



Appeal Decision

Site visit made on 23 January 2024

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/Y0435/W/23/3322959

Flat A, 128 Western Road, Bletchley, Milton Keynes MK2 2PU

- 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 Mazar Ashraf against the decision of Milton Keynes City Council.
 - The application Ref 22/03022/FUL, dated 31 January 2023, was refused by notice dated 23 May 2023.
 - The development proposed is extension on second floor with 2 flats and replacement roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, a revised National Planning Policy Framework (Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.

Main Issues

3. The main issues are:
 - whether the living conditions of future occupants would be acceptable, with regard to the provision of outdoor amenity space; and
 - highway and pedestrian safety with regard to parking provision.

Reasons

4. The appeal site comprises a two-storey building housing 5 small flats. The appeal building is set back from Western Road with a grassed frontage and a private driveway providing access through an archway to the parking area behind the building. To the rear of the site is a further block of 3 flats with associated parking area. Western Road is of mixed residential character.

Living Conditions

5. Policy D5 of the Milton Keynes Council Plan:MK 2016 – 2031 (2019) (Plan:MK) seeks a good standard of amenity and advises that new proposals, amongst

other matters, should provide private or shared communal garden space, in its extent and design, to meet the reasonable needs of its users.

6. The Council's Supplementary Planning Document 'New Residential Development Design Guide' (2012) (SPD), advises that within flatted developments, each apartment must have access to private open space. This can be provided in the form of private gardens for the ground floor flats, balconies, roof gardens or terraces, or private shared gardens. The SPD states that communal gardens should be of sufficient size to be useable.
7. The Council's SPD also specifies that the minimum area for usable communal space is 50sqm, plus 5sqm per additional unit over five units. There is agreement between the main parties that the proposed development would meet the standards in respect of size, however, the Council is concerned that the usability of the proposed outdoor amenity space would be inadequate.
8. The submitted plans show that the proposal would include narrow and awkwardly shaped strips of landscaping on the sides of the appeal site, limiting their usability due to their small, narrow size.
9. Although the proposal would include an area of outdoor amenity space at the rear of the building, it would be too small to accommodate a range of garden activities, including seating, clothes drying, or sufficient usable space for children to play. Additionally, it would lack privacy due to exposure to views from the parking area. The twin electrical charging point on the rear of the building would have its cables extending across the outdoor amenity space during use, restricting the space and adversely impacting its practical usability.
10. Whilst there would be an area of landscaping to the front of the building, given its proximity to the road, it would lack privacy and would not be suitable for garden uses such as clothes drying. Furthermore, it would not provide a practical or secure environment for children to play freely without constant supervision due to the road.
11. The appellant suggests that the proposal would provide landscaping such as trees and shrubs. Nevertheless, Policy D5 is clear that development should provide private or shared communal garden space to meet the reasonable needs of its users.
12. The proposal would result in outdoor amenity that is awkwardly spaced and narrowly shaped. This, combined with its disconnected configuration, would prove neither usable nor practical for future occupiers and would produce a poor standard of outdoor amenity space.
13. For the reasons given, the proposal would not provide adequate living conditions for the future occupants of the proposed development having regard to outdoor amenity space. As such, the proposal would fail to accord with Policy D5 of the Plan:MK. This policy, amongst other things, seeks to ensure development provides a good standard of amenity. The proposal would conflict with the guidance set out in the Council's SPD, which seeks to ensure development is of a high quality design, which requires outdoor spaces to be private and of sufficient size to be usable.
14. In addition, the proposal would fail to accord with the Framework (paragraph 135), where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

Highway and pedestrian safety

15. The submitted plans indicate that the proposal would provide 2 additional parking spaces to the rear of the building and one visitor parking space to the front of the building, perpendicular to the road.
16. The proposed parking layout to the rear of the building would provide sufficient space for vehicles to manoeuvre into and out of each space safely. In contrast, the proposed visitor parking space located to the front of the building would be limited in size and sited close to the road. It would also be immediately adjacent to the site's driveway access and boundary fencing. This would restrict the ability for vehicles using the parking space to turn around within the site and leave in forward gear. Consequently, vehicles would need to reverse into or out of the parking space in order to park.
17. Vehicles entering and exiting the parking space using a reversing manoeuvre would lead to conflicts with vehicles and pedestrians using Western Road footway and highway, as well as vehicles and pedestrians using the site's driveway access. Views would also be obscured by the site's side boundary fencing and the potential parked cars on the highway. This would lead to an increased risk of pedestrian and vehicle collisions in the area, to the detriment of highway and pedestrian safety.
18. I observed during my site visit that the proposed visitor parking space would require the loss of existing grass to the front of the building. However, there were no existing trees present in this location and the submitted site plan (ref: 1003) does not show any trees to be planted within this proposed parking area. The proposed trees to the site's frontage would be sited on the other side of the driveway and therefore are unlikely to restrict driver visibility when using the proposed visitor parking space. As such, I do not find harm in this regard, but the risk to highway safety I have identified above remains.
19. The appellant suggests that the proposal is no more or less dangerous or unusable than any other domestic parking space off a road. However, the appellant has not demonstrated that the visitor space can be accessed safely and conveniently. On the basis of the evidence before me and my site observations, I am not satisfied that the proposed development would not increase the risk of pedestrian and vehicle collisions in the area to the detriment of highway safety.
20. For the reasons given, the proposal would have an unacceptable impact on highway and pedestrian safety. As such, the proposal would fail to accord with paragraph 115 of the Framework which seeks to ensure that development proposals would not have an unacceptable impact on highway safety. The proposal would also fail to accord with Policies CT2 and CT10 of the Plan:MK. These policies, amongst other things, seek to ensure development does not compromise highway safety and provides parking areas that are well designed in terms of safety, circulation, and appearance.

Conclusion

21. 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 is therefore dismissed.

H Smith

INSPECTOR