconies would be located on the first and second floor serving bedrooms and would be the only windows serving these rooms.
14. The glazing to the rear is expansive and extends higher than the obscure screening proposed, however in terms of outlook the obscure screening would constrict most of the views resulting in future occupiers feeling enclosed. As a result of this, I consider that occupants would have an unacceptable outlook.
15. I therefore conclude that the proposal would fail to provide acceptable living conditions for future occupiers. The proposal would, for this reason also be contrary to Policy D5 of Plan:MK.

Highway safety

16. The proposal would provide 3 parking spaces at the front of the site, which meets the maximum number of spaces in the Council's parking standards². However, the parking spaces recommended relate to any house with four or more bedrooms and the proposal is for a 12-bedroom house.
17. The Council's Engineer from Transport Development Management commented on the proposal advising that the parking standards were being met; however, raised concern that the high number of bedrooms may mean the parking standard is not appropriate.
18. The Council say that the size of the dwelling and number of proposed bedrooms would encourage sub-groups of families as well as the potential for a reliance on services and staff to help maintain the property and I agree. Furthermore, due to the potential for many occupants, the number of visitors would be higher which would further increase the number of cars needing to be parked at the property.
19. Taking the above matters into account, I therefore consider that 3 parking spaces would not be sufficient for the proposal and as a result the proposal would lead to on-street parking.
20. It was noted during my site visit that houses on the same side of the road as the proposal are all of a similar large size. However, the driveways are larger, and most had more than 3 cars parked at the time of my visit.
21. Queensbury Lane is a narrow road which only allows for 2 cars to pass each other; therefore, any parked cars would become an obstruction and reduce the road to a single carriageway. I acknowledge that parking on the road does not appear to be common and that there are no specific parking restrictions. However, due to the proposal being located on a corner plot, any additional parking would likely take place on the bend which would compromise highway safety as views of incoming cars would be restricted.
22. I therefore conclude that the proposal would have a harmful impact on highway safety. It would therefore be contrary to Policies CT2 and CT10 of Plan:MK, which set out parking standards and seek to ensure development does not compromise highway safety.

² Parking Standards – Supplementary Planning Document January 2016

Other Matters

23. The issues raised in the Council's 6th reason for refusal which include the use of sustainable materials and finishes, lifecycle of materials, waste provision, fabric first design and allowance for the effects of climate change and reduction in water consumption could have been dealt with by way of conditions had I allowed the appeal.
24. Some of the appellant's case concerns the conduct of the Council in relation to whether the application needed to go to planning control committee or not, the pre-application advice as well as general engagement with the appellant during the applications consideration. I note the appellant's frustration with the Council, but I must consider the appeal solely on its planning merits.
25. I have no reason to conclude against the Council's assessment that proposed garden, particularly its depth is considered acceptable as well as that the proposal would not harm the character and appearance of the area, combined with the Urban Design Officer's response which supports this. Furthermore, the Council's assessment that the proposal would not cause unacceptable harm to the living conditions of the occupiers of No's 36 and 40 Queensbury Lane with respect of overlooking and outlook. Nevertheless, these considerations do not affect the harm I have identified.
26. I acknowledge that the light-well and basement area provides more space and flexibility however this benefit does not outweigh the harm I have identified.
27. I note that the appellant brought the land as development land and that if it is not developed, that it will effectively be re-purchased. However, this is not a matter for me to consider at this appeal.
28. There is some support from neighbouring residents for the development, however, this support does not render the proposal acceptable.

Conclusion

29. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR