



Appeal Decision

Site visit made on 26 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 02.02.2024

Appeal Ref: APP/Y0435/D/23/3330048

8, Knights Crescent, Bletchley, Milton Keynes MK2 2FJ

- 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 and Mrs Fernandes against the decision of Milton Keynes City Council.
 - The application Ref 23/00449/HOU, dated 23 February 2023 was refused by notice dated 3 July 2023.
 - The development proposed is for the retrospective approval for a single storey rear extension to the applicants' dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made retrospectively for development already constructed.
3. The National Planning Policy Framework 2023 (the Framework) was amended on 19 December 2023. The amendments made did not have a material bearing upon the main issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

Main Issues

4. The main issues are the impact of the development upon (i) the character and appearance of the area; (ii) the living conditions of the occupants of the adjoining property, No.6 Knights Crescent, with regard to outlook and (iii) the acceptability of the available outside amenity space of the host property.

Reasons

Character and appearance

5. The appeal property is within a relatively new residential development of mainly high density two and three storey properties, though with some four stories, built using red brick and off-white render. Boundaries to outside amenity spaces facing the public domain are mainly brick walls of up to some two metres in height containing such spaces of limited extent. The overall

character and appearance of the area is that of an attractive, modern urban environment.

6. The appeal property is the end one of a block of three brick built dwellings. Its front elevation has no more than about a one metre wide strip of open land before the abutting footpath and car parking area. There is no side garden as the dwelling also abuts the public footpath. There is a small rear garden surrounded by a brick boundary wall of some 2 metres in height and within which the appeal development has been constructed.
7. While the buildings in the surrounding area have different architectural styles, the other dwellings in the terrace have no rear extensions. The introduction of the single storey, hipped roof extension to the appeal property has therefore departed from the uniformity of the original design of the terrace, though approximately the lower half is hidden from the public domain behind the brick boundary wall.
8. Despite its departure from the original design to the terrace, when consideration is given to the varied architectural styles in the wider area, I do not consider that it so significantly and adversely affects the character and appearance of the area so as to justify the dismissal of the appeal.
9. Therefore, I conclude that, in terms of its impact upon the character and appearance of the area, the extension accords with policies D1, D2 and D5 of the Milton Keynes Local Plan:MK 2019 (LP) which variously require development to respond appropriately to the site and surrounding context.

Living conditions

10. The rear extension has a depth of some 3 metres and is constructed along the full length of the rear elevation, virtually up to the boundary with No.6 Knights Crescent. It has a blank wall facing the boundary fence and the neighbouring property and where the latter has windows facing its own rear amenity space which faces north-north-west.
11. The rear extension is approximately 2.4 metres to the eaves and some 3.7 metres to the ridge of its hipped roof.
12. The local planning authority (LPA) considers that the extension would intersect a straight line drawn at 45 degrees from the nearest window to the appeal property and as such that it would give rise to adverse living conditions to the adjoining occupiers. However, while I have sought details of any such policy or policy advice, I have none before me.
13. Nevertheless, on my site visit, I was able to assess the degree to which the rear extension is an overbearing structure when seen by the adjoining occupants. Despite its height and the limited amount of open space around it, I did not find that the extension has resulted in a significantly overbearing impact in terms of outlook. The effect of its height is offset to some extent by the hip to the roof which runs away from the neighbouring property, while it has a limited depth. I have also noted that while the adjoining neighbours have raised concerns with regard to some aspects of the extension, including the quality of the workmanship, the stability of the structure and the lack of planning permission, the objection does not specifically relate to the impact with regard to outlook.

14. The LPA in its decision notice refers to other, unspecified adverse effects upon the living conditions of the adjoining occupants. However, having considered the siting of the extension in relation to the arc of the sun, I do not consider that it has a significant impact in terms of daylighting and sunlighting. I have no information before me to question the stability of the structure, while the quality of the workmanship is a matter which might be more appropriately dealt with under the Building Regulations.
15. Therefore, I conclude that, so far as the impact of the extension upon the living conditions of the occupants of No. 6 Knights Crescent is concerned, it would not have a significantly overbearing impact and would accord with policy D5 of the LP which requires that proposals protect a good standard of amenity for buildings and surrounding areas, ensuring, amongst other things, that new development is not overbearing upon existing buildings and open spaces.

Amenity space

16. When determining the appeal for the original details of the overall development in July 2012¹, the Inspector considered it necessary, in view of the compact nature of the design, that permitted development rights should be removed by way of a condition to that effect.
17. In his decision letter, he concluded that *'whilst conditions restricting permitted development rights should be used in exceptional circumstances, it is recognised in this case that the high density nature of the scheme restricts the amount of open space around the dwellings, so that any outbuildings or extensions would be likely to result in a loss of residential amenity. The need for this condition arises out of the details put forward in the reserved matters application'*.
18. The Council's New Residential Design Guide 2012 (SPD) states that *'gardens for family housing should be a minimum of 10 metres in depth, although they can be shorter (say 7-8 metres for wide frontage units'*. In the case of the appeal property, the garden depth has been reduced from approximately 8 metres to 5 metres, well short of the distances advocated in the SPD.
19. Therefore, I conclude that the rear extension does not accord with LP policies D1 or D3 which require the provision of appropriate space for private areas and for buildings to relate well to their existing building plots. Neither does it conform with the relevant part of the SPD.

Other Matters

20. I have given consideration to the personal circumstances which have given rise to the construction of the rear extension. However, while I have considerable sympathy for the situation in which the appellants now find themselves, this does not outweigh my conclusions upon the main issues.

Conclusion

21. While I have found that the rear extension does not harm the character and appearance of the area or the living conditions of the occupants of the neighbouring property, it does result in an unacceptably insufficient amount of

¹ APP/Y0435/A/12/2167777

private amenity space. This is a matter of overriding concern and I therefore conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR