



Appeal Decision

Site visit made on 7 November 2023

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/Y0435/D/23/3327730

23 Blackdown, Fuller Slade, Milton Keynes MK11 2AA

- 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 Mrs Tasleem Akhtar against the decision of Milton Keynes Council.
 - The application Ref 23/00131/HOU, dated 9 January 2023, was refused by notice dated 25 May 2023.
 - The development proposed is erection of single storey front and side extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans were submitted with the appeal which sought to add a single storey extension to the front of the house that was not included on the plans considered by the council when it made its decision.
3. If an appeal is made the appeal process should not be used to evolve a scheme. If plans were revised during the appeal process those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that, given that nature and extent of the changes proposed, they may have wanted to make on the application as amended. Given the limited scale of the scheme even minor changes could materially alter the nature of the application and potentially prejudice the interests of interested parties. As such, I have not accepted these revised plans and I have assessed the plans considered by the council when it made its decision.
4. Following the issuing of the council's decision notice the National Planning Policy Framework (the Framework) has been updated. As the updates do not fundamentally alter that part referred to by the parties, it has not been necessary to consult them further.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

6. 23 Blackdown is sited on a junction with the flank boundary of the garden extending along the roadside. Between the garden fence and the highway is a grassed verge and a parking bay. No 23 is part of an estate that appears to have been built at the same time and throughout the estate there are similar grassed verges. These grassed verges retain an area of openness between the

highway and the houses which softens the appearance of the area and positively contributes to the character and appearance of the area regardless of who owns the land. Behind these grassed verges are generally timber fences or the flank walls of houses and the appeal site is typical of this. Whilst some of these grassed areas have low level boundary treatments these have generally been retained as open areas. The dwellings are built along a consistent building line and are set behind front gardens and drives and these combined with the grassed verges create a spacious character for the area.

7. The proposed side extension would extend out into this area of open space next to No 23. While it would be a single storey extension it would introduce a brick-built building within this area of open space which would form a comparatively large, intrusive, and incongruous feature at odds with the prevailing character of the area.
8. The scheme would be viewed with the two-storey house behind it, however that would be how it would be seen from just one viewpoint. When viewing the scheme from either the front or the rear, the side extension would be an incongruous feature that would erode the openness of this area. Furthermore, the cars that would be parked within the parking bay are transient and thus do not permanently erode the spaciousness of the area, unlike the proposed scheme.
9. The proposal also includes a single storey rear extension as well as a narrow side extension that would extend the depth of the house and would connect the other proposed side extension with the rear extension. Given the limited scale of these extensions and the appropriate use of materials they would appear as subordinate additions to the house sited within the existing garden. Consequently, these elements of the proposal would not be harmful to the character and appearance of the area.
10. The proposed extensions are interconnected and would not be easily severable both physically and functionally and as such, in this instance, it would not be possible to issue a split decision.
11. Therefore, whilst elements of the proposal would not be harmful the side extension would harm the character and appearance of the area. Accordingly, the scheme would conflict with Policies L2, L3, D1, D2 and D3 of Plan:MK 2016 -2031. These seek, amongst other matters, to ensure development proposals as a whole respond appropriately to the site and surrounding context.

Other Matters

12. The appellant disputes the council's suggestion that the proposal would involve a change of use from amenity land to garden. It is not my role, in the context of a s78 appeal, to make formal determinations in relation to lawfulness of use. However, since I have found that the development would cause unacceptable harm to the character and appearance of the area, there is no need to give further consideration to the matter of whether a material change of use would occur.

Conclusion

13. For the reasons given above I conclude that the proposed development would conflict with the development plan as a whole and the other material

considerations would not indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

G Sibley

INSPECTOR