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# Appeal Decision

Site visit made on 14 March 2023

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 April 2023**

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**Appeal Ref: APP/Y0435/W/22/3310566**

**35 Kemble Court, Downhead Park, Milton Keynes MK15 9AX**

- 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 Ramazan Erdogan against the decision of Milton Keynes Council.
  - The application Ref 22/00548, dated 4 March 2022, was refused by notice dated 29 September 2022.
  - The development proposed is the erection of a single storey dwellinghouse.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area and the effect of the development on surface water drainage.

## Reasons

### *Character and appearance*

3. The appeal proposal would introduce a single storey dwelling in the area to the side of No.35 and incorporate a single garage section of the detached triple garage, the single section owned by No.35. The remaining two sections of the triple garage are owned by No.36 and do not form part of the scheme. The overall proposal would be seen in the context of the two-storey properties on this section of Kemble Drive.
4. In terms of design, the proposed dwelling would be unlike anything in the vicinity. I note the appellant's suggestion that this is an innovative response to the characteristics of the site and previous comments of the Council. However, whilst there are variations in architectural styles in the wider area, the immediate site context has a more definitive character comprising dwellings of a traditional appearance. As such, the modern design of the proposed dwelling would detract from the distinctiveness of the area and would be out of keeping with the local building style. It would have an incongruous appearance in this regard.

5. Due to the amount of site available, the development would see the removal of existing landscaping to the Kemble Drive frontage in order to create space for parking for both the new and existing dwelling. The loss of these features, which are replicated along Kemble Drive, and the insertion of another dwelling in a prominent location would make the immediate street scene appear cramped and would be unduly dominant in views along Kemble Drive.
6. Therefore, as a consequence of its design, siting and layout, including the subdivision of the existing No.35 plot, the proposed development would be an anomalous feature that would be at odds with the prevailing layout and character of the nearby residential development.
7. I note that neither the highway authority nor the Council have raised an objection to the proposal on highway safety grounds with regards to the capacity of the local highway network or the proposed access arrangements. I have no reason to disagree with this assessment. Furthermore, the submitted plans show that the proposal would include off road parking provision to meet the relevant standards.
8. The fact that the proposal would also provide an adequate level of private amenity space and living conditions for future occupiers, is a neutral factor.
9. The appeal scheme is a resubmission of a preceding application submitted to the Council. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would harm the character and appearance of the area for the reasons I have already outlined.
10. As such I find conflict with policies D1, D2 and D3 of Plan:MK (2019), which, amongst other matters, expect development to respond appropriately to the site and surrounding context and reflect development location and its siting, function and importance.

#### *Drainage*

11. A Drainage report was submitted with the application which seeks to address previous concerns relating to flooding. I note the Council's view regarding the accuracy of calculations enclosed within that report. However, given that the site lies within Flood Zone 1, I see no reason why a suitably worded condition could not adequately address this matter were the appeal to be allowed.
12. Consequently, the proposed development would not have an adverse effect on flood risk. Therefore, it would not conflict with Plan:MK Policy FR2 which seek to manage flood risk and relate to Sustainable Drainage Systems. Given this designation, Paragraph 167 of the National Planning Policy Framework is not specifically relevant.
13. Nonetheless, given the harm that I have identified for the other aspect of the development, any outcome in relation to the impact on Flood Risk is only a neutral matter and does not change my determination of the appeal.

## **Conclusion**

14. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

*Paul Cooper*

INSPECTOR