



Appeal Decision

Site visit made on 4 December 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/Y0435/W/23/3323184

19 Ulverston Crescent, Broughton, Milton Keynes MK10 9QL

- 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 Dawid Kuśnierek against the decision of Milton Keynes Council.
 - The application Ref 22/02533/HOU, dated 23 October 2022, was refused by notice dated 27 March 2023.
 - The development proposed is described as "Proposing a external stair design to access all floors. Existing garage to be connect to existing property. Extended Existing garage roof to be converted into a study."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises: erection of an external staircase for access to all floors; loft conversion with rear dormer; raising of the front gable and new front and rear roof lights; single storey rear extension forming link to the existing garage; increase roof height of the garage and the insertion of roof lights; conversion of the garage into study, including associated alterations; and new front window to the existing garage. The Council dealt with the proposal on this basis and so shall I.
3. The appellant has submitted several revised drawings, which post-date the Council's decision on the planning application. These include revisions to the design of the scheme including the number and position of windows, the appearance of the proposed external staircase from the front of the house and the introduction of a balcony to the raised front gable. Whilst I note these amendments are presented as corrections, they materially change the design of the proposal that originally underwent consultation. The 'Procedural Guide: Planning appeals – England' states the appeal process should not be used to evolve a scheme. Therefore, I have based my decision on the proposal as set out in the application that was before the Council and upon which notification took place.

Main Issues

4. The main issues are the effect of the proposal on:

- the character and appearance of the existing house and surrounding area; and
- the living conditions of the occupiers of 17 Ulverston Crescent, with particular reference to privacy, outlook and light.

Reasons

Character and appearance

5. 19 Ulverston Crescent is within a residential estate of modern appearance. The estate includes a mix of mainly detached and semi-detached houses of different sizes with some short terraces and several slightly taller blocks of flats. Building layouts and forms vary. In addition, some of the houses have detached garages and others have attached or integral garages. Nevertheless, the estate has been designed using a clear and unifying palette of materials and design elements, which give the area a distinctive appearance and strong character.
6. The host dwelling is a detached house with a two-storey central gabled front projection. The house's strongly symmetrical design to both front and back is integral to its character. The modest, single storey detached garage to the side of the house is set well behind its rear building line. It therefore appears recessive and subservient to the main building, with a distinctly separate gable-ended roof. When viewed from the street, a clear gap between the garage and house allows glimpses of planting in the rear garden and of other parts of the estate. The rear of the house can be seen from a cul-de-sac behind it. From this perspective, the visible gap between Nos 19 and 17 contributes to the mostly detached character in this part of the estate.
7. The proposed side extension and external staircase would fully close the gap between the garage and the house, when viewed from both front and back. The views through the gap would therefore be lost. The new element to one side of the house, in combination with the proposed sloping garage roof, would also detract considerably from the symmetry of the host dwelling, even if the asymmetry of the new garage roof itself would not be visible from this perspective. The balance of the frontage would be further eroded by the proposed rooflights, which would be positioned very close to the ridge of the roof and not fully aligned with the ground and first floor windows below them. Conversely, the new window in the raised front gable would be very close to but wider than the existing window below it, creating a further disparity.
8. The proposed rear dormer extension would be large and would not be set down from the ridgeline, so would dominate the rear of the existing roof. When viewed from the side and rear in combination with the external staircase and raised, asymmetrical garage roof, the new form of the building would be very irregular, which would dominate the appearance of the house. As at the front, the appearance of the rear elevation of the house would be further harmed by a new window and rooflights that would be neither aligned with each other nor in proportion with the existing openings. Overall, the proposal would detract substantially from the character and appearance of the existing building, even if the extensions would not be visible from some locations.

9. These harmful changes to the appearance of the host dwelling would diminish the character of the surrounding area by eroding the unifying design elements that contribute to its identity. The clean lines and subservient projections that prevail throughout the estate would be undermined by the bulky, contrived and uneven form of the proposal, even if matching materials were used. Viewed from the cul-de-sac to the rear, the loss of the gap between Nos 19 and 17 would also diminish the clearly detached character of the houses in this part of the estate, notwithstanding that there are terraced houses in other parts of it. The existence of taller blocks of flats with asymmetrical elements located on the other side of the cul-de-sac would also not reduce this harm because they would not be seen at the same time as the proposed development.
10. I have considered the many examples brought to my attention of building designs, layouts and garages from streets near the appeal site. I acknowledge the diversity within the estate. Nevertheless, these examples reinforce my view that, notwithstanding its variety, the estate has common design features and a prevailing character that would be harmed by the proposed development for the reasons set out above. As regards the effect on No 19 itself, the examples given are not close enough in appearance to the existing building and its garage to be sufficiently comparable. In any event, I am required to determine this appeal on its own merits.
11. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the existing building and the surrounding area. This is contrary to Policies D1, D2 and D3 of Milton Keynes Council Plan:MK 2016-2031 (PMK), which together seek development that responds appropriately to the site and surrounding context; and extensions that relate well to the existing building and do not detract from the character of the surrounding area. It is also contrary to the National Planning Policy Framework (the Framework) where it seeks high quality design and development that is sympathetic to local character.

Living conditions

12. The proposed external staircase would be enclosed. From drawing reference CD0000-00/NO1 (September 2022), I conclude there would be no new rooflights or windows on the extended roofs or elevations facing 17 Ulverston Crescent. This is notwithstanding that the proposed garage upper floor plan on that drawing is unclear. The protrusion of the proposed external staircase would if anything reduce scope for overlooking of No 17's garden from windows on the rear elevation of No 19. I also note the new window at the front of the garage would look out over the driveway of No 19. I am therefore not persuaded on the evidence before me that the privacy of the occupants of No 17 would be materially worsened by the proposal.
13. However, the new ridgeline of the garage would be raised to bring it in line with the height of the existing garage building behind it. This would introduce a continuous and unbroken mass when viewed from the rear and garden of No 17. Along with the full height staircase element filling the gap between the garage and the back of No 19, the built form would be considerably bulkier than the current configuration. There would also be more height close to the habitable spaces of that dwelling. This would be over-bearing and dominate the outlook from No 17, including from its relatively modest rear garden.

14. There is little detailed evidence before me about the effects of the proposal on natural light reaching No 17. However, given the orientation of the buildings, on the balance of probability some reduction in natural light reaching the rear ground floor of No 17 would be likely, particularly when the sun is low in the sky. This consideration is separate from 'right to light', which is a civil matter and has not influenced my assessment of the proposal's planning merits.
15. Whilst I have found no harm to the privacy of the occupants of No 17, for the above reasons I conclude the proposal would have a harmful effect on the living conditions of the occupants of 17 Ulverston Crescent, with particular reference to outlook and light. This is contrary to Policy D5 of PMK, which requires development not to be overbearing upon existing buildings and requires satisfactory levels of sunlight and daylight. It is also contrary to the Framework where it requires a high standard of amenity for existing users.

Other Matters

16. The Council has raised no concern with the effect of the proposal on noise and disturbance to neighbouring occupiers, or on parking provision. On the evidence before me, I see no reason to disagree with this conclusion. Nevertheless, an absence of harm in these regards is a neutral factor.
17. I note the reasons why the appellant wants a larger house, but little weight can be attached to such personal circumstances. Concerns about party wall issues and property values are purely private interests and not considerations to which I have given any weight.

Conclusion

18. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR