



Appeal Decision

Site visit made on 27 February 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/Y0435/W/23/3325417

Land to the rear of 16 Greenlaw Place, Milton Keynes, Buckinghamshire MK3 6QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Hawkes against the decision of Milton Keynes Council.
 - The application Ref is 23/00741/FUL.
 - The development proposed is the erection of a single storey detached 1 bedroom dwelling (re-submission of 23/00079/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address provided above is taken from the appeal form rather than the application form, as it more clearly identifies the site location.
3. A revised National Planning Policy Framework (the Framework) was published by the Government in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.
4. Adjacent properties numbered 230-238 Calluna Drive are referred to in the appellant's statement in the table provided at paragraph 6.18. However, whilst on site I noted that these properties were numbered 4-12 Calluna Drive. It is clear from the accompanying plans provided at paragraph 6.19 of the appellant's statement that these are the same dwellings. I have referred to the numbering as found on site.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide satisfactory living conditions for future occupiers with regard to outlooks, daylight and the provision of outdoor amenity space;

- the effect of the proposal on the living conditions of the occupiers of 16 Greenlaw Place with regard to outdoor amenity space; and
- surface water drainage.

Reasons

Character and appearance

6. The appeal site forms part of the rear garden of 16 Greenlaw Place, a two storey semi-detached dwelling, located in a residential area. The appeal site is not subject to any heritage designations. The garden area wraps around the rear garden that serves the adjacent attached dwelling, 17 Greenlaw Place which is located on a corner plot. As a result, the side boundary of the rear part of the garden area adjoins and has frontage on to Calluna Drive between a brick outbuilding situated to the rear of No 17 and an adjacent bungalow, 12 Calluna Drive.
7. The surrounding residential area comprises a mix of two storey semi-detached and detached dwellings and bungalows with gardens to the front and rear. Whilst there are varying dwelling designs, there are consistencies in the different groups of dwellings. A row of four bungalows of the same design and width, with gables fronting the road, the same fenestration pattern in the front elevation and constructed of the same materials are located directly adjacent to the appeal site, to the south.
8. The proposal comprises a one bedroom single storey detached dwelling. The width of the proposed dwelling would be noticeably narrower than the adjacent bungalows that it would be viewed alongside. This would be highlighted by the door and fenestration arrangement proposed in the front elevation. Whilst the front building line of the proposed dwelling would be set back from the line of the side elevation of No 17, it would sit forward of the front building line of No 12. As a result, it would appear as a prominent addition to the street scene.
9. Whilst the garden area proposed to the side would provide some visual relief, the proposal includes very little outdoor space to the rear which is not characteristic of the surrounding area. Therefore, the proposed plot and the width and design of the dwelling on it would not relate well to the arrangement of residential plots predominant in the locality. As a result, the proposal would have an awkward appearance that would appear incongruous and out of keeping with the street scene.
10. I note that the appellant has referred to the percentage of the width of the plot that is covered by buildings on the neighbouring plots adjacent to the south. However, whilst there are roof coverings above the driveways to each side of the bungalows or built form set back, there is an appearance of void space between the front elevations to the right hand side of each of the bungalows. These adjacent dwellings therefore do not appear to accommodate the full width of their respective plots. The proposal would follow this pattern, having garden space situated to the right hand side.
11. Whilst the width of the plot frontage proposed would be narrower than some along Calluna Drive, it would not be significantly different in this regard. The proposed design would reflect some of the design features in the surrounding area such as the gable orientated to the front and the use of facing brickwork

and horizontal cladding. However, these features would not mitigate the harm I have identified above.

12. I find that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policies D1, D2 and D3 of the Plan:MK 2016 – 2031 Adopted March 2019 (Plan:MK). These policies seek, amongst other things, that development proposals respond appropriately to the site and surrounding context and that the appearance of buildings contribute to the enhancement or creation of a positive character for the development.

Living conditions – future occupiers

13. The windows that would serve the open plan living space include a narrow glazed strip within the front door and two glazed panels either side of the door that are half the length of the door in height. Outlooks from these windows would be over the front garden area. However, the amount of glazing is very limited, particularly given it would provide the only outlooks from the open plan living area. The proposal includes a pair of glazed doors serving the bedroom. These would overlook the side garden area, with views towards the side boundary fence and the roof of the adjacent bungalow above, in close proximity, given the limited separation distance. This would result in outlooks being within an enclosed space.
14. Since there are only two main rooms proposed, it would be particularly important that each provides a satisfactory living environment. Therefore, whilst there would be some outlooks from the proposed dwelling, these would be significantly limited and would be likely to result in an oppressive environment for future occupiers. The proposal would therefore result in a poor overall standard of outlook for future occupants.
15. Four rooflights are proposed which would serve the bedroom and living space. Given the views provided by these openings would be towards the sky, they would not mitigate the harm in terms of the lack of reasonable outlooks laterally. Nevertheless, they would be in addition to the windows which cumulatively would provide a reasonable amount of daylight to both main rooms.
16. The New Residential Development Design Guide Supplementary Planning Document Adopted April 2012 (NRDDG) is identified by the Council. This document does not form part of the development plan but is a material consideration. The NRDDG highlights the need for sufficient garden space for family housing and that where possible, ground floor apartments should have their own small private rear garden. The garden requirements of a single storey detached one bedroom dwelling are not specifically covered by the NRDDG.
17. Given the proposed size of the dwelling it would not constitute a family dwelling. In my view, the proposal would be more akin to a ground floor apartment in terms of the amount of garden space required in order to meet the needs of future occupiers.
18. The private amenity space proposed to the rear of the dwelling would be very small and would not constitute useable garden space given it is identified as providing cycle storage and due to its limited depth. However, the proposed garden area to the side would be private, given the position of the proposed boundary treatments and would provide an area of outdoor space which would

not be significantly overlooked. There would be space to sit out, do some limited gardening activities, store bins and dry washing. Therefore, aside from the effect on the character and appearance of the area discussed above, I consider that in isolation sufficient external space would be provided to serve the future occupants of the proposed one bedroom dwelling.

19. There is no dispute between the parties that the proposed dwelling has been designed so that it would meet the quantitative requirements of the Nationally Described Space Standards. However, this would not mitigate the harm I have identified in relation to insufficient outlooks.
20. Although I have identified no specific harm with regard to daylight and the provision of outdoor amenity space, the proposal would fail to provide suitable outlooks and would therefore deliver harmful living conditions for future occupiers. Accordingly, the proposal would conflict with Policies HN4 and D5 of the Plan:MK. These policies seek, amongst other things, that proposals demonstrate good internal and external design and that outlook and visual amenity afforded from within buildings should be satisfactory, taking account of the relationship with neighbouring buildings.

Living conditions – 16 Greenlaw Place

21. With regards to the outdoor garden space associated with No 16, the current situation is unusual with the wrapping around of the garden area, meaning that it is currently more spacious than others in the area. The proposed retained rear garden space would not be 10m in depth and therefore would conflict with the requirement set out in the NRDDG for family dwellings that are not on a wider frontage unit.
22. The appellant asserts that the NRDDG does not apply to No 16 given it is an existing dwelling and not proposed. Nevertheless, Policy D5 of the Plan:MK requires that proposals create and protect a good standard of amenity for buildings and surrounding areas, including ensuring that external private garden space, in its extent and design, meets the reasonable needs of its user(s).
23. The proposed rear garden area at No 16 would be reduced in area and depth and the proposed dwelling would be located in very close proximity to the new rear boundary of No 16. The useability of the garden space, for the occupiers of a family sized dwelling would be significantly reduced when compared with the existing situation and it would result in a tighter and more enclosed private outdoor amenity space. I therefore consider it to be insufficient as a result.
24. I have not been provided with any detailed examples for comparison and therefore I cannot accept that the remaining garden space would be similar to others in the area which serve the same dwelling type and size. The rear garden area retained for No 16 would not be subjected to any overlooking or any significant overshadowing from the proposed dwelling, given that it would be single storey in height and because the roof would pitch away from the boundary. Nonetheless, this would not mitigate the harm I have identified above.
25. I therefore find that the proposal would be harmful to the living conditions of the occupiers of No 16 in terms of the outdoor amenity space available. The proposal is therefore contrary to Policies HN4 and D5 of the Plan:MK. These

policies seek, amongst other things, to ensure a good standard of amenity. In this regard the proposal would also be contrary to the NRDDG, which seeks to ensure that developments create high quality environments.

Surface water drainage

26. The Council refers to the lack of information on surface water drainage. I have not been made aware by either party that the site falls within an area which is at increased risk of flooding. Nevertheless, I accept that opportunities to incorporate sustainable drainage systems on the site may be limited due to the size of the plot. The Council state that sufficient information regarding a second viable option for the discharge of surface water has not been provided.
27. A foul drain and public surface water sewer run across the site, one of which would need to be diverted to enable the delivery of the proposal. The appellant has provided an initial response from Anglian Water accepting the principle of diverting the sewer, subject to further information. It is suggested that connections could be made into this existing infrastructure.
28. I have not been provided with any substantive evidence that the development would not be able to connect into the existing infrastructure. Given the scale of the development, the proximity of existing infrastructure and its location within an established residential area, it would be reasonable to presume that this would be possible. A condition regarding surface water drainage could be imposed on any permission granted for the development, to ensure that a suitable drainage scheme was agreed prior to development commencing so that the development did not result in an unacceptable increased risk of flooding.
29. I am satisfied that there is no overriding reason why this matter could not be covered by a suitably worded condition. I therefore find that there would be no conflict with the overarching aims of Policy FR2 of Plan:MK, which seeks, amongst other things, that proposals must manage the risk of surface water flooding at the appropriate scale for new development.
30. The proposal would also comply with paragraph 173 (previously paragraph 167) of the Framework which requires developments to incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate and that proposals must not increase flood risk elsewhere.

Other Matters

31. The appellant asserts that there would not be any adverse impacts on the living conditions of neighbouring occupiers, given the single storey design, that sufficient off street parking would be provided and that the proposal would meet Building Regulation requirements in terms of providing a level threshold. A lack of harm in these respects is a neutral consideration which weighs neither for nor against the proposal.
32. I note that the application subject of this appeal was a resubmission of a previous application where issues about the presence of the public storm and foul drains were raised, and that this proposal seeks to resolve those issues. Nevertheless, I must deal with the appeal on its individual merits.
33. The appellant asserts that the proposal would optimise the use of the site through the provision of relatively affordable accommodation on a small site

that would contribute to the housing supply, which could be built out relatively quickly given its size. Economic benefits during the construction phase and after with future occupants supporting local services and facilities would also occur.

34. It is proposed to provide bat and bird boxes along with an electric vehicle charging point at the site. The appellant states that the proposal would create an energy and water efficient dwelling that would exceed current Building Regulation requirements in terms of energy performance and that instructions on the operation of the technology installed would be provided to future occupiers to ensure its ongoing use. However, given the scale of the proposal these benefits would be limited.

Conclusion

35. The proposal conflicts with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR